



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 17, 2024

4:00 PM - Closed Session (Parkview Conference Room)

5:00 PM - Regular Session

Escondido City Council Chambers, 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR CITY COUNCIL MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the City Council and the action recommended by City staff.

MAYOR

Dane White

DEPUTY MAYOR

Christian Garcia (District 3)

COUNCILMEMBERS

Consuelo Martinez (District 1)

Joe Garcia (District 2)

Michael Morasco (District 4)

CITY MANAGER

Sean McGlynn

CITY ATTORNEY

Michael McGuinness

CITY CLERK

Zack Beck

HOW TO WATCH

The City of Escondido provides three ways to watch a City Council meeting:

In Person



201 N. Broadway

On TV



Cox Cable Channel 19 and U-verse Channel 99

Online



www.escondido.org



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 17, 2024

HOW TO PARTICIPATE

The City of Escondido provides two ways to communicate with the City Council during a meeting:

In Person



Fill out Speaker Slip and Submit to City Clerk

In Writing



<https://escondido-ca.municodemeetings.com>

ASSISTANCE PROVIDED

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. 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

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 17, 2024

CLOSED SESSION

4:00 PM

CALL TO ORDER

1. Roll Call: C. Garcia, J. Garcia, Martinez, Morasco, White

ORAL COMMUNICATIONS

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

CLOSED SESSION

- I. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code § 54956.9(d)(1))**
 - a. *Noah Werner, et. al. v. City of Escondido, et. al.*
San Diego Superior Court Case No. 37-2021-00011594-CU-OR-NC

ADJOURNMENT



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

Wednesday, April 17, 2024

REGULAR SESSION

5:00 PM Regular Session

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

The City Council conducts the Pledge of Allegiance at the beginning of every City Council meeting.

CALL TO ORDER

Roll Call: C. Garcia, J. Garcia, Martinez, Morasco, White

PROCLAMATIONS

National Volunteer Week, April 4-21, 2024

Major Richard J. Gannon, II Day, April 17, 2024

Lao New Year

PRESENTATIONS

Volunteer Escondido Program

Certificates of Recognition - Outgoing Commissioners

CLOSED SESSION REPORT

ORAL COMMUNICATIONS

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CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 17, 2024

CONSENT CALENDAR

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

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

2. APPROVAL OF WARRANT REGISTER (COUNCIL)

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

- 382670 – 382902 dated April 03, 2024

Staff Recommendation: Approval (Finance Department: Christina Holmes)

3. APPROVAL OF MINUTES: Regular Meeting of April 3, 2024

4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS

5. CONSULTING AGREEMENT FOR THE EL CABALLO PARK ENVIRONMENTAL DOCUMENT

Request the City Council adopt Resolution No. 2024-47 awarding a consulting agreement to Michael Baker International, Inc. in the amount of \$238,935 to provide environmental consulting services for the El Caballo Park Master Plan Project (“Project”). The contract includes a cost of \$190,545 with the option to include four optional tasks, totaling \$48,390 for an aggregate of \$238,935.

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Deputy City Manager/Interim Director of Development Services)

Presenter: Oscar Romero, Principal Planner

a) Resolution No. 2024-47

6. CONSULTING AGREEMENT FOR DESIGN OF MOUNTAIN VIEW PARK PICKLEBALL COURTS PROJECT

Request the City Council adopt Resolution No. 2024-23 awarding a consulting agreement to David Volz Design Landscape Architects, Inc. (“DVD”) in the amount of \$235,009 to provide engineering design services for the Mountain View Park Pickleball Courts Project (“Project”).

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Deputy City Manager/Interim Director of Development Services and Julie Procopio, City Engineer)

Presenter: Jonathan Schauble, Principal Civil Engineer

a) Resolution No. 2024-23



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 17, 2024

7. APPROVE BUDGET ADJUSTMENT, CHANGE ORDER AND CONTRACT AMENDMENT FOR THE CITRACADO PARKWAY EXTENSION PROJECT

Request the City Council adopt Resolution No. 2024-43 authorizing a budget adjustment to receive reimbursement in the amount of \$2,033,103.50 from Rincon Del Diablo Municipal Water District, Resolution No. 2024-44 for a change order in the amount of \$994,407.97 to the construction contract with Flatiron West, Inc., and Resolution No. 2024-45 authorizing Amendment 4 to the consultant contract with TY Lin International in the amount of \$389,823 for the Citracado Parkway Extension Project (“Project”).

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Deputy City Manager/Interim Director of Development Services and Julie Procopio, City Engineer)

Presenter: Jonathan Schauble, Principal Civil Engineer

- a) Resolution No. 2024 – 43
- b) Resolution No. 2024 – 44
- c) Resolution No. 2024 – 45

PUBLIC HEARINGS

8. PL24-0017 – ZONE TEXT AMENDMENTS TO ARTICLE 40 AND ASSOCIATED ARTICLES IN CHAPTER 33 (ZONING CODE)

Request that the City Council conduct a public hearing on the proposed Zone Text Amendment and take action on the recommendation of City staff and the Planning Commission, which recommend the City Council to introduce Ordinance No. 2024-05, approving a Zone Text Amendment to amend Articles 40 (Historical Resources), 61 (Administration and Enforcement), 64 (Design Review), and 65 (Old Escondido Neighborhood) of the Escondido Zoning Code to address the dissolution of the Historic Preservation Commission.

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Deputy City Manager/Interim Director of Development Services)

Presenter: Ivan Flores, AICP, Senior Planner

- a) Ordinance No. 2024-05 (First Reading and Introduction)



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 17, 2024

9. APPROVAL OF THE ESCONDIDO POLICE DEPARTMENT MILITARY EQUIPMENT REPORT AND ADOPTION OF ORDINANCE NO. 2024-04

Request the City Council adopt Ordinance No. 2024-04 approving the Escondido Police Department Annual Military Equipment Report in accordance with state law requirements as set forth in Assembly Bill No. 481 ("AB 481").

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)

Presenters: Edward Varso, Chief of Police, Erik Witholt, Police Captain, and Lisa Rodelo, Assistant Director of Police Support Services)

a) Ordinance No. 2024-04 (First Reading and Introduction)

CURRENT BUSINESS

10. AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PLAYGROUND EQUIPMENT REPLACEMENT PROJECT AT WASHINGTON PARK, JESMOND DENE PARK, AND WESTSIDE PARK

Request the City Council adopt Resolution No. 2024-39, authorizing the Mayor to execute, on behalf of the City of Escondido ("City"), a cooperative Purchase Agreement through Sourcewell with Miracle Recreation Equipment Company, in the amount of \$520,928.97 for the purchase of playground equipment for children 2-5 years, 5-12 years, and integrated shade structures for the Community Development Block Grant ("CDBG") Playground Equipment Replacement Project at Washington Park, Jesmond Dene Park, and Westside Park.

Staff Recommendation: Approval (Public Works Department: Joseph Goulart, Director of Public Works)

Presenter: Wayne Thames, Parks Superintendent

a) Resolution No. 2024-39

11. AUTHORIZE THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR THE SAN DIEGO COUNTY PARK IMPROVEMENTS PROJECT AT MOUNTAIN VIEW PARK AND KIT CARSON PARK

Request the City Council adopt Resolution No. 2024-40, authorizing the Mayor to execute, on behalf of the City of Escondido ("City"), a cooperative Purchase Agreement through Sourcewell with Miracle Recreation Equipment Company, in the amount of \$892,217.53 for the purchase and installation of playground equipment for children 2-5 years, 5-12 years, and integrated shade structures for the San Diego County Park Improvements Project at Mountain View Park and Kit Carson Park.

Staff Recommendation: Approval (Public Works Department: Joseph Goulart, Director of Public Works)

Presenter: Wayne Thames, Parks Superintendent

a) Resolution No. 2024-40



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 17, 2024

FUTURE AGENDA

12. FUTURE AGENDA

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

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

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Wednesday, May 08, 2024	4:00 & 5:00 PM	Closed Session, Regular Meeting, <i>Council Chambers</i>
Wednesday, May 15, 2024	4:00 & 5:00 PM	Closed Session, Regular Meeting, <i>Council Chambers</i>

SUCCESSOR AGENCY

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



A F F I D A V I T S
O F
I T E M
P O S T I N G –

- ZONE TEXT AMENDMENT – PL24-0017
- APPROVAL OF RENEWAL THE ESCONDIDO POLICE DEPARTMENT MILITARY ORDINANCE NO. 2024-04 APPROVING DEPARTMENT INSTRUCTION 1.55, MILITARY EQUIPMENT USE POLICY, IN ACCORDANCE WITH NEWLY ESTABLISHED STATE LAW REQUIREMENTS AS SET FORTH IN ASSEMBLY BILL NO. 481



CITY OF ESCONDIDO
OFFICE OF THE CITY CLERK
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
760-839-4617

NOTICE OF PUBLIC HEARING

The Escondido City Council will hold a public hearing in the City Council Chambers, Escondido City Hall, 201 N. Broadway, Escondido, California at **5 p.m. on Wednesday, April 17, 2024**, to consider the item listed below:

ZONE TEXT AMENDMENT – PL24-0017:

REQUEST: A request for a Zone Text Amendment to amend Article 40 (Historical Resources) of the Escondido Zoning Code to delegate historic preservation responsibilities to the Planning Commission and/or City staff. The Zone Text Amendment also includes minor text updates to Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) for consistency purposes associated with the Article 40 changes. Such text updates include but are not limited to, permit the Zoning Administrator to list properties on the Local Register of Historical Places, permit the Planning Commission to conduct design review on specific projects, and clarifying the appeal process for staff approval of projects, respectively.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: The Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061 (b) (“Common Sense Exemption”) and Section 33-922 (c)(1) of Article 47 (Environmental Quality) of the Escondido Zoning Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a significant effect on the environment. document

If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

PLANNING COMMISSION RECOMMENDATION: On March 26, 2024, the Planning Commission recommended approval of the Project on a 7-0 vote.

PUBLIC COMMENT: To submit comments in writing, please do so at the following link: <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>. All comments received from the public will be made a part of the record of the meeting.

The City of Escondido remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who need accommodations are invited to present their requests to the City by filing out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City’s website at: <https://www.escondido.org/americans-with-disabilities-act>.

The staff report will be available on the City’s website at <https://escondido-ca.municodemeetings.com/> after Thursday, April 12, 2024. **For additional information, please contact Ivan Flores, Senior Planner, at 760-839-4529, or via email at iflores@escondido.org, and refer to Case No. PL24-0017.**

DocuSigned by:

Zack Beck

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Zack Beck, City Clerk

City of Escondido

DATED: April 4, 2024

Published in THE ESCONDIDO TIMES-ADVOCATE:
04/04/24



CITY OF ESCONDIDO
OFFICE OF THE CITY CLERK
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4617

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN on WEDNESDAY, APRIL 17, 2024 at 5 p.m., the Escondido City Council of the City of Escondido will hold a Public Hearing to consider the following item:

APPROVAL OF RENEWAL OF THE ESCONDIDO POLICE DEPARTMENT MILITARY ORDINANCE NO. 2024-04 APPROVING DEPARTMENT INSTRUCTION 1.55, MILITARY EQUIPMENT USE POLICY, IN ACCORDANCE WITH NEWLY ESTABLISHED STATE LAW REQUIREMENTS AS SET FORTH IN ASSEMBLY BILL NO. 481.

The Assembly Bill No. 481 Draft Policy is posted on the Escondido Police Department (EPD) website at <https://police.escondido.org>.

During the Public Hearing, Escondido Police Department staff will present information detailing:

- Definition of military equipment
- EPD's equipment inventory
- EPD's proposed equipment funding, acquisition, and use policy
- Pending annual report requirement


IF YOU CHALLENGE this item in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council, at or prior to the Public Hearing.

The City of Escondido recognizes its obligation to provide equal access to public services for those individuals with disabilities. Please contact the American Disabilities Act (A.D.A.) Coordinator (760) 839-4641 with any requests for reasonable accommodations, to include sign language interpreters, at least 24 hours prior to the meeting. The City of Escondido does not discriminate against any person with a handicapped status.

ALL INTERESTED PERSONS are invited to attend said Public Hearing to express their opinion in this matter. Said Public Hearing will be held in the Council Chambers, 201 N. Broadway, Escondido, California, 92025.

PUBLIC COMMENT: To submit comments in writing, please do so at the following link: <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>.

FOR ADDITIONAL INFORMATION, please contact Erik Witholt, Police Captain (760) 839-4763.

DocuSigned by:

A58535D0BDC1430...
ZACK BECK, City Clerk
City of Escondido
March 14, 2024

Published in THE CITY OF ESCONDIDO'S WEBSITE:
03/14/24



STAFF REPORT

April 17, 2024
File Number 0400-40

SUBJECT

APPROVAL OF WARRANT REGISTER (COUNCIL)

DEPARTMENT

Finance

RECOMMENDATION

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

382670 – 382902 dated April 03, 2024

Staff Recommendation: Approval (Finance Department: Christina Holmes)

ESSENTIAL SERVICE – Internal requirement per Municipal Code Section 10-49

COUNCIL PRIORITY –

FISCAL ANALYSIS

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

March 28, 2024 – April 03, 2024 is \$1,184,124.24

PREVIOUS ACTION – None

BACKGROUND

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



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

REGULAR SESSION

5:00 PM Regular Session

MOMENT OF REFLECTION

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FLAG SALUTE

The City Council conducts the Pledge of Allegiance at the beginning of every City Council meeting.

CALL TO ORDER

Roll Call: C. Garcia, J. Garcia, Martinez, White

ORAL COMMUNICATIONS

Shelley Sanderson – Introduced her new business in Escondido called Panini Kabob and Grill.

Kelly Rapp – Expressed concern regarding permitting cannabis businesses in Escondido.

CONSENT CALENDAR

Motion: Martinez; Second: C. Garcia; Approved: 4-0 (Morasco – Absent)

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

2. APPROVAL OF WARRANT REGISTER (COUNCIL)

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

- 382064 – 382260 dated March 13, 2024
- 382261 – 382502 dated March 20, 2024

Staff Recommendation: Approval (Finance Department: Christina Holmes)

3. APPROVAL OF MINUTES: Regular meeting of March 20, 2024

4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

5. **FINAL MAP UNDER CONSIDERATION FOR APPROVAL**

Request the City Council receive and file notice that a Final Map for Tract SUB15-0002 at 661 Bear Valley Parkway has been filed for approval. (File Number 0800-10)

Staff Recommendation: Receive and File (Development Services Department: Christopher McKinney, Deputy City Manager/ Interim Director of Development Services)

Presenter: Presenter: Julie Procopio, City Engineer

6. **FISCAL YEAR 2022 OPERATION STONEGARDEN GRANT AND BUDGET ADJUSTMENT**

Request the City Council to approve Resolution No. 2024-27 and accept Fiscal Year 2022 Operation Stonegarden Grant funds in the amount of \$10,000 from the California Office of Emergency Services through the County of San Diego, authorize the Chief of Police or his designee to execute grant documents on behalf of the City of Escondido ("City"), and approve budget adjustments needed to spend grant funds. The Department will use grant funds to pay overtime expenses for multi-disciplinary crime suppression operations related to human trafficking, narcotics trafficking, weapons trafficking, and criminal gang activity. This grant will provide operational funding to enforce local and state laws. (File Number 0480-70)

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2024-27

7. **OLDER CALIFORNIANS NUTRITION GRANT**

Request the City Council approve Resolution No. 2024-29 authorizing the Mayor to execute, on behalf of the City of Escondido ("City"), the agreement with the County of San Diego ("County") for the Older Californians Nutrition Program. (File Number 0480-70)

Staff Recommendation: Approval (Community Services Department: Jennifer Schoeneck, Director of Economic Development)

Presenter: Robert Rhoades, Assistant Director of Community Services

a) Resolution No. 2024-29

8. **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND THE ESCONDIDO CITY EMPLOYEES' ASSOCIATION – SUPERVISORY (SUP) BARGAINING UNIT**

Request the City Council adopt Resolution No. 2024-36, approving a two-year Memorandum of Understanding ("MOU") between the City of Escondido ("City") and the Escondido City Employees' Association – Supervisory ("SUP") Bargaining Unit ("Association"), commencing July 1, 2023, through June 30, 2025. (File Number 0740-30)



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

Staff Recommendation: Approval (Human Resources Department: Jessica Perpetua, Director of Human Resources)

Presenter: Jessica Perpetua, Director of Human Resources

a) Resolution No. 2024-36

9. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND TEAMSTERS LOCAL 911 – MAINTENANCE AND OPERATIONS (M&O) BARGAINING UNIT

Request the City Council adopt Resolution No. 2024-37, approving a two-year Memorandum of Understanding (“MOU”) between the City of Escondido (“City”) and the Teamsters Local 911 (“Teamsters”) – Maintenance and Operations (“M&O”) Bargaining Unit, commencing July 1, 2023, through June 30, 2025. (File Number 0740-30)

Staff Recommendation: Approval (Human Resources Department: Jessica Perpetua, Director of Human Resources)

Presenter: Jessica Perpetua, Director of Human Resources

a) Resolution No. 2024-37

10. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND TEAMSTERS LOCAL 911 – ADMINISTRATIVE, CLERICAL AND ENGINEERING (ACE) BARGAINING UNIT

Request the City Council adopt Resolution No. 2024-38, approving a two-year Memorandum of Understanding (“MOU”) between the City of Escondido (“City”) and the Teamsters Local 911 (“Teamsters”) – Administrative, Clerical, and Engineering (“ACE”) Bargaining Unit, commencing July 1, 2023, through June 30, 2025. (File Number 0740-30)

Staff Recommendation: Approval (Human Resources Department: Jessica Perpetua, Director of Human Resources)

Presenter: Jessica Perpetua, Director of Human Resources

a) Resolution No. 2024-38

CURRENT BUSINESS

11. BOARD AND COMMISSION BY-LAW UPDATE

Request the City Council approve Resolution No. 2024-42, updating the Board and Commission By-laws. (File Number 0120-15)

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



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

Presenter: Zack Beck, City Clerk

a) Resolution No. 2024-42R

Motion: Martinez; Second: J. Garcia; Approved: 4-0 (Morasco – Absent)

FUTURE AGENDA

12. FUTURE AGENDA

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

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor White adjourned the meeting at 5:17 p.m.

MAYOR

CITY CLERK



STAFF REPORT

ITEM NO. 4

SUBJECT

WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –

ANALYSIS

The City Council/RRB has adopted a policy that is sufficient to read the title of ordinances at the time of introduction and adoption, and that reading of the full text of ordinances and the full text and title of resolutions may be waived.

Approval of this consent calendar item allows the City Council/RRB to waive the reading of the full text and title of all resolutions agendized in the Consent Calendar, as well as the full text of all ordinances agendized in either the Introduction and Adoption of Ordinances or General Items sections. **This particular consent calendar item requires unanimous approval of the City Council/RRB.**

Upon approval of this item as part of the Consent Calendar, all resolutions included in the motion and second to approve the Consent Calendar shall be approved. Those resolutions removed from the Consent Calendar and considered under separate action may also be approved without the reading of the full text and title of the resolutions.

Also, upon the approval of this item, the Mayor will read the titles of all ordinances included in the Introduction and Adoption of Ordinances section. After reading of the ordinance titles, the City Council/RRB may introduce and/or adopt all the ordinances in one motion and second.

RECOMMENDATION

Staff recommends that the City Council/RRB approve the waiving of reading of the text of all ordinances and the text and title of all resolutions included in this agenda. Unanimous approval of the City Council/RRB is required.

Respectfully Submitted,

Zack Beck
City Clerk



STAFF REPORT

April 17, 2024

File Number 0600-10; A-3499

SUBJECT

CONSULTING AGREEMENT FOR THE EL CABALLO PARK ENVIRONMENTAL DOCUMENT

DEPARTMENT

Development Services

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-47 awarding a consulting agreement to Michael Baker International, Inc. in the amount of \$238,935 to provide environmental consulting services for the El Caballo Park Master Plan Project (“Project”). The contract includes a cost of \$190,545 with the option to include four optional tasks, totaling \$48,390 for an aggregate of \$238,935.

Staff Recommendation: Approval (Development Services Department, Chris McKinney, Deputy City Manager)

Presenter: Oscar Romero, Principal Planner

ESSENTIAL SERVICE – Land Use/Development, and Maintenance of Parks facilities/Open Space

COUNCIL PRIORITY – Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

The American Rescue Plan Act (ARPA) provided the City of Escondido (“City”) one-time funding to cover expenses in response to the COVID-19 pandemic in an effort to make up for lost revenue and ease the overall economic impact from the pandemic. Funds may only be used for project costs initiated on or after March 3, 2021 and must qualify within one of the eligible expenditure categories by December 31, 2024, and must be fully spent by December 31, 2026.

The City allocated \$200,000 of ARPA funding for the environmental review of the El Caballo Park Master Plan. In the event the identified optional tasks are needed for Project completion, all funds exceeding the ARPA amount would be offset by the Development Services Department’s Professional Services budget. There are funds available in the budget to fund this Project, which would provide programmatic environmental review of the El Caballo Park Master Plan endorsed by the Escondido City Council in 2014.

PREVIOUS ACTION



CITY of ESCONDIDO

STAFF REPORT

On October 3, 2012, City Council approved \$50,000 from the Park Development Fund to develop the El Caballo Park Master Plan (“Master Plan”). The Community Services Commission, and subsequently the Planning Commission, reviewed the Master Plan on January 23, 2014 and February 11, 2014, respectively and was unanimously endorsed at both meetings.

On March 11, 2021, President Joe Biden signed the American Rescue Plan Act of 2021 (“ARPA”), which contains \$1.9 trillion in overall national spending to support COVID-19 relief and economic recovery efforts. ARPA provides a \$350 billion allocation of Coronavirus State & Local Fiscal Recovery Funds (“CSLFRF”) to state, local, territorial, and tribal governments. The City was categorized as a Metropolitan City within the CSLFRF recipient types and was allocated \$38,808,509 based on a methodology that was largely consistent with the Community Development Block Grant (CDBG) formula employed by the United States Department of Housing and Urban Development (i.e., HUD). On May 10, 2021, the U.S. Treasury announced the launch of the program and released “Interim Final Rules” and preliminary guidance on how these funds can be used. In recognition of the disproportionate negative impact on certain communities and populations, the Treasury guidance allows for programs and services designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health.

BACKGROUND

The City of Escondido owns the El Caballo Park property and began leasing a portion of the site to the Asociacion de Charros de El Caballo Park in the 1980s. On March 26, 2014, the Escondido City Council endorsed the draft El Caballo Park Master Plan to create opportunities for Escondido residents and visitors to explore nature, learn about history, and appreciate Mexican culture. The multi-phased strategic Master Plan seeks to improve the existing area by incorporating picnic and grass play areas, building riding arenas and a community hall building, increasing connections to Escondido Creek Trail, generating modifications to the Escondido concrete channel and more.

The Project scope entails determining and drafting the appropriate environmental review and documentation for the draft El Caballo Park Master Plan in compliance with California Environmental Quality Act (CEQA) Guidelines and Public Resources Code 2100-21189. To date, a formal environmental determination has not been made for the purposes of CEQA. However, as part of the drafting process of the El Caballo Park Master Plan document, a preliminary environmental assessment suggested a Mitigated Negative Declaration may be possible.

On November 29, 2023, City staff released a Request for Proposal (RFP) for environmental consulting services, with the solicitation closing December 29, 2023. The RFP requested the selected Consultant provide their recommendation on the appropriate level of environmental review based on the Master Plan’s buildout.



CITY *of* ESCONDIDO

STAFF REPORT

City staff received four proposals to perform the environmental services for the El Caballo Park Master Plan Project. A proposal evaluation committee evaluated all four proposals and selected the two most qualified consultants based on their technical expertise, past experience on projects of similar scope, and proposed Project team members. The evaluation committee then interviewed the two short-listed consultants. The City determined Michael Baker International, Inc. is the most qualified consultant that provided the best value to the City based on the proposed scope and fee to perform the required environmental services for the Project.

Staff request the City Council approve the selection of Michael Baker Inc. as the environmental consultant, and award the bid contract fee of \$190,545 with the option to include four additional tasks, totaling \$48,390 for an aggregate of \$238,935. The approved budget for the Request for Proposal (RFP) was \$200,000, and staff is presenting the item before City Council as required per Chapter 10, Division Article 5, Division 1, Section 10-96(a) to approve the consultant agreement for any additional fees beyond \$200,000, and not to exceed the contract fee of \$238,935. The awarded consultant for the Project will provide the City with environmental review services including an environmental determination with optional tasks dependent on the findings within the environmental studies. The document determined to be appropriate will be prepared in accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines.

RESOLUTIONS

- a. Resolution No. 2024-47
- b. Resolution No. 2024-47 Exhibit “A” - Consulting Agreement

RESOLUTION NO. 2024-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A CONSULTING AGREEMENT TO MICHAEL BAKER INTERNATIONAL, INC. FOR ENVIRONMENTAL CONSULTING SERVICES FOR EL CABALLO PARK MASTER PLAN PROJECT

WHEREAS, On May 10, 2021, the American Rescue Plan Act (ARPA) provided funding to the City of Escondido to cover expenses related to “services to Impacted communities,” specifically investments in the cities infrastructure. In awarding the consultant a contract to conduct the environmental review services for the El Caballo Park Master Plan, ARPA funding requirements will be met (“Project”); and

WHEREAS, a notice soliciting firms to respond to the Request for Proposal was duly published;

WHEREAS, the City received four timely responses to the Request for Proposal and conducted interviews of the top two responding firms;

WHEREAS, Michael Baker International, Inc. was determined to be the most qualified consultant that provided the best value to the City; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to authorize the Mayor to execute a consulting agreement with Michael Baker International, Inc. in the amount of \$238,935.

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 is authorized to execute, on behalf of the City, a consulting agreement with Michael Baker International, Inc., which is attached and incorporated to this Resolution as Exhibit

“A”, and subject to final approval as to form by the City Attorney.

3. That the City Manager retains the authority to approve amendments to the consulting agreement in an amount consistent with the Escondido Municipal Code.



CITY OF ESCONDIDO
CONSULTING AGREEMENT

This Consulting Agreement ("Agreement") is made and entered into as of the last signature date set forth below ("Effective Date"),

Between: CITY OF ESCONDIDO
a California municipal corporation
201 N. Broadway
Escondido, CA 92025
Attn: Oscar Romero
760-839-4801
("CITY")

And: Michael Baker International, Inc.
a Pennsylvania corporation
5050 Avenida Encinas
Carlsbad, CA 92008
Attn: Tim Thiele, Vice President
760-476-9193
("CONSULTANT").

(The CITY and CONSULTANT each may be referred to herein as a "Party" and collectively as the "Parties.")

WHEREAS, the CITY has determined that it is in the CITY's best interest to retain the professional services of a consultant to provide professional environmental review services for the El Caballo Park Master Plan work effort;

WHEREAS, CONSULTANT is considered competent to perform the necessary professional services for the CITY; and

WHEREAS, the CITY and CONSULTANT desire to enter into this Agreement for the performance of the Services described herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms, and conditions set forth herein, and the mutual benefits derived therefrom, the Parties hereby agree as follows:

1. Description of Services. CONSULTANT shall furnish all of the Services described in the Scope of Work, which is attached to this Agreement as Attachment "A" and incorporated herein by this reference ("Services").
2. Compensation. In exchange for CONSULTANT's completion of the Services, the CITY shall pay,

and CONSULTANT shall accept in full, an amount not to exceed the sum of **\$238,935**. CONSULTANT shall be compensated only for performance of the Services described in this Agreement. No compensation shall be provided for any other work or services without the CITY's prior written consent. If this Agreement is amended at any time, additional compensation of CONSULTANT contained in any subsequent amendments shall not exceed a cumulative total of 25% of the maximum payment provided for in this Section 2, unless approved by resolution of the City Council.

3. Performance. CONSULTANT shall faithfully perform the Services in a proficient manner, to the satisfaction of the CITY, and in accord with the terms of this Agreement. CONSULTANT shall be responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports and other information furnished by CONSULTANT pursuant to this Agreement, except that CONSULTANT shall not be responsible for the accuracy of information supplied by the CITY.
4. Personnel. The performance of the Services by certain professionals is significant to the CITY. As such, CONSULTANT shall only assign the persons listed on Attachment "B", attached to this Agreement and incorporated herein by this reference ("Personnel List"), to perform the Services. CONSULTANT shall not add or remove persons from the Personnel List without the City's prior written consent. If CONSULTANT has not designated a person to perform a component of the Services, CONSULTANT shall not assign such component of the Services to a person without obtaining the City's prior written consent. CONSULTANT shall not subcontract any component of the Services without obtaining the City's prior written consent.
5. Termination. The Parties may mutually terminate this Agreement through a writing signed by both Parties. The CITY may terminate this Agreement for any reason upon providing CONSULTANT with 10 days' advance written notice. CONSULTANT agrees to cease all work under this Agreement on or before the effective date of any notice of termination. If the CITY terminates this Agreement due to no fault or failure of performance by CONSULTANT, then CONSULTANT shall be compensated based on the work satisfactorily performed at the time of such termination. In no event shall CONSULTANT be entitled to receive more than the amount that would be paid to CONSULTANT for the full performance of the Services.
6. City Property. All original documents, drawings, electronic media, and other materials prepared by CONSULTANT pursuant to this Agreement immediately become the exclusive property of the CITY, and shall not be used by CONSULTANT for any other purpose without the CITY's prior written consent.
7. Insurance Requirements.
 - a. CONSULTANT shall procure and maintain, at its own cost, during the entire term of this Agreement, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the Services, and the results of such work, by CONSULTANT, its agents, representatives, employees, or subcontractors. Insurance coverage shall be at least as broad as the following:
 - (1) *Commercial General Liability*. Insurance Services Office ("ISO") Form CG 00 01 covering Commercial General Liability on an "occurrence" basis, including products and completed operations, property damage, bodily injury, and personal & advertising injury, with limits no less than \$2,000,000 per occurrence and \$4,000,000 general aggregate.
 - (2) *Automobile Liability*. ISO Form CA 00 01 covering any auto (Code 1), or if CONSULTANT has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than \$1,000,000 per accident for bodily injury and property damage, unless waived by the CITY and approved in writing by the CITY's Risk and Safety Division.

- (3) *Workers' Compensation.* Worker's Compensation as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease.
 - (4) *Professional Liability (Errors and Omissions).* Professional Liability (Errors and Omissions) appropriate to CONSULTANT's profession, with limits no less than \$2,000,000 per occurrence or claim and \$2,000,000 aggregate.
 - (5) If CONSULTANT maintains broader coverage and/or higher limits than the minimums otherwise required by this Agreement, the CITY requires and shall be entitled to the broader coverage and/or the higher limits maintained by CONSULTANT.
- b. Each insurance policy required by this Agreement must be acceptable to the City Attorney and shall meet the following requirements:
- (1) *Acceptability of Insurers.* Insurance coverage must be provided by an insurer authorized to conduct business in the state of California with a current A.M. Best's rating of no less than A-: FSC VII, or as approved by the CITY.
 - (2) *Additional Insured Status.* Both the Commercial General Liability and the Automobile Liability policies must name the CITY (including its officials, officers, agents, employees, and volunteers) specifically as an additional insured under the policy on a separate endorsement page. The Commercial General Liability additional insured endorsement shall be at least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of *both* CG 20 10, CG 20 26, CG 20 33, or CG 20 38, *and* CG 20 37 if a later edition is used. The Automobile Liability endorsement shall be at least as broad as ISO Form CA 20 01.
 - (3) *Primary Coverage.* CONSULTANT's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 with respect to the CITY, its officials, officers, agents, employees, and volunteers. Any insurance or self-insurance maintained by the CITY, its officials, officers, agents, employees, or volunteers shall be in excess of CONSULTANT's insurance and shall not contribute with it.
 - (4) *Notice of Cancellation.* Each insurance policy shall provide that coverage shall not be canceled, except with prior written notice to the CITY.
 - (5) *Subcontractors.* If applicable, CONSULTANT shall require and verify that all subcontractors maintain insurance meeting all the requirements stated within this Agreement, and CONSULTANT shall ensure that the CITY (including its officials, officers, agents, employees, and volunteers) is an additional insured on any insurance required from a subcontractor.
 - (6) *Waiver of Subrogation.* CONSULTANT hereby grants to the CITY a waiver of any right to subrogation that any insurer of CONSULTANT may acquire against the CITY by virtue of the payment of any loss under such insurance. CONSULTANT agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this subsection shall apply regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer. Any Workers' Compensation policy required by this Agreement shall be endorsed with a waiver of subrogation in favor of the CITY for all work performed by the CONSULTANT, its agents, representatives, employees, and subcontractors.
 - (7) *Self-Insurance.* CONSULTANT may, with the CITY's prior written consent, fulfill some or all of the insurance requirements contained in this Agreement under a plan of self-insurance. CONSULTANT shall only be permitted to utilize such self-insurance if, in the opinion of the CITY, CONSULTANT's (i) net worth and (ii) reserves for payment of claims of liability against CONSULTANT are sufficient to adequately compensate for the lack of

other insurance coverage required by this Agreement. CONSULTANT's utilization of self-insurance shall not in any way limit the liabilities assumed by CONSULTANT pursuant to this Agreement.

(8) *Self-Insured Retentions.* Self-insured retentions must be declared to and approved by the CITY.

- c. *Verification of Coverage.* At the time CONSULTANT executes this Agreement, CONSULTANT shall provide the CITY with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting the insurance coverage required by this Agreement), which shall meet all requirements under this Agreement. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by this Agreement, at any time.
- d. *Special Risks or Circumstances.* The CITY reserves the right, at any point during the term of this Agreement, to modify the insurance requirements in this Agreement, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
- e. *No Limitation of Obligations.* The insurance requirements in this Agreement, including the types and limits of insurance coverage CONSULTANT must maintain, and any approval of such insurance by the CITY, are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by CONSULTANT pursuant to this Agreement, including but not limited to any provisions in this Agreement concerning indemnification.
- f. Failure to comply with any of the insurance requirements in this Agreement, including, but not limited to, a lapse in any required insurance coverage during the term of this Agreement, shall be a material breach of this Agreement. In the event that CONSULTANT fails to comply with any such insurance requirements in this Agreement, in addition to any other remedies the CITY may have, the CITY may, at its sole option, (i) immediately terminate this Agreement; or (ii) order CONSULTANT to stop work under this Agreement and/or withhold any payment that becomes due to CONSULTANT until CONSULTANT demonstrates compliance with the insurance requirements in this Agreement.

8. Indemnification, Duty to Defend, and Hold Harmless.

- a. CONSULTANT (including CONSULTANT's agents, employees, and subcontractors, if any) shall indemnify, defend, and hold harmless the CITY, its officials, officers, agents, employees, and volunteers from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, in law or equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with CONSULTANT's performance of the Services or its failure to comply with any of its obligations contained in this Agreement, except where caused by the sole negligence or willful misconduct of the CITY.
- b. CONSULTANT (including CONSULTANT's agents, employees, and subcontractors, if any) shall indemnify, defend, and hold harmless the CITY, its officials, officers, agents, employees, and volunteers from and against any and all Claims caused by, arising under, or resulting from any violation, or claim of violation, of the San Diego Municipal Storm Water Permit (Order No. R9-2013-0001, as amended) of the California Regional Water Quality Control Board, Region 9, San Diego, that the CITY might suffer, incur, or become subject to by reason of, or occurring as a result of, or allegedly caused by, any work performed pursuant to this Agreement.
- c. All terms and provisions within this Section 8 shall survive the termination of this Agreement.

9. Anti-Assignment Clause. Because the CITY has relied on the particular skills of CONSULTANT in entering into this Agreement, CONSULTANT shall not assign, delegate, subcontract, or otherwise transfer any duty or right under this Agreement, including as to any portion of the Services, without the CITY's prior written consent. Any purported assignment, delegation, subcontract, or other transfer made without the CITY's consent shall be void and ineffective. Unless CONSULTANT assigns this entire Agreement, including all rights and duties herein, to a third party with the CITY's prior written consent, CONSULTANT shall be the sole payee under this Agreement. Any and all payments made pursuant to the terms of this Agreement are otherwise not assignable.
10. Attorney's Fees and Costs. In any action to enforce the terms and conditions of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs.
11. Independent Contractor. CONSULTANT is an independent contractor, and no agency or employment relationship is created by the execution of this Agreement.
12. Amendment. This Agreement shall not be amended except in a writing signed by the CITY and CONSULTANT.
13. Merger Clause. This Agreement, together with its attachments or other documents described or incorporated herein, if any, constitutes the entire agreement and understanding of the CITY and CONSULTANT concerning the subject of this Agreement and supersedes and replaces all prior negotiations, understandings, or proposed agreements, written or oral, except as otherwise provided herein. In the event of any conflict between the provisions of this Agreement and any of its attachments or related documents, if any, the provisions of this Agreement shall prevail.
14. Anti-Waiver Clause. None of the provisions of this Agreement shall be waived by the CITY because of previous failure to insist upon strict performance, nor shall any provision be waived because any other provision has been waived by the CITY, in whole or in part.
15. Severability. This Agreement shall be performed and shall be enforceable to the full extent allowed by applicable law, and the illegality, invalidity, waiver, or unenforceability of any provision of this Agreement shall not affect the legality, validity, applicability, or enforceability of the remaining provisions of this Agreement.
16. Governing Law. This Agreement and all rights and obligations arising out of it shall be construed in accordance with the laws of the State of California. Venue for any action arising from this Agreement shall be conducted only in the state or federal courts of San Diego County, California.
17. Counterparts. This Agreement may be executed on separate counterparts, each of which shall be an original and all of which taken together shall constitute one and the same instrument. Delivery of an executed signature page of this Agreement by electronic means, including an attachment to an email, shall be effective as delivery of an executed original. The Agreement on file with the City is the copy of the Agreement that shall take precedence if any differences exist between or among copies or counterparts of the Agreement.
18. Provisions Cumulative. The foregoing provisions are cumulative to, in addition to, and not in limitation of any other rights or remedies available to the CITY.
19. Notice. Any statements, communications, or notices to be provided pursuant to this Agreement shall be sent to the attention of the persons indicated herein, and the CITY and CONSULTANT shall promptly provide the other Party with notice of any changes to such contact information.

20. Business License. CONSULTANT shall obtain a City of Escondido Business License prior to execution of this Agreement and shall maintain such Business License throughout the term of this Agreement.
21. Compliance with Laws, Permits, and Licenses. CONSULTANT shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, rules, and other legal requirements in effect during the term of this Agreement. CONSULTANT shall obtain any and all permits, licenses, and other authorizations necessary to perform the Services. Neither the CITY, nor any elected or appointed boards, officers, officials, employees, or agents of the CITY, shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.
22. Prevailing Wages. If applicable, pursuant to California Labor Code section 1770 et seq., CONSULTANT agrees that a prevailing rate and scale of wages, in accordance with applicable laws, shall be paid in performing this Agreement. CONSULTANT shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, rules, and other legal requirements pertaining to the payment of prevailing wages. The prevailing rate and scale to be paid shall be the same as the applicable "General Prevailing Wage Determination" approved by the Department of Industrial Relations as of the Effective Date of this Agreement, which are available online at <http://www.dir.ca.gov/oprl/dprevwagedetermination.htm> and incorporated into this Agreement by this reference. Neither the CITY, nor any elected or appointed boards, officers, officials, employees, or agents of the CITY, shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.
23. Immigration Reform and Control Act of 1986. CONSULTANT shall keep itself informed of and shall comply with the Immigration Reform and Control Act of 1986 ("IRCA"). CONSULTANT represents and warrants that all of its employees and the employees of any subcontractor retained by CONSULTANT who perform any of the Services under this Agreement, are and will be authorized to perform the Services in full compliance with the IRCA. CONSULTANT affirms that as a licensed contractor and employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will perform the Services. CONSULTANT agrees to comply with the IRCA before commencing any Services, and continuously throughout the performance of the Services and the term of this Agreement.
24. The Parties acknowledge that Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") administered by the U.S Department of Treasury ("Federal Awarding Agency") and established by the American Rescue Plan Act of 2021 ("ARPA") will be used to fund all or a portion of this Agreement. The CONSULTANT shall comply with all applicable federal law, regulations, executive orders, policies, procedures, and directives relating to such funds.
25. Equal Employment Opportunity. During the performance of this Agreement, the CONSULTANT agrees as follows:
 - a. The CONSULTANT will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The CONSULTANT will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places, available to employees and

applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

- b. The CONSULTANT will, in all solicitations or advertisements for employees placed by or on behalf of the CONSULTANT, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c. The CONSULTANT will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the CONSULTANT's legal duty to furnish information.
- d. The CONSULTANT will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the CONSULTANT's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. The CONSULTANT will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f. The CONSULTANT will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g. In the event of the CONSULTANT's noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the CONSULTANT may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- h. The CONSULTANT will include the portion of the sentence immediately preceding subpart a of this section and the provisions of subparts a through h in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The CONSULTANT will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided*, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of CONSULTANTs and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a CONSULTANT debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon CONSULTANTs and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

26. Compliance with the Davis-Bacon Act.

- i. All transactions regarding this Agreement shall be done in compliance with the Davis-Bacon Act (40 U.S.C. 3141- 3144, and 3146-3148) and the requirements of 29 C.F.R. pt. 5 as may be applicable. The CONSULTANT shall comply with 40 U.S.C. 3141-3144, and 3146-3148 and the requirements of 29 C.F.R. pt. 5 as applicable.
- j. CONSULTANTs are required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor.
- k. Additionally, CONSULTANTs are required to pay wages not less than once a week

27. Compliance with the Copeland "Anti-Kickback" Act.

- l. CONSULTANT. The CONSULTANT shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this Agreement.
- m. Subcontracts. The CONSULTANT and any subcontractors shall insert in any subcontracts the clause above and such other clauses as FEMA may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime CONSULTANT shall be responsible for the compliance by any subcontractors or lower tier subcontractors with all of these contract clauses.
- n. Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a CONSULTANT and subcontractors as provided in 29 C.F.R. § 5.12.

28. Clean Air Act. CONSULTANT agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. CONSULTANT agrees to report each violation to the CITY and understands and agrees that the CITY will, in turn, report each violation as required to assure notification to the Federal Awarding Agency, and the appropriate Environmental Protection Agency Regional Office. CONSULTANT agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by the Federal Awarding Agency.
29. Federal Water Pollution Control Act. CONSULTANT agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. CONSULTANT agrees to report each violation to the CITY and understands and agrees that the CITY will, in turn, report each violation as required to assure notification to the Federal Awarding Agency, and the appropriate Environmental Protection Agency Regional Office. CONSULTANT agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by the Federal Awarding Agency.
30. Debarment and Suspension.
- o. This Agreement is a covered transaction for purposes of 2 C.F.R. Part 180 and 2 C.F.R. Part 3000. As such, CONSULTANT is required to verify that none of CONSULTANT's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
 - p. CONSULTANT shall comply with 2 C.F.R. Part 180, Subpart C and 2 C.F.R. Part 3000, Subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction CONSULTANT enters into.
 - q. This certification is a material representation of fact relied upon by the CITY. If it is later determined that CONSULTANT did not comply with 2 C.F.R. Part 180, Subpart C and 2 C.F.R. Part 3000, Subpart C, in addition to remedies available to the CITY, the federal government may pursue available remedies, including but not limited to suspension and/or debarment.
 - r. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. Part 180, Subpart C and 2 C.F.R. Part 3000, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.
31. Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended).
- s. Prior to entering into this Agreement, CONSULTANT shall file the required certification pursuant to the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352 (as amended)). Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the Federal Awarding Agency.
 - t. Required Certification. At the time CONSULTANT executes this Agreement, CONSULTANT shall provide the CITY with a completed Appendix A, 44 C.F.R. Part 18 – Certification Regarding Lobbying. A blank Appendix A, 44 C.F.R. Part 18 – Certification Regarding Lobbying is attached to this Agreement as Attachment "C" and incorporated herein by this reference.

32. Procurement of Recovered Materials. In the performance of this Agreement, CONSULTANT shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired (1) competitively within a timeframe providing for compliance with the Agreement's performance schedule, (2) meeting Agreement performance requirements, or (3) at a reasonable price. Information about this requirement, along with the list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines website, located at <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>. CONSULTANT shall also comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.
33. Access to Records. The following access to records requirements apply to this Agreement: (1) CONSULTANT agrees to provide the CITY, the Federal Awarding Agency Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of CONSULTANT that are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions. CONSULTANT agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed. CONSULTANT agrees to provide the Federal Awarding Agency Administrator or their authorized representatives access to construction or other work sites pertaining to the work being completed under this Agreement. In compliance with the Disaster Recovery Act of 2018, the CITY and CONSULTANT acknowledge and agree that no language in this Agreement is intended to prohibit audits or internal reviews by the Federal Awarding Agency Administrator or the Comptroller General of the United States.
34. Federal Awarding Agency Seal, Logo, and Flags. CONSULTANT shall not use the Federal Awarding Agency seal(s), logos, crests, or reproductions of flags or likenesses of Federal Awarding Agency officials without specific Federal Awarding Agency pre-approval.
35. No Obligation by Federal Government. The United States Federal Government is not a party to this Agreement and is not subject to any obligations or Agreement to the CITY, CONSULTANT, or any other party pertaining to any matter resulting from this Agreement.
36. Program Fraud and False or Fraudulent Statements or Related Acts. CONSULTANT acknowledges that 31 U.S.C. Chapter 38 (Administrative Remedies for False Claims and Statements) applies to CONSULTANT's actions pertaining to this Agreement.
37. Effective Date. Unless a different date is provided in this Agreement, the effective date of this Agreement shall be the latest date of execution set forth by the names of the signatories below.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, this Agreement is executed by the Parties or their duly authorized representatives as of the Effective Date:

CITY OF ESCONDIDO

Date: _____

Dane White, Mayor

MICHAEL BAKER INTERNATIONAL, INC.

Date: **04/02/2024**

Tim Thiele, VP/DE

Tim Thiele, Office Executive

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, CITY ATTORNEY

BY: _____

THE CITY OF ESCONDIDO DOES NOT DISCRIMINATE AGAINST QUALIFIED PERSONS WITH DISABILITIES.

ATTACHMENT "A"

Scope of Work

A. General

Michael Baker International, Inc., a Pennsylvania corporation ("Consultant") will provide the City of Escondido, a California municipal corporation ("City") with environmental review services for the El Caballo Park Master Plan work effort ("Project").

B. Location

Consultant to provide services at various locations, including certain services located at the Project sites located at, 3420 Valley Center Road, Escondido, CA 92027 and at 201 N. Broadway, Escondido, CA 92029.

C. Services

Consultant to provide the following services which are more particularly described in **Exhibit 1**, which is attached hereto and incorporated herein by reference. In the event of a conflict between this Agreement (including the Scope of Work) and Exhibit 1, the terms of the Agreement shall prevail.

Services and documents prepared under this Agreement shall be subject to final review and approval by the City. Services shall generally include:

1. Perform Project management and Project initiation roles which shall include, at a minimum; a kickoff meeting, a site visit, and monthly status meetings.
2. Perform document review and initial research which shall include initial research, a draft Project description, Native American engagement, and preparation of technical studies. The California Environmental Quality Act (CEQA) experts shall respond to two sets of consolidated City comments, revise reports as appropriate, resubmit to City for final approval for incorporation of relevant technical data into the Initial Study/Mitigated Negative Declaration (IS/MND).
3. Prepare the draft IS/MND and process the Public Review to include preparation of a screen check draft IS/MND, respond to one consolidated set of City comments on screen check IS/MND, submit draft Administrative IS/MND to City, revise draft Administrative IS/MND, prepare a proof check draft IS/MND for final City review and distribution, complete a draft Notice of Intent (NOI) to adopt the MND, prepare a distribution list of recipients for City review, administratively process and file the City approved and signed NOI with the San Diego County Clerk and State Clearinghouse (with City authorization).
4. Perform final IS/MND responsibilities to include outlining responses to comment letters during 30-day public review period, respond to two sets of consolidated City comments on the draft responses, draft the Mitigation Monitoring and Reporting Program (MMRP) for review by City, respond to one set of consolidated comments from City, finalize the MMRP for adoption by the City in support of the IS/MND, prepare the final IS/MND for City review, respond to one set of consolidated City comments, provide three hard copies of the final document and technical reports and one USB drive to City, attend one Escondido Planning Commission hearing and one Escondido City Council hearing to answer environmental questions, assist as-needed with staff report development, prepare a draft Notice of Determination (NOD), file the NOD with the State Clearinghouse and the San Diego County Clerk.
5. Perform an aquatic resources jurisdictional delineation and prepare the report, prepare a Preliminary Hydrology/Drainage Technical Study, and prepare a Transportation Operations Analysis.

D. Scheduling

Consultant to schedule specific dates of work in advance by contacting Oscar Romero at 760-839-4801 or oromero@escondido.org. Further instructions will be provided upon scheduling.

E. Contract Price and Payment Terms

The contract price shall not exceed **\$238,935**. The contract price includes all labor, materials, equipment, and transportation required to perform the work. Services will be billed as services are performed. Payment will be made after services have been performed and within 30 days of receipt of an invoice for those services.

F. Term

The term of this Agreement shall be for **one year**, commencing on the Effective Date of the Agreement.

ATTACHMENT "B"
Personnel List

Pursuant to Section 4 of the Agreement, CONSULTANT shall only assign performance of Services to persons listed in **Exhibit 2**, which is attached hereto and incorporated herein by reference.

CONSULTANT shall not add or remove persons from this Personnel List without the City's prior written consent. If CONSULTANT has not designated a person to perform a component of the Services, CONSULTANT shall not assign such component of the Services to a person without obtaining the City's prior written consent. CONSULTANT shall not subcontract any component of the Services without obtaining the City's prior written consent.

Acknowledged by:

Date: 04 / 02 / 2024

Tim Thiele, VP/DE

Tim Thiele, Vice President

ATTACHMENT "C"

Appendix A, 44 C.F.R. Part 18 – Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

_____ ("Consultant"), certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Consultant understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

Tim Thiele, VP/OE

Signature of Consultant's Authorized Official

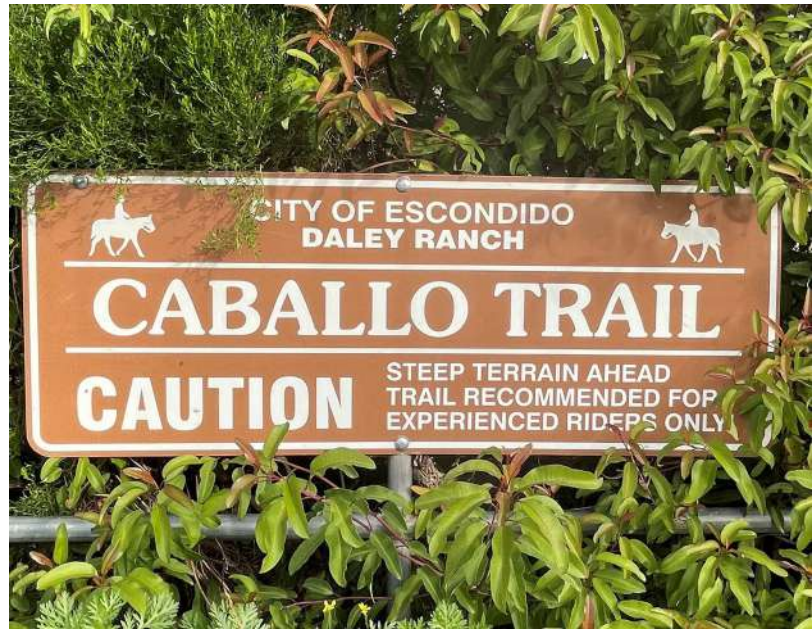
Tim Thiele, Vice President/Office Executive

Name and Title of Consultant's Authorized Official

04 / 02 / 2024

Date

EL CABALLO PARK MASTER PLAN ENVIRONMENTAL REVIEW



RFP NO. 24-17 | January 8, 2024

City of Escondido

Planning Division
201 N. Broadway
Escondido, CA 92025

EL CABALLO PARK MASTER PLAN ENVIRONMENTAL REVIEW

COVER LETTER..... 1

SUMMARY..... 2

PROPOSED PROJECT TEAM. 8

QUALIFICATIONS&EXPERIENCE. 12

WORK SCHEDULE. 17

CONFLICT OF INTEREST 18

APPENDIX

Attachment B

Attachment C

Exhibit 2

*Rate Sheet & Cost Estimate (Under Separate Cover)



January 8, 2024

Pricila Roldan
Associate Planner
Planning Division
201 N. Broadway
Escondido, CA 92025



We Make a Difference

Item 5.

RE: RFP NO. 24-17 El Caballo Park Master Plan Environmental Review

Dear Ms. Roldan,

Michael Baker International, Inc. (Michael Baker) is pleased to submit our proposal for the El Caballo Park Master Plan Environmental Review. Our team of professionals blends local familiarity, responsiveness, and relationships with national-level expertise to complete projects within budget and on schedule. We confirm that all elements of the Request for Proposals have been reviewed and understood.

THE MICHAEL BAKER TEAM OFFERS THE CITY OF ESCONDIDO

Extensive Parks & Recreation Facilities Experience

Michael Baker has extensive experience preparing documents in conformance with the California Environmental Quality Act (CEQA) for numerous parks, recreation facilities, athletic fields, and school projects with significant recreational components, enabling a deep understanding of key environmental issues and community concerns that such improvement projects may raise.

Demonstrated Experience with Local High-Profile Development Projects

Michael Baker recently worked with the City of Escondido to prepare the Environmental Impact (EIR) Report for the Harvest Hills Specific Plan & Citywide Sphere-of-Influence Update EIR project (formerly Safari Highlands Ranch), providing our CEQA team members a strong familiarity with key community concerns and City of Escondido regulations and procedures, as well as a keen awareness of the local planning, environmental, and political environment.

Efficiency & Cost Savings from our In-House Team

Michael Baker brings an extensive team of in-house technical experts to the project, thereby avoiding the need for outside subconsultants and allowing for efficiency and cost savings through familiarity with City of Escondido requirements, clear communication, and effective information sharing. Our qualifications demonstrate our overall technical capabilities and our team's commitment to dedicate all resources necessary to assist the City in delivering this project.

We believe our proactive approach, experienced team, and ability to effectively work with the City will ultimately be the best foundation for a successful project. We look forward to working collaboratively with your team and important local stakeholders to deliver a highly accurate, defensible, and quality document for the City's consideration.

Key Team members include Bob Stark as the Project Principal authorized to represent the firm on all matters related to the proposal, John Bellas as Project Director/Quality Assurance, and Nicole Marotz as Project Manager. Nicole and John have extensive experience in Southern California regarding master planning, parks, and environmental services.

Sincerely,

Michael Baker International, Inc.

Nicole Marotz, AICP, LEED AP
Project Manager
619.602.9314
nmarotz@mbakerintl.com
Key Point of Contact

9635 Granite Ridge Dr Ste 300
San Diego, CA 92123

Bob Stark, AICP
Project Principal
858.527.7829
bstark@mbakerintl.com

9635 Granite Ridge Dr Ste 300
San Diego, CA 92123

Michael Baker is willing to enter a contract under the terms and conditions prescribed by the RFP and Exhibit 1 Consulting Agreement. Michael Baker acknowledges receipt of Addendums 1 and 2.

SUMMARY

Project Understanding & Approach

Michael Baker recognizes the uniqueness in character and heritage that El Caballo Park brings to the City, its residents, and visitors alike. The opportunities to enhance the park in support of the Charros Association, public events, and equestrian enthusiasts, as well as the public, are well presented in the Master Plan, laying the groundwork for potential improvements envisioned for the use. Michael Baker further recognizes the City's extensive public outreach efforts in preparing the Master Plan to address public desires and concerns for how the Master Plan is ultimately implemented, further underscoring the local importance and history of the park.

Michael Baker understands that the park will offer a central, open, passive recreational lawn area surrounded by a variety of natural play opportunities, picnic groves, an equestrian center, and other supporting facilities. Opportunities for active and passive recreation will be provided via construction and/or enhancement of equestrian facilities and trails, public picnic areas, educational opportunities, public art, and pedestrian and bicycle linkages to Escondido Creek Trail, as well as supporting parking areas, bicycle storage, and spectator seating. A new community hall will offer multi-use space for public gatherings, events, and other varying activities. Additionally, pedestrian access is proposed to link Mayflower Dog Park with El Caballo Park, thus creating one cohesive park.

A key component of the project will be the proposed tributary creek improvements and modification of the Escondido Creek channel to remove the concrete sides and a portion of the concrete bottom and replace the concrete with vegetation. As identified in the El Caballo Park Master Plan, such activities are aimed at improving the aesthetic value of the creek and enabling greater infiltration. Michael Baker's in-house civil engineering team specializing in hydrology/water quality is poised to aid the City in evaluating the potential effects of undertaking such improvements. Michael Baker also offers a deep bench of biologists and regulatory permitting specialists who will provide needed expertise in evaluating potential effects relative to aquatic and biological resources that may be affected.

Consideration and protection of cultural and historic resources are also anticipated to be an important component of evaluating the project, recognizing the cultural heritage that the subject site brings. As the existing park and horse arenas are over 50 years old and are proposed for improvements, it is anticipated that such elements will require evaluation for eligibility for listing as historic resources. As such, our scope of work includes such evaluations to determine if there are historical resources, as defined in CEQA Guidelines Section 15064.5(a), and identification of proper mitigation measures, as appropriate, for potential impacts that may occur.

Based on results of our field visit and site reconnaissance, it is anticipated that the proposed improvements to El Caballo Park may have potential effects relative to hydrology/water quality, biological resources, cultural resources, transportation, and noise, due to expansion or enhancement of the existing park facilities. Given our previous experience working with the City of Escondido, as well as our depth of experience working on similar parks and recreation projects, Michael Baker is keenly aware of such issues and understands the local concerns that may arise, as well as how to address them.

Further, Michael Baker recognizes the City's need to engage the public in the environmental review process and to include meaningful comment on the CEQA document. Although, as discussed below, our preliminary recommendation is for preparation of a Mitigated Negative Declaration (MND), which does not require a public scoping meeting pursuant to CEQA to obtain public comment, Michael Baker acknowledges the City's sensitivity to interested parties and organizations relative to implementation of the Master Plan, including the El Caballo Conservancy, as critical stakeholders in the environmental review process. Although not required with preparation of a MND pursuant to CEQA, Michael Baker will work with the City, respectfully acknowledging all relevant public comments received, to prepare responses that are sensitive to the issues raised and to ensure that a commenter's concerns are adequately addressed. Other approaches to public noticing and engaging public comment from community members are discussed under Subtask 4.1, Responses to Comments, in our scope of work.

Preliminary Recommendation

Based on the information provided by the City, additional research, and Michael Baker's familiarity with similar park improvement projects, it is our recommendation that the appropriate CEQA document to evaluate the project as proposed is a Mitigated Negative Declaration, which will be supported through preparation of an Initial Study (IS). Pursuant to CEQA Guidelines Section 15070, the project as described in the Master Plan is not anticipated to result in a significant effect on the environment that cannot be mitigated. Critical in supporting the IS/MND approach will be crafting a complete and internally consistent project description upon which the technical studies will be based, and which will provide a clear understanding of the project to the public. The project description will identify the "whole of the project," including proposed physical improvements, phasing, anticipated activities and events, and other such aspects, some of which the City may not know or that may change as the project description is developed. Regardless, the IS/MND will need to evaluate how the project will be implemented while recognizing that changes could occur over time. Michael Baker will further discuss the intended approach with the City upon project initiation to identify key project elements and issues of concern.

Scope of Services

Task 1: Project Management/Project Initiation

1.1 Kickoff Meeting/Site Visit

Michael Baker will attend an in-person or virtual kickoff meeting to initiate the work effort, identify roles and responsibilities, review project plans, develop a roster of stakeholders/interested parties, discuss key environmental considerations, solidify the project schedule, and discuss the action plan for achieving that schedule. Following the meeting, Michael Baker will provide the City with a list of anticipated data needs. Michael Baker CEQA staff will also conduct a site visit to document existing conditions on-site and identify potential environmental issues of concern.

SUMMARY

1.2 Project Meetings

Monthly status meetings may include reviewing the City's comments on administrative draft documents, discussing the results of the technical environmental studies, preparing for public meetings (e.g., public hearings), reviewing comments received from the public and outside agencies, and for other coordination purposes. Michael Baker will prepare an agenda shared at least one day before the meeting and share meeting minutes no more than one week following the meeting.

Task 2: Document Review/Initial Research

2.1 Initial Research

Michael Baker will coordinate with City staff, as well as relevant federal, state, and local agencies that may be affected by the project and will review relevant environmental- and planning-related data, previous studies for the project site and surrounding area, and/or other available files, exhibits, maps, and reference documents. The Michael Baker team will evaluate the necessary information with respect to the proposed project and identify any data gaps.

2.2 Draft Project Description

Following the kickoff meeting, Michael Baker will prepare a draft project description which will fully describe all elements of the project and the range of required approvals. The draft project description will be submitted to the City for review and comment. After receiving the City's comments and making the appropriate changes, Michael Baker will submit a revised version of the project description to the City for approval, which will be the basis for the analysis presented in the technical studies.

2.3 Native American Engagement

Michael Baker will assist the City with meeting Native American consultation requirements pursuant to Assembly Bill (AB) 52. In coordination with the City, we will prepare the draft consultation letters to tribes on the tribal contact list from the Native American Heritage Commission. Additionally, Michael Baker will participate in up to four meetings, in support of the City, with any tribes requesting consultation on the project.

2.4 Preparation of Technical Studies

Based on information provided by the City and the El Caballo Park Master Plan, this scope of work assumes that the following technical reports will be prepared in support of the CEQA analysis. Prior to initiating preparation of the technical studies, Michael Baker will submit a list of anticipated technical studies for review and confirmation by City staff.

In preparing the technical studies, our CEQA experts will respond to two sets of consolidated City comments and will revise the technical reports as appropriate. The technical reports will be resubmitted to the City for final approval to allow for incorporation of relevant technical data into the IS/MND. This scope assumes that all documents will be transmitted electronically; no hard copies are proposed.

Air Quality

Existing Conditions/Regulatory Framework

The project is located within the San Diego Air Basin, which is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). Federal, state, regional, and local air quality regulations will be discussed. The SDAPCD does not have its own adopted guidelines, and therefore recommends that analyses address the requirements set forth by the *County of San Diego CEQA Guidelines*.

Construction-Related Emissions

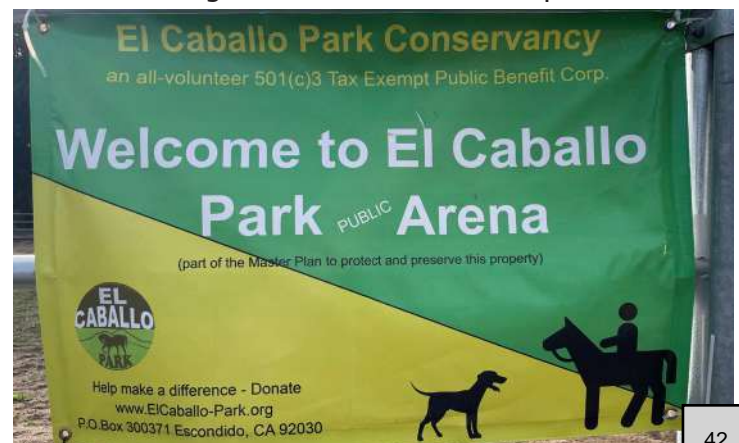
Operational (i.e., area, energy, and mobile source) emissions will be quantified and compared to the SDAPCD regional thresholds of significance. Primary sources of emissions will be related to area sources and local/regional vehicle miles traveled, which will be derived from CalEEMod and the transportation study. Project consistency with the *SDAPCD Regional Air Quality Strategy* will be evaluated.

Long-Term Emissions

Operational (i.e., area, energy, and mobile source) emissions will be quantified and compared to the SDAPCD regional thresholds of significance. Primary sources of emissions will be related to area sources and local/regional vehicle miles traveled, which will be derived from CalEEMod and the transportation study. Project consistency with the *SDAPCD Regional Air Quality Strategy* will be evaluated.

Biological Resources

Michael Baker will conduct a literature review of the California Natural Diversity Database (California Department of Fish and Wildlife [CDFW]), Rare Plant Inventory (California Native Plant Society), Web Soil Survey (Natural Resources Conservation Service), National Wetlands Inventory (U.S. Fish and Wildlife Service [USFWS]), Information for Planning and Conservation (USFWS), and other relevant information available for the regional vicinity, such as the City of Escondido's Final Multiple Habitat Conservation Plan (MHCP). Michael Baker biologists will also conduct a site visit to document existing conditions and to characterize vegetation communities and land covers that may represent potential biological constraints to future site improvements. The review will be primarily based on existing conditions on-site and directly adjacent to the property but will also consider previously recorded species occurrences in the region and existing regulations, or regulations that may come into effect during the environmental review process.



SUMMARY

A Biological Resources Report will be prepared to summarize the information and results obtained during the literature review and field survey; document plant, wildlife, and vegetation communities observed; and determine the potential for any special-status species to occur on or within the vicinity of the project site. The report will analyze the project site within the context of the MHCP and any current City guidance.

Potential impacts to special-status biological resources, recommendations for avoidance/minimization and/or mitigation measures, and applicable regulatory approvals will be identified to confirm the analysis of biological resources is compliant with current standards under CEQA. At this time, focused studies for special-status species do not appear warranted. Should field surveys identify potential presence of special-status species, Michael Baker will immediately discuss with the City specific recommendations for focused studies in support of the CEQA review.

Cultural Resources

Michael Baker will conduct a cultural resources technical study of the approximately 80-acre El Caballo Park. The study will include a cultural resources records search of the project area and a 0.5-mile surrounding search radius at the South Coastal Information Center, a Native American Heritage Commission Sacred Lands File search, literature, historic map and aerial photo review, local historical society consultation, a built environment and archaeological pedestrian survey, and an archaeological sensitivity analysis of the project site. Michael Baker will also consult with the City to identify an appropriate Native American monitor to accompany the archaeologist during the pedestrian survey.

The existing park and horse arenas are over 50 years old and are proposed for improvements. Therefore, such elements will be evaluated for eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, and the City of Escondido's Local Register of Historic Places. The park will be recorded and evaluated as a whole on the appropriate California Department of Parks and Recreation (DPR) 523 series forms. The intent is to determine if there are historical resources, as defined in CEQA Section 15064.5(a), within the project area. We also anticipate a Section 106 trigger for the presumed USACE 404 permit associated with modifications of Escondido Creek and will include regulatory language to ensure compliance with Section 106 and an evaluation of the park under criteria for listing in the National Register. The cultural resources technical report will comply with both CEQA and Section 106 regulations.

The findings will be summarized in a technical report that will include an assessment of potential direct and indirect impacts to historical resources/historic properties; recommendations or mitigation measures, as applicable; and a summary of Native American consultation. Further studies may be required if additional cultural resources are identified.

This scope of work assumes that the results of the archaeological survey will be negative; should additional resources be encountered, they will be documented on DPR 523 site forms. If potentially significant sites are identified, evaluation of their eligibility to the California and National Registers is not included in this proposal and will be performed under a contract augment. One DPR 523 form series set will be prepared for the park. If agency comments require additional research, site visits, or meetings/conference calls, Michael Baker will work with the City on an appropriate cost augment to provide additional iterations of the report.

Greenhouse Gas Emissions/Energy

Michael Baker will review relevant land use data and will prepare an inventory of the greenhouse gas (GHG) emissions (i.e., nitrous oxide, methane, and carbon dioxide) from both direct (i.e., area and mobile sources) and indirect sources (i.e., energy/water consumption and wastewater/solid waste generation). In addition, total GHG emissions from construction activities will be amortized into the GHG emissions inventory. Reductions from recently adopted programs and regulations will be included, such as improvements in fuel efficiency, state building code energy efficiency, and water efficiency. For environmental review purposes, the City uses a screening threshold of 500 annual metric tons of carbon dioxide equivalents (MTCO_{2e}) based on the City's 2021 *Climate Action Plan* (CAP). Projects generating less than 500 MTCO_{2e} annually are not considered individually or cumulatively significant with respect to impact on climate change. If the project would generate more than 500 MTCO_{2e} annually, the CAP Consistency Checklist will need to be completed to show project consistency with the CAP. In addition, the analysis will review project consistency with applicable plans for the purpose of reducing GHG emissions, such as the California Air Resources Board 2022 *Climate Change Scoping Plan*, the San Diego Association of Governments 2021 *Regional Plan*, the City's General Plan, and the CAP. Mitigation measures will be identified and incorporated, as necessary, to reduce potentially significant GHG impacts of the proposed project.

Michael Baker will analyze the energy implications of the project pursuant to Public Resources Code Section 21100(b)(3) and Appendices F and G of the CEQA Guidelines. These statutes and guidelines require a project to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In addition, Appendix G of the CEQA Guidelines requires a consistency analysis with state or local plans for renewable energy or energy efficiency. The analysis will quantify energy consumption associated with short-term construction activities, long-term operations, any buildings, and transportation based on the project's land use data. The analysis will also qualitatively discuss the effects of the project on regional and local energy supply, demand, and resources, and the project's consistency with energy standards and requirements.

SUMMARY

Item 5.

Hydrology/Storm Water Technical Memorandum

Michael Baker will evaluate hydrology/drainage effects of the proposed project, based on the concept design improvements from the Draft *El Caballo Park Master Plan Report* (2014). The evaluation will build upon the drainage concepts outlined in the 2014 report and will qualitatively discuss run-on from upstream tributaries to support design of new on-site conveyance channels that prevent commingle with project site runoff. The evaluation will also include consideration of the improvements proposed for Escondido Creek to change the creek from its current state (concrete channel) to a soft-bottom channel with vegetative plantings and potential effects on hydrology/drainage. The evaluation will serve, in part, as the baseline for any future correspondence with the City of Escondido Floodplain Manager, given that the existing main channel through the site is currently mapped by the Federal Emergency Management Agency (FEMA) as a special flood hazard area (Zone A, no base flood elevations determined).

Additionally, as indicated in the Master Plan, the project is expected to produce pollutants which may include sediment, nutrients, heavy metals, organic compounds, trash and debris, bacteria and viruses, pesticides, and other substances. Michael Baker will consider the concept design improvements documented in the *Draft El Caballo Park Master Plan* (2014) in qualitatively evaluating potential project effects on storm water quality in support of the CEQA document. Potential best management practices (BMPs) and low-impact development strategies will be identified with consideration for RWQCB Order No. R9-2013-0001, as amended by Order Nos. R9-2015-001 and R9-2015-0100, NPDES No. CAS0109266, and the City of Escondido's *Storm Water Design Manual*. The storm water evaluation will build upon the BMP concepts outlined in the 2014 Master Plan and will make recommendations as to how they may be refined, as required, to bring the project in compliance with current storm water requirements for priority development projects. Additionally, mitigation measures may be recommended beyond standard regulatory compliance measures described in the Master Plan to ensure that potential water quality impacts (i.e., such as those related to animal waste) remain less than significant.

Michael Baker will prepare a Hydrology/Storm Water Technical Memorandum to incorporate the evaluations identified above. If it is determined by the City that more detailed, formal technical studies are required, Michael Baker can prepare such studies upon request; refer to the Hydrology/Water Quality section.

Noise

Existing Conditions/Regulatory Framework

Michael Baker will review applicable noise and land use compatibility criteria for the project area. Noise standards regulating noise impacts will be discussed for land uses on and adjacent to the project site. Based on our preliminary reconnaissance survey of the project site and surroundings, it is anticipated that vehicles traveling along Valley Parkway/Valley Center Road are the predominant noise generator in the project area. Michael Baker will utilize available noise data from the City's General Plan EIR and other recent area studies in evaluating existing conditions; this scope of work does not include conducting on-site noise level measurements. It is

anticipated that area sensitive receptors to be considered include the existing Community Church and Preschool to the northeast and residential uses to the south/southeast (Eureka Estates).

Construction-Related Noise

Construction noise impacts will be evaluated in terms of maximum levels (L_{max}) and hourly equivalent continuous noise levels (L_{eq}) and the frequency of occurrence at nearby sensitive receptor locations. Analysis requirements will be based on the sensitivity of the area, anticipated construction activities, and Noise Ordinance specifications.

Operational Noise

The project-generated off-site traffic noise levels will be compared to the applicable Noise Ordinance specifications and/or land use compatibility criteria for off-site uses with consideration for area sensitive receptors. On-site noise-generating activities, such as use by the Charros de Escondido and associated charreada events, other spectator or amphitheater events, increased equestrian activity, outdoor education, or public/private events held at the new community hall, as well as potential noise increases caused by activities associated with the expanded vehicular and equestrian trailer parking, may be considered for potential impacts on adjacent uses and assessed against the Noise Ordinance specifications. Compliance with applicable noise standards will be evaluated, with recommended mitigation measures included where appropriate.

Transportation/Traffic

Michael Baker will prepare a Transportation Memorandum to assess vehicle miles traveled (VMT) associated with the proposed project. The analysis will be prepared consistent with the *City of Escondido's Transportation Impact Analysis Guidelines* (City Guidelines). Michael Baker will calculate the expected number of vehicle trips to be generated by the project using SANDAG's *(Not So) Brief Guide of Vehicle Traffic Generation Rates for the San Diego Region and ITE Trip Generation Manual* (Institute of Transportation Engineers, 11th edition) as needed. A trip generation will be developed to estimate daily AM peak hour and PM peak hour site trips and will be documented in the Transportation Memorandum.

Michael Baker will prepare a VMT screening analysis to determine if the project can be screened out from the requirement to prepare a detailed VMT analysis based on the CEQA VMT Screening Criteria outlined in Section 3.3 of the City Guidelines. The trip generation estimate of daily trips will be utilized in this analysis. The screening exercise will be conducted to evaluate if the project can be determined to have a less-than-significant impact or if a full VMT assessment with VMT calculation will be required. Based on an initial analysis, it appears that the site will screen out since the project is considered a local-serving public facility; however, an in-depth trip generation and screening analysis is required to confirm.

SUMMARY

Task 3: Preparation of Draft Initial Study/Mitigated Negative Declaration & Public Review

3.1 Screencheck IS/MND

Michael Baker will prepare a screencheck draft IS/MND that includes the analyses, findings, and mitigation measures from the technical studies completed under Task 2, as well as responses to the remaining CEQA thresholds of the Initial Study checklist (aesthetics, hazards, and hazardous materials, land use and planning, public services, recreation, utilities and service systems, and wildfire, among others). Based on our review of the information provided and in-house research to date, Michael Baker anticipates the CEQA document can conclude that all impacts can be reduced to less than significant through project design or via implementation of reasonable mitigation measures.

3.2 Administrative Draft IS/MND

Michael Baker will respond to one consolidated set of City comments on the screencheck IS/MND. The administrative draft of the document will be submitted to the City for review.

3.3 Proofcheck IS/MND

Upon receipt of City comments on the administrative draft IS/MND, Michael Baker will make any needed revisions. Michael Baker will prepare a proofcheck draft IS/MND for final City review, reproduction, and distribution.

3.4 Notice of Intent to Adopt a Mitigated Negative Declaration

Michael Baker will complete a draft Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration along with a draft distribution list of recipients for City review. Michael Baker will file the NOI with the San Diego County Clerk (filing fees are not included in this cost estimate) and with the State Clearinghouse (upon City authorization). This scope of work assumes that the City will publish the NOI in a local newspaper and will post the document on the City's website.

Task 4: Final IS/MND

4.1 Responses to Comments

Michael Baker will work with City staff, as needed, to outline responses to comment letters received during the 30-day public review period and will prepare an administrative draft of the responses for review. Michael Baker will respond to two sets of consolidated City comments on the draft responses prior to finalizing. This cost estimate assumes that no new technical analysis will be required. Michael Baker will discuss with the City as needed if comment letters received exceed such expectations.

Although not part of this scope of work, Michael Baker offers an in-house team of professional community outreach specialists who routinely conduct community workshops, design charrettes, and scoping meetings to obtain public comment, inspire interest and open discussion, and encourage idea sharing. If desired, Michael Baker can discuss with the City the appropriateness of holding a public meeting and how Michael Baker can assist in such efforts to engage meaningful public comment on the CEQA document, including from key stakeholders.

Michael Baker will further provide support to the City in the noticing process to ensure that adequate awareness of the opportunity to comment on the document is achieved. Limited meeting time (via teleconference and billed on a time-and-materials basis) is included in our scope of work to allow for participation of Michael Baker staff in up to two conversations with key stakeholder groups to engage discussion of specific issues or concerns, upon request of the City.

4.2 Final IS/MND and Mitigation Monitoring & Reporting Program

Michael Baker will draft the Mitigation Monitoring and Reporting Program (MMRP) for review by City staff. Michael Baker will respond to one set of consolidated comments from City staff and will finalize the MMRP for adoption by the City in support of the IS/MND. Michael Baker will prepare the final IS/MND for City review and will respond to one consolidated set of City comments on the document, if applicable. Three hard copies of the final document (including technical studies) and one USB drive will be provided.

4.3 Public Hearings

Michael Baker's Project Principal, Bob Stark, will attend one City of Escondido Planning Commission hearing and one City Council hearing for the project to answer any environmental questions that may arise. As needed, Michael Baker may assist the City with preparation of the staff report prior to City consideration of the project at such hearings.

4.4 Notice of Determination

Upon completion of the City's action on the project, Michael Baker will prepare a draft Notice of Determination. Michael Baker will file the document with the State Clearinghouse (with City authorization) and transmit a receipt of filing to the City. Michael Baker will also file the Notice of Determination with the San Diego County Clerk (County and CDFW document filing fees are not included in this cost estimate).

Task 5: Optional Tasks

5.1 Aquatic Resources Delineation Report

If requested by the City, Michael Baker will perform an aquatic resources jurisdictional delineation to document "waters of the United States" and "waters of the State," including potential jurisdictional wetlands, located on the project site. Prior to the survey, Michael Baker will review relevant information to support the field delineation. In addition, the following information and data will be compiled: flood zone maps, USFWS National Wetlands Inventory Mapper, hydrology/climate information, and watershed data. The field delineation will result in a determination of the following jurisdictional resources:

- U.S. Army Corps of Engineers (USACE) – "waters of the United States" as determined by an ordinary high-water mark, as well as the existence of wetlands as determined by the presence of wetland hydrology, hydrophytic vegetation, and hydric soils, pursuant to the 2008 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0).

SUMMARY

- Regional Water Quality Control Board's (RWQCB) – "waters of the State" as determined by the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State and Section 13263 of the California Porter-Cologne Water Quality Control Act, as applicable.
- CDFW – "waters of the State" as determined by the presence of a lake, streambed, or associated riparian vegetation pursuant to Section 1600 et seq. of the California Fish and Game Code.

Michael Baker will prepare a report summarizing the information and results obtained during the literature review and field survey. The report will include a description of the aquatic resources investigated and site photographs to illustrate existing conditions. Pursuant to resource agency requirements, the report will include figures to illustrate the extent (acreage and linear feet) of each drainage and/or wetland feature regulated by the USACE, RWQCB, and/or the CDFW. The report will not analyze anticipated project-related impacts, but rather will identify regulatory approvals that may be required prior to implementation of the proposed project. This task excludes the preparation or processing of regulatory permit applications with the USACE, RWQCB, and CDFW.

5.2 Hydrology/Water Quality

Preliminary Hydrology/Drainage Technical Study

If it is determined by City staff that a quantitative analysis is required for the project, Michael Baker will prepare a Preliminary Hydrology/Drainage Technical Study with consideration of the concept design improvements from the *Draft El Caballo Park Master Plan Report* (2014). Hydrologic and hydraulic analyses will be performed in accordance with the City's drainage policies. The study will build upon the drainage concepts outlined in the 2014 report and will include quantitative determinations of run-on from upstream tributaries to support design of new on-site conveyance channels that prevent commingle with project site runoff. Flow depth, velocity, and water surface elevations will be determined through the site using normal depth. The analysis will serve, in part, as the baseline for any future correspondence with the City of Escondido Floodplain Manager, given that the existing main channel through the site is currently mapped by the Federal Emergency Management Agency (FEMA) as a special flood hazard area (Zone A, no base flood elevations determined).

It is understood the existing main channel will be kept in its original condition to the maximum extent. New on-site drainage culverts along the main channel are anticipated to support the proposed fire access road. The study will consider alternative concept designs for the safe and effective conveyance of runoff at this location and throughout the park.

The study will evaluate the Escondido Creek conveyance capacity along the project frontage using existing and proposed cross-sections from the 2014 report and the existing longitudinal slope. The analysis will be based on theoretical flow rates and will examine a variety of channel roughness that may be achieved through new soft-bottom and vegetation establishment and the associated impact on flow conveyance. This scope of work excludes development of a Conditional Letter of Map Revision/Letter of Map Revision, correspondence with the Federal Emergency Management Agency related to

floodplain mapping and concept design, and/or hydro analysis of the total area tributary to Escondido Creek at project frontage. Capacity analyses will be based on cross-section area, channel roughness, and longitudinal slope. Normal depth will be used to determine flow depth, velocity, and water surface elevations using readily available contour topography.

Storm Water Quality Management Plan

If it is determined by City staff that a Priority Development Project Master Storm Water Quality Management Plan (SWQMP) is required, Michael Baker will prepare the study with consideration of the concept design improvements documented in the *Draft El Caballo Park Master Plan* (2014). The current City of Escondido SWQMP template (October 2022) will be used. Best management practices (BMPs) and low-impact development strategies will be implemented in accordance with RWQCB Order No. R9-2013-0001, as amended by Order Nos. R9-2015-001 and R9-2015-0100, NPDES No. CAS0109266, and as outlined in the City of Escondido's *Storm Water Design Manual* (October 2022). The SWQMP will build upon the BMP concepts outlined in the 2014 report and refine them as required to bring the project in compliance with current storm water requirements for priority development projects.

The project is understood to be exempt from hydromodification mitigation based on direct discharge to an exempt water body. Escondido Creek is exempt from hydromodification mitigation as documented in the 2018 *Carlsbad Water Quality Improvement Plan*. However, subject to further review and interpretation by City staff, hydromodification mitigation may be considered applicable based on a small stretch of unlined channel between the project site and Escondido Creek. As such, the SWQMP will also include BMP sizing under the assumption the project is not exempt as an added resource for overall concept design. This scope of work assumes the RWQCB Order No. R9-2009-0009 documented as the governing design document in the *Draft El Caballo Park Master Plan Report* no longer applies and assumes that hydromodification mitigation BMP sizing is included in the SWQMP for reference only and not incorporated into the concept BMP design.

5.3 Transportation Operations Analysis

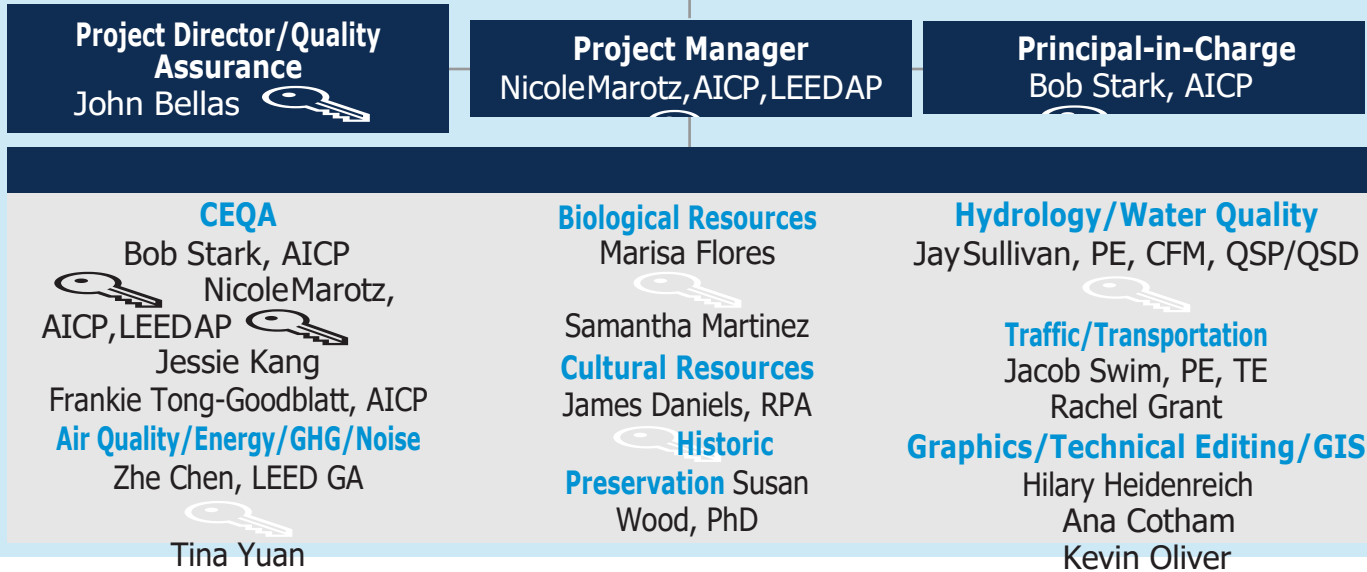
A Local Mobility Analysis is not required if a project meets the CEQA VMT screening criteria outlined in Section 3.3 of the City of Escondido's *Transportation Impact Analysis Guidelines*. Based on Michael Baker's initial assessment of the project, a Local Mobility Analysis is not required for the proposed project. However, due to the unique nature of this project, a transportation operations analysis may be beneficial to City staff to better understand the Existing Plus Project conditions. Michael Baker would analyze up to three study intersections near the project: specifically, Beven Drive and Valley Parkway, Beven Drive and Wohlford Drive, and Beven Drive and Burnet Drive. Existing and Existing Plus Project conditions during a weekday and weekend would be analyzed at these locations. Michael Baker will document the findings of the analysis in a Transportation Memorandum for review by City staff. This scope of work does not include the identification of mitigation measures or any roadway improvement cost estimations.

PROPOSED PROJECT TEAM

Project Team Organization Chart

Project Principal, Bob Stark, will provide contract oversight and support, ensuring the Michael Baker team has the resources it needs to serve the City successfully and effectively. Project Director, John Bellas, will guide and oversee preparation of all deliverables. Project Manager, Nicole Marotz, will serve as the key point of contact for the City and will coordinate the preparation of all deliverables. All team members identified shall not be removed from the project without prior City approval. Likewise, no new team members shall perform work without prior City approval. Michael Baker's team members are trained, experienced, and competent CEQA professionals with the capability to perform the scope of services proposed in this proposal.

Key Personnel



Proposed Team



Bob Stark, AICP | Principal-in-Charge/Contract Manager
 ✓ 11 Years with Michael Baker ✓ 26 Years Experience ✓ AICP 17175

Bob Stark has 26 years of experience in the preparation and management of environmental review documents pursuant to CEQA. His expertise in guiding high profile and controversial projects through the rigors of state and federal environmental review and permitting processes has made him a valued advisor to public agencies throughout California. His broad base of knowledge ranges from air quality, noise, and traffic analysis to habitat restoration and climate change. Bob is a member of the American Institute of Certified Planners (AICP) and a highly regarded instructor of professional-level seminars and continuing education courses on the topics of CEQA and environmental impact assessment. Bob is thoroughly versed in City of Escondido environmental policy and regulation, having managed preparation of the EIR for the high-profile Harvest Hills Specific Plan & Citywide Sphere-of-Influence Update EIR project (formerly Safari Highlands Ranch). Bob also brings demonstrated experience managing CEQA documents for park and recreation projects in southern California, including the South Lake Park Master Plan in San Marcos and Venice Beach Damson Oil Facility Skate Park and Bellevue Recreation Center Improvements projects in Los Angeles, among others.

- **Harvest Hills Specific Plan & Citywide Sphere-of-Influence Update EIR | City of Escondido | Project Manager** | Managed a comprehensive EIR for a proposed residential subdivision to be annexed to the City of Escondido. The Harvest Hills project proposed 550 single family residential units along with new public and private parks and open space, a new City fire station, a community center, and on-site sewage treatment plant and a system of new private and public streets on 1,098 acres.
- **South Lake Park Master Plan | City of San Marcos | Project Manager** | Michael Baker provided CEQA and regulatory permitting services in support of recreational improvements at South Lake in the City of San Marcos. The City endeavored to implement a parking and picnic area along with a fishing pier at the lake. These improvements constituted a portion of a larger recreation master plan for the lake. Michael Baker analyzed the potential environmental impacts of the proposed improvements and compared them to impacts previously disclosed in a 2009 CEQA document for the entire master plan.
- **Bellevue Recreation Center Improvements | City of Los Angeles Department of Recreation & Parks | Project Manager** | Directed the preparation of an EIR for a controversial park improvement project in the Silver Lake community. The project entailed introducing sports field lighting to allow neighborhood children a venue for little league and soccer games during winter months. The EIR focused heavily on providing thorough and complex modeling of both light and noise effects from the

Item 5.

project to ensure all impacts were accurately disclosed.

PROPOSED PROJECT TEAM



John Bellas | Project Director/Quality Assurance
✓ 10 Years with Michael Baker ✓ 25 Years Experience

John is a recognized expert in the environmental planning field in Southern California with 25 years of experience. He has managed the preparation of numerous CEQA documents for a wide range of projects, including parks and recreational facilities, land development/entitlement projects, land use plans/programs, and capital improvement projects. John brings to the team extensive insight and experience directly managing and preparing CEQA documents for park, recreational facilities, and athletic field projects. A few examples include the Via Princessa Park IS/MND, Canyon Country Community Center & Park Project IS/MND, and Blue Cloud Bike Park IS/MND, as well as environmental documents for the West Creek Park Inclusive Play Area Project, Valencia Glen Park Rehabilitation, and Old Orchard Park Rehabilitation, all located within the City of Santa Clarita.

- **Peter Weber Equestrian Center IS/MND | City of Rolling Hills Estates | Project Manager** | Responsible for the preparation of an IS/MND. The project consisted of various improvements to the city's municipal stables, including replacing the existing barns, replacing, and relocating the caretaker's unit, and improving/installing accessory facilities. In addition, a portion of the Equestrian Center lies atop a former landfill and as such, the project also included hazards/safety improvements, including replacing the existing underground methane membranes.
- **Hahamongna Watershed Park Annex/ Arroyo Seco Equestrian Center | City of Pasadena | Project Manager** | Responsible for assisting in the management of the preparation of the NEPA, CEQA, and National Historic Preservation Act (NHPA) documentation for the Lower Arroyo Trailhead and Sunset Overlook projects.
- **Via Princessa Park | City of Santa Clarita | Project Director** | John directed the preparation of an IS/MND for the proposed Via Princessa Park project. The Project proposes to construct and operate a 34-acre active- and passive-use park along the southern bank of the Santa Clara River. The proposed park would include athletic fields with sports field lighting, habitat restoration, pickleball courts (also with lighting), playground equipment and other recreational facilities, such as walking paths, shade structures, picnic areas, public art, and education and monumentation signage.
- **Canyon Country Community Center & Park Project IS/MND | City of Santa Clarita | Project Director** | John directed the preparation of an IS/MND for the proposed Canyon Country Community Center project. The project involved the demolition of three commercial buildings and construction of an approximately 24,000-square-foot community center and various park improvements, including open play areas, water features, an outdoor market/Mercado, an event stage, parking, off-site street improvements, and a regional storm water infiltration system.
- **George F. Canyon Nature Center | City of Rolling Hills Estates | Project Director** | John oversaw the creation of the IS/MND for a proposed Nature Center Community facility. The project entails a 1,750 sq. ft. Nature Center/Community Room with a viewing deck, a 1,000 sq. ft. outdoor classroom with a photovoltaic shade canopy, storage, boardwalk, canyon overlook, privacy screen, community-preferred fencing, gate, and associated parking.



Nicole Marotz, AICP, LEED AP | Project Manager
✓ 20 Years with Michael Baker ✓ 26 Years Experience ✓ AICP 127424

Nicole Marotz has 26 years of experience preparing CEQA documents for a wide array of private development and public works projects. Nicole directly assists Bob Stark in the daily management and preparation of environmental studies, including oversight of technical staff, and coordination with City staff and project applicant teams. Nicole offers unique in-depth familiarity and experience with the City of Escondido's processes and requirements for environmental- and planning-related documents, having personally assisted in the preparation and management of the Harvest Hills Specific Plan & Citywide Sphere-of-Influence Update EIR project (formerly Safari Highlands Ranch), along with other documents for high-profile projects on behalf of other agencies and private applicants throughout San Diego County. Nicole also brings with her specific experience preparing CEQA documents for development projects with equestrian elements, as well as for new and enhanced athletic facilities and spectator components, and has also prepared vector control plans for equestrian-related uses in San Diego County.

- **Harvest Hills Specific Plan & Citywide Sphere-of-Influence Update EIR | City of Escondido | Senior Environmental Planner** | Michael Baker assisted the City in preparing an EIR for a proposed residential subdivision to be annexed into the City of Escondido. The Harvest Hills project proposed 550 single family residential units along with new public and private parks and open space, a new City fire station, a community center, and on-site sewage treatment plant and a system of new private and public streets on 1,098 acres of vacant land east of Rancho San Pasqual, northeast of the Rancho Vistamonte Community and just north of the San Diego Zoo Safari Park in unincorporated San Diego County. Key issues analyzed included aesthetics/visual resources, air quality/greenhouse gas emissions, biological and cultural resources, hydrology/water quality, transportation, utilities/public services, and wildfire/public safety.
- **Star Ranch EIR | City of Campo | Senior Environmental Planner** | Responsible for preparation of an EIR for the Star Ranch Specific Plan project. The project proposed future development of approximately 2,160 acres of land for 455 residential lots at varying densities; 13.5 acres of commercial use to enhance the Cameron Corners area; 140 acres of recreational uses (public park, neighborhood parks, and a public/private trail system with equestrian use); over 1,000 acres of ranch/agricultural open space; 637 acres of biological open space; a wastewater treatment plant; and other infrastructure improvements. Key issues analyzed in the EIR included visual, biological, and cultural resources; air quality/GHG emissions; groundwater; emergency services, wildfire hazards; water/sewer availability; and traffic/transportation.
- **Peaceful Valley Ranch EIR | San Diego County | Environmental Planner** | Responsible for preparation of an EIR for an estate residential development, with equestrian elements, on approximately 181 acres. The Tentative Map was prepared to subdivide the property for development of 52 residential lots, equestrian training facilities, and a polo field. The project reserved one lot for the future development of a fire station for the San Diego County Rural Fire Protection District. Key issues addressed were traffic, loss of agricultural land, biological resources, groundwater, cultural resources, noise, and air quality.

PROPOSED PROJECT TEAM



James Daniels, RPA | Cultural Resources & Tribal Consultations

✓ 1 Year with Michael Baker ✓ 17 Years Experience ✓ RPA 52140

James has 17 years of experience providing clients with cultural resource management services, including archaeological surveys, evaluations of historic and prehistoric sites for listing in the California and National Registers, site mitigation data recoveries, mitigation monitoring, preparation of archaeological resource management reports and cultural resource technical reports, Native American tribal consultation support for AB 52 and Senate Bill 18, coordination for Native American monitoring, Section 106 requirements, and US Army Corps of Engineers 404 permitting. James has coordinated with tribes in San Diego County for numerous projects and, as a result, has developed an amicable and professional rapport with the San Pasqual Band of Mission Indians, San Luis Rey Band of Luiseño Indians, Jamul Indian Village, Rincon Band of Luiseño Indians, and Viejas Band of Kumeyaay Indians.

- **Chick-fil-A Escondido | City of Escondido | Senior Archaeologist** | Conducted a Cultural Resources technical study for the proposed new Chick-fil-A development at the corner of West 13th Avenue and Centre City Parkway in Escondido, CA. Conducted a records search at the South Coastal Information Center, a Native American Heritage Commission Sacred Lands File search, outreach to the local historical society, an archaeological and built environment pedestrian survey of the project area and co-authored the technical report.
- **East Village Green Redevelopment Phase I | Civic San Diego | Senior Archaeologist** | Responsible for coordinating archaeological and Native American compliance monitoring for the project located in the neighborhood of East Village in the City of San Diego. Conducted limited data recoveries on historic archaeological features associated with structures once extant during the late 19th and early 20th centuries and encountered during the monitoring effort, also contributed to the technical report. Michael Baker provided engineering services to satisfy historic resources measures for the redevelopment of an urban area into a two-acre community park in the East Village neighborhood. For the project, Civic San Diego had to comply with mitigation measures contained in the Final EIR Mitigation Monitoring and Reporting Program for the Downtown Community Plan (FEIR), as well as condition 8 of the Centre City Site Development Permit. Michael Baker prepared the cultural and paleontological resource identification study to partially satisfy the requirements of the FEIR and condition 8.
- **Environmental Consulting Services | City of Whittier | Senior Archaeologist** | As the Principal Investigator, responsibilities included conducting a cultural resources identification study for CEQA including a records search with the South-Central Coastal Information Center, a Native American Heritage Commission Sacred Lands File search, a pedestrian survey of proposed project area, an evaluation for Parnell Park for the California Register, and an archaeological sensitivity analysis. Co-authored the resulting technical report.



Zhe Chen, LEED GA | Air Quality, Noise, Greenhouse Gas Emissions & Climate Action Plan Consistency

✓ 3 Years with Michael Baker ✓ 8 Years Experience ✓ LEED GA

Zhe Chen is a senior environmental technical specialist with eight years of experience. Leveraging her educational background in science and engineering, Zhe is a technical expert in CEQA evaluations pertaining to air quality, greenhouse gas emissions, energy conservation, and noise. She has mastery of all common modeling tools used in these analyses, including California Emissions Estimator Model (CalEEMod), the AERMOD Atmospheric Dispersion Modeling System, the Federal Highway Administration Traffic Noise Model (TNM), and others.

- **Parnell Park Renovation Project IS/MND | City of Whittier | Senior Air Quality and Noise Specialist** | Michael Baker is preparing an Initial Study/Mitigated Negative Declaration for the project. The project proposes renovating the existing Parnell Park. Project improvements would include the construction of new sports fields and an ADA-compliant playground with a splash pad, updated restrooms, new fitness equipment, picnic pavilions and lawns, upgraded pedestrian paths, lighting, and landscaping and irrigation improvements.
- **Long Beach Master Plan Update EIR | California State University | Technical Specialist** | Led the preparation of air quality, greenhouse gas, energy, and noise EIR sections. Michael Baker is assisting the California State University, Long Beach with preparing an EIR for the Master Plan Update. The Master Plan Update is a long-range planning document that will guide physical development on the CSULB campus through the horizon year 2035. The Master Plan Update addresses CSULB's current and future needs, focusing less on physical growth and more on optimizing the existing physical assets of the campus. The Master Plan Update also identifies priority projects to be implemented in the near term.
- **Chick-fil-A West 13th & Centre City Project IS/MND | City of Escondido | Project Manager** | Michael Baker is preparing an Initial Study/Mitigated Negative Declaration for the project. The project proposes demolishing the existing DiCicco's Restaurant and Cork and Knife Wine Bar building and surface parking lot and construct a new Chick-fil-A restaurant with a dual lane drive-thru, associated surface parking, and landscaping improvements. The new Chick-fil-A restaurant would be a 4,890 square-foot (gross area), one-story building (up to 23 feet in height). The restaurant would have indoor and outdoor dining areas (90 indoor seats and 40 outdoor seats), kitchen area, and service area.
- **Tumbleweed Energy Storage Project Technical Studies | Kern County | Project Manager and Senior Air Quality and Noise Specialist** | Michael Baker provided environmental services for the preparation of Air Quality, Health Risk Assessment, Greenhouse Gases, Energy, and Noise and Vibration technical studies for the project. The project would construct a 125 megawatt (MW) battery energy storage system (BESS), a 2 MW photovoltaic (PV) electric generating solar facility, a new one-mile overhead gen-tie line to the Desert Flower Substation located at the southwest corner of Holiday Avenue and 110th Street West. The project provides an electric energy storage service by receiving energy (charging), storing it, and later delivering the same energy (i.e., transmission) from and to the point of interconnection at the existing Southern California Edison (SCE)-owned Whirlwind Substation.

PROPOSED PROJECT TEAM



Marisa Flores | Senior Biologist

✓ 1 Year with Michael Baker ✓ 19 Years Experience

Marisa Flores is a senior biologist with 19 years of experience working on a variety of natural resource projects, with extensive experience with linear infrastructure projects. She specializes in preparation of Natural Environment Study reports for the California Department of Transportation, and preparation biological documentation for National Environment Policy Act (NEPA) documents. Marisa independently performs constraint-level biological surveys for natural resources, conducts habitat assessments for Southern California sensitive plant and animal species and focused surveys for burrowing owl and least Bell's vireo. Marisa has broad knowledge of the common plant and wildlife species throughout southern California. Marisa has also performed delineations for federal and State jurisdictional waters and is a CRAM practitioner. Marisa also prepares constraint analyses, biotechnical reports, due diligence reports, jurisdictional delineation reports, and Biological Assessments for Section 7 consultation under the Federal Endangered Species Act (FESA). She has prepared Worker Environmental Awareness Training and trained County staff on implementation of the Western Riverside County MSHCP.

- **Alexan Brotherton Road Development, Tramwell Crow Residential** | Escondido, CA | **Biological Resources Technical Manager** | Marisa was the senior biologist and lead author for the Biological Resources letter report.
- **4 Ida Avenue, Brian Church Architecture** | Solana Beach, CA | **Resources Technical Manager** | Marisa conducted a site assessment and third-party peer review of the biological report for the project site. During the third-party review, she identified any deficiencies in the biological report and provided the City with recommendations report revision to ensure the project is compliant with CEQA.
- **Marx Remodel Project** | City of Solana Beach | **Biological Resources Technical Manager** | Marisa conducted a site assessment and third-party peer review of the biological report for the project site. During the third-party review, she identified any deficiencies in the biological report and provided the City with recommendations for report revision to ensure the project is compliant with CEQA.
- **Metropolitan Airpark Project** | City of San Diego Airports Division | **Biological Resources Technical Manager** | Reviewed permit applications and Mitigation Monitoring and Reporting Program (MMRP) for requirements to implement during life of the project. Marisa coordinated with the onsite restoration monitors to ensure all program requirements are being fulfilled.
- **Frederick's Ridge Development Project** | Highpointe Communities | **Senior Biologist** | Marisa prepared the Biological Technical report and Western Riverside County MSHCP Consistency Analysis necessary for MSHCP Joint Project Review with the Riverside County Resource Conservation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife.
- **Sunset Crossing Tentative Tract Map 38443** | City of Moreno Valley | **Senior Biologist** | Marisa prepared the Biological Technical report and Western Riverside County MSHCP Consistency Analysis necessary for MSHCP reviews with U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.



Jay Sullivan, PE, CFM, QSP/QSD | Hydrology/Water Quality

✓ 18 Years with Michael Baker ✓ 20 Years Experience ✓ CAPE 77445 ✓ CACFM 13-07186 ✓ QSP/QSD 20571

Jay is a stormwater and land development engineer with local experience in design & permitting and a focus in regional, state, and federal stormwater compliance. He has returned to Michael Baker after spending time as a Project Manager, Land Development with Stormwater Focus for Delane Engineering, Inc. in San Diego. Before that, he was a Land Development Project Manager and a Stormwater Project Engineer for Michael Baker's San Diego office. Jay has served on a variety of projects revolving around flood control and water quality. He has specific expertise in hydrologic and hydraulic analysis and design, flood plain mapping, stormwater infrastructure inspections, and BMP monitoring and implementation. Jay has also prepared numerous reports, including Drainage Studies, Water Quality Technical Reports, Stormwater Quality Management Plans, Sediment and Erosion Control Plans, and Stormwater Pollution Prevention Plans.

- **Sweetwater Place** | San Diego County | **Project Manager** | This project included re-development of an existing nursery to generate 122 new condo units along with a 1-acre public park. Site design, stormwater compliance, and utility coordination was required to permit construction of the new residential units.
- **Walker Trails** | City of Santee | **Project Manager** | Civil design and support of a 12-acre, 67 single family home development with a 1-acre public park. Off-site improvements included a new public road and a new traffic signal along Magnolia Avenue. Agency coordination included Padre Dam Municipal Water District and CLOMR/LOMR-F approval with FEMA.
- **Woodside Avenue Channel Improvements** | San Diego County | **Engineer** | Provided hydraulic modeling and design and channel flow analysis for the project, which included benefit-cost analysis, hydraulic modeling, and development of design plans, specifications, and cost opinion for improvements for improvements to the Woodside Avenue Channel located in Lakeside, CA. Responsible for retrofit design of an existing water quality basin.
- **Central Avenue Channel Improvements** | San Diego County | **Engineer** | Provided hydraulic modeling and design and channel flow analysis for the project, which included benefit-cost analysis, hydraulic modeling, and development of design plans, specifications, and cost opinion for improvements to the Central Avenue Channel. The scope also involved assisting the County of San Diego DPW prepare a full application for Flood Hazard Mitigation Grant (FHMG) funding for the Central Avenue project.
- **Drainage Facilities Master Plan Updates SDA 2 and SDA 9** | San Diego County | **Engineer** | Provided field inspection, basin delineation, hydrologic and hydraulic analysis, and field work coordination for drainage facility master plans updates for two Special Drainage Areas: SDA 2 (Valle De Oro) and SDA 9 (San Dieguito). The master plans were updated to reflect significant new residential and commercial development, which have altered runoff volumes and drainage paths. The work effort involves field verification of existing drainage facilities; hydrologic and hydraulic modeling of approximately 50 sq. m. of watershed; GIS-based drainage deficiency analysis; capital improvement program development and prioritization; and a storm water quality management master plan.



We Make a Difference

Qualifications

Michael Baker International

Michael Baker was established in 1940, providing 84 years of client-focused services. Supported by more than 3,000 employees in nearly 100 locations across the United States, Michael Baker provides a full continuum of engineering and consulting services, including environmental planning, including the preparation of environmental documentation in compliance with the requirements of CEQA; regulatory permitting; community planning; park planning; land use planning; habitat mitigation and restoration design; urban design; landscape architecture; transportation engineering; traffic; civil engineering; stormwater management, water quality design, and permitting; public outreach; surveying and mapping; geographic information systems (GIS); and construction monitoring and management services.

Our clients include U.S. federal, state and municipal governments and a wide range of commercial clients. We have 11 California offices including our submitting office in San Diego. This office often acts as a unit with neighboring offices, teaming up on projects and sharing workspaces, staff, and social events. Michael Baker stands ready to demonstrate our planning expertise, staff resources, and capability to perform services for the City upon acceptance of this proposal.

Michael Baker has prepared numerous EIRs, IS/MNDs, and categorical exemptions pursuant to CEQA for many municipal clients in Southern California, including the City of Escondido. Our experience as an environmental consultant to hundreds of public agencies throughout California has given us exceptional environmental planning qualifications and a broad range of problem-solving abilities. Our in-house experts understand legal issues, best practices, and special considerations to develop innovative, appropriate, and defensible solutions.

At a local level, Michael Baker has selected an in-house team of specialists to assist the City with preparation of the required CEQA documentation for the proposed project, including CEQA generalists, biologists, cultural/historical resources specialists, air quality, greenhouse gas, and noise specialists, hydrology and water quality experts, and transportation and circulation specialists. The local CEQA management team will be led by Principal-in-Charge Bob Stark, who is authorized to negotiate contract conditions with the City. Mr. Stark will be joined by John Bellas, Project Director, and Nicole Marotz, Project Manager, to further enhance Michael Baker's relevant expertise. A list of qualifications and experience for each person who will work on the project is included in the Proposed Project Team section, of this proposal.

CONTACT INFORMATION

Bob Stark is authorized to negotiate contract conditions for this project.

Bob Stark, AICP
Project Principal
858.527.7829
bstark@mbakerintl.com

Nicole Marotz, AICP, LEED AP
Project Manager
619.602.9314
nmarotz@mbakerintl.com
Key Point of Contact

OFFICE LOCATION

9635 Granite Ridge Dr Ste 300
San Diego, CA 92123

11

CA Offices
(No. of Employees)

- Carlsbad (48)
- Long Beach (39)
- Los Angeles (12)
- Oakland (2)
- Ontario (61)
- Palm Desert (26)
- Rancho Cordova (28)
- San Diego (113)
- Santa Ana (219)
- Temecula (35)
- Walnut Creek (11)



MICHAEL BAKER RESOURCES

FOUNDED IN
1940

Form of the Organization
Pennsylvania C Corporation



557 LOCAL STAFF

594

PROFESSIONALS IN CALIFORNIA

QUALIFICATIONS & EXPERIENCE

Experience

Professional & Timely Management Approach

Our project managers and technical experts subscribe to a philosophy that is rooted in consistent open communication, responsiveness, and high-quality service, always in a professional and timely manner. We place a strong emphasis on a consultant-client partnership based on effective communication and a detailed understanding of the overall goals, providing a clear path to success on each assignment. We will always be available to City staff and quick to respond with a strategy and approach by drawing on our expertise and team of experienced environmental professionals. When developing a strategy, we always seek the most cost-effective and schedule-sensitive approach that provides our clients with the proper level of defensibility. We regularly look beyond the norm to identify innovative and streamlined approaches to complying with environmental and regulatory requirements, asking questions first, learning as much as we can about the project description, then approaching the task appropriately. This eliminates last-minute changes, reinforces open communication early on, and minimizes revisions to scope, budget, or timelines.

Control of the project schedule and project cost is an important element of contract administration. Michael Baker will inform the City as soon as any event occurs that would affect the established budget or project timeline. Michael Baker's adherence to the original scope of work, timeline, and budget is achieved through timely, open/honest, and continuous communication with City staff. We do this by working efficiently in the following ways:

- We establish realistic schedules, in consultation with our clients, that are based on experience with comparable projects, client schedule targets, and recognition of "critical path" tasks that affect the project timeline.
- We apply a variety of tracking tools for timely milestone delivery.
- We use available data to the extent feasible and avoid unnecessary analyses and data collection.
- We produce quality documents that get it right the first time to avoid time-consuming rewrites and revisions.

In short, early identification and resolution of critical issues are imperative to keep a project on track and on schedule. As part of our issue/risk management technique, our project manager will communicate to the City the impacts of any schedule changes necessitated by circumstances outside of our control before or as they occur. Such management techniques result in constant vigilance over schedule and budget performance and open communications, with no surprises.

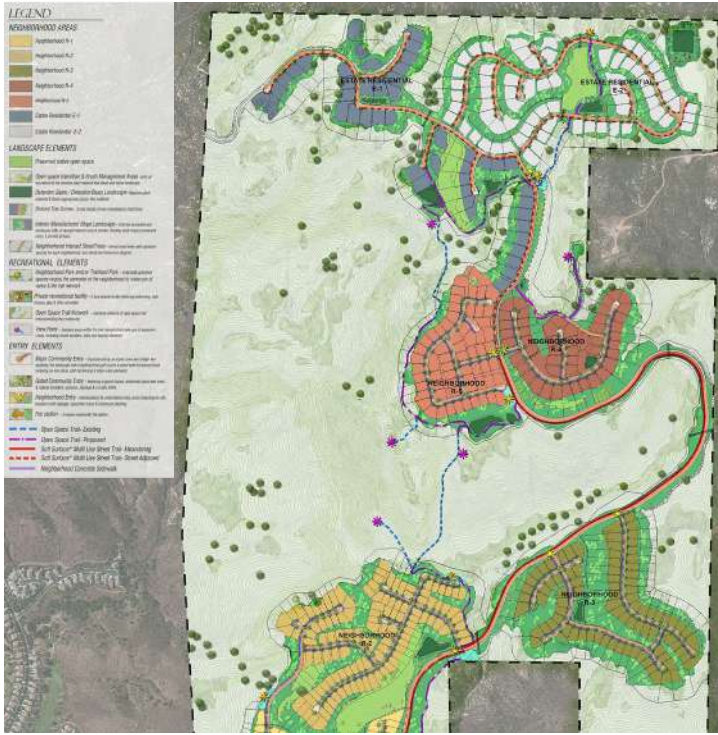
Michael Baker's depth of experience relevant to the El Caballo Park Master Plan Project is well demonstrated in our preparation of documents pursuant to both CEQA and the National Environmental Policy Act (NEPA) for high-profile development projects as well as for park, athletic fields, recreation facilities, school facilities, and other projects in San Diego County and throughout Southern California. Examples of such projects include the following:

Southern California Experience

- Harvest Hills Specific Plan & Citywide Sphere-of-Influence Update EIR, City of Escondido
- South Lake Park Master Plan, City of San Marcos
- Via Princessa Park IS/MND, City of Santa Clarita
- Canyon Country Community Center and Park Project IS/MND, City of Santa Clarita
- Venice Beach Damson Oil Facility Skatepark, City of Los Angeles
- Dignity Health Sports Park EIR, AEG and Dominguez Hills, City of Carson
- Garvanza Skatepark CEQA/NEPA Document, City of Los Angeles
- Blue Cloud Bike Park IS/MND, City of Santa Clarita
- West Creek Park Inclusive Play Area NEPA Document, City of Santa Clarita
- Valencia Glen Park Rehabilitation Project NEPA Document, City of Santa Clarita
- Old Orchard Park Rehabilitation Project NEPA Document, City of Santa Clarita
- George F. Canyon Nature Center Project IS/MND, City of Rolling Hills Estates
- South Pasadena Dog Park IS/MND, City of South Pasadena
- Berkshire Pocket Park Project Class 32 Categorical Exemption, City of South Pasadena
- Grevelia Pocket Park Project Class 32 Categorical Exemption, City of South Pasadena

Further demonstrating our relevant experience, Michael Baker recently prepared the Via Princessa Park IS/MND (City of Santa Clarita) and South Lake Park Master Plan IS/MND (City of San Marcos), both of which involved similar components as the proposed El Caballo Park Master Plan project, including new construction or enhancement of public park facilities; creek and channel improvement and/or restoration, bank protections, and associated permitting; new stormwater infiltration systems; and pedestrian bridge and trail components. Such projects have given Michael Baker a unique familiarity with analyzing such elements pursuant to CEQA and understanding of key issues, potential impacts, and community concerns that may be associated with such development, including potential effects such as increased noise, lighting, or traffic.

Several representative projects are further described below, and references provided for clients who can attest to Michael Baker's capabilities and qualifications that will be critical to successful preparation and processing of the El Caballo Park Master Plan IS/MND. Such characteristics include adequacy and responsiveness in addressing project conditions at a Master Plan level, ability to meet scheduled deadlines, effective community engagement at public meetings, and quality of work. We encourage you to contact our references to learn more about our team's commitment to client service and project success.



Harvest Hills Specific Plan & Citywide Sphere-of-Influence Update EIR

Escondido, CA

Michael Baker assisted the City in preparing an EIR for a proposed residential subdivision on approximately 1,098 acres of vacant land located east of Rancho San Pasqual, northeast of the Rancho Vistamonte Community, and just north of the San Diego Zoo Safari Park in unincorporated San Diego County. The Harvest Hills Specific Plan project (formerly Safari Highlands Ranch) proposed 550 single-family residential units along with a new City fire station; a "Village Core;" a community center with pool, clubhouse, picnic area, and gym; an on-site sewage treatment plant; and a system of new private and public streets. The project also incorporated a series of public and private pocket parks linked to sidewalks and trails, creating a combined recreational and open space and trail system totaling over 13 acres. The EIR also addressed citywide sphere of influence updates that examined new areas within the County that may be added to the City's sphere for potential future annexation and development.

The project involved a specific plan, tentative map, development agreement, update to the City of Escondido's sphere of influence, annexation into the City, and a multi-agency annexation agreement that would reassign the Multiple Species Conservation Plan and incidental take permit from the County of San Diego to the City of Escondido for the property.



Client

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

John Helmer, Project Manager
Consultant to City of Escondido
760.415.2098
jwhelmer4@gmail.com

Team

- Bob Stark
- Nicole Marotz

Key Issues

- Aesthetics/Visual Resources
- Air Quality/Greenhouse Gas Emissions
- Biological & Cultural Resources
- Hydrology/Water Quality
- Land Use & Planning
- Transportation
- Utilities/Public Services
- Wildfire/Public Safety



Via Princessa Park Project IS/MND

Santa Clarita, CA

The project proposes to construct and operate Via Princessa Park on an approximately 34-acre area of City-owned land, which would include athletic fields with sports field lighting, pickleball courts (also with lighting), playground equipment and other recreational facilities, walking paths, shade structures, picnic areas, public art, and education and monumentation signage. Additionally, the project would provide parking, park access, and other amenities and improvements, including a new restroom building with associated utilities, improvements to the existing restroom/office building located in the parking area, and landscaping and irrigation improvements. Other improvements include alterations to the existing Via Princessa Metrolink Station parking lot, potential maintenance-level improvements to the Metrolink Station platform and facilities, and construction of a pedestrian and vehicle (restricted access) railroad undercrossing (including removal of the existing pedestrian crossing).

In addition to recreational improvements, the project would include a new regional stormwater infiltration facility. Other project civil and geotechnical design features include buried bank protection, a storm drain culvert extension under the existing railroad tracks, replacement of an existing storm drain line, restoration of the existing Honby drainage channel, and removal of an existing agricultural well. Additionally, circulation improvements may occur to add a fourth lane to Weyerhaeuser Way and to modify Via Princessa to accommodate a double left-turn lane into and/or out of Weyerhaeuser Way.



Client

City of Santa Clarita, Public Works Department
23920 Valencia Boulevard, Suite 300
Santa Clarita, CA 91355

Leslie Frazier
661.286.4172
lfrazier@santaclarita.gov

Team

- John Bellas
- Zhe Chen
- James Daniels
- Frankie Tong-Goodblatt
- Jacob Swim
- Rachel Grant
- Hilary Heidenreich
- Ana Cotham

Key Issues

- Biological Resources
- Tribal Cultural Resources
- Hydrology/Stormwater
- Noise



Canyon Country Community Center & Park Project IS/MND

Santa Clarita, CA

Michael Baker prepared an IS/MND for the Canyon Country Community Center project, which included new recreational amenities on approximately 16.5 acres. The project involved demolition of three commercial buildings and construction of an approximately 25,000-square-foot community center and park improvements, including open play areas, water features, an outdoor market/mercado, an event stage, parking, and off-site street improvements. The community center building included spaces such as a multipurpose room, gymnasium, classrooms, catering and teaching kitchen, fitness room, staff offices, a reception lobby, and supporting uses such as restrooms and storage areas. The facility also featured an events garden, group picnic areas, a basketball half-court, and a perimeter trail. A pedestrian bridge was also proposed over Soledad Canyon to facilitate pedestrian movement. Additionally, the project proposed improvements to the Mint Canyon Channel, as well as drainage and landscape improvements, and construction of an underground infiltration system.



Client

City of Santa Clarita
23920 Valencia Boulevard, Suite 140
Santa Clarita, CA 91355

Christina Monde
661.255.4959
cmonde@santa-clarita.com

Team

- John Bellas
- Frankie Tong-Goodblatt

Key Issues

- Air Quality
- Biological Resources
- Tribal Cultural Resources
- Hydrology/Water Quality
- Noise

Schedule

Our proposed schedule below outlines the approach in having the CEQA documentation for the Project completed for adoption in less than eight months. During the kickoff meeting, we will work with the City to update the schedule as necessary, review milestones and expectations for deliverables, and discuss any critical path items and information needs critical to the schedule.

Tasks/Milestones	Duration (Weeks)	Timeline
Task 1: Project Management		
Kickoff Meeting	1	Week 1
Task 2: Document Review/Initial Research		
Document Review/Initial Research	1	Week 1
Draft Project Description/Technical Studies List	1	Week 2
City Review of Project Description/Technical Studies List	1	Week 3
Finalize Project Description	1	Week 4
Prepare/Distribute Required CEQA Notices (AB 52)	2	Weeks 3-4
Prepare Technical Studies	6	Weeks 4-9
City Review of Technical Studies	3	Weeks 10-12
Task 3: Preparation of Draft Initial Study/Mitigated Negative Declaration & Public Review		
Prepare Screencheck Draft IS/MND	5	Weeks 10-14
City Review of Screencheck Draft IS/MND	2	Weeks 15-16
Prepare Proofcheck Administrative Draft IS/MND	1	Week 17
City Review of Proofcheck Administrative Draft IS/MND	1	Week 18
Finalize Draft IS/MND for Publication/Prepare Final Distribution List & CEQA Notices	<1	Week 19
Circulate, Publish, and Distribute Draft IS/MND and CEQA Notices	<1	Week 20
Public Review Period (30 days)	4	Weeks 21-24
Task 4: Final Initial Study/Mitigated Negative Declaration		
Prepare Administrative Draft Responses to Comments	2	Weeks 25-26
City Review of Administrative Draft Responses to Comments	2	Weeks 27-28
Prepare Screencheck Final IS/MND & Mitigation Monitoring & Reporting Program (MMRP)	1	Week 29
City Review of Screencheck Final IS/MND and MMRP	1	Week 30
Prepare Final IS/MND and MMRP	<1	Week 31
Public Hearing to Consider Adoption of Mitigated Negative Declaration	tbd	tbd
File Notice of Determination ¹	<1	Upon Adoption

1 Must be filed with County Clerk within five business days following project approval.

Item 5.

No Conflicts

There are no possible conflicts of interest with other clients affected by Michael Baker's actions performed by the firm on behalf of the City.

The diligent execution of Michael Baker's duties on behalf of the City ensures that there are no conceivable conflicts of interest that could adversely impact other clients affected by our actions. The firm, in its unwavering commitment to ethical standards and professional integrity, maintains a steadfast dedication to transparency and fairness in its dealings. Each decision and action taken by Michael Baker is undertaken with a meticulous consideration of its implications on all parties involved, and any potential conflicts are proactively identified and addressed.



ATTACHMENT "B"
Personnel List

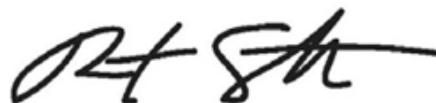
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John Bellas	Environmental Department Manager	jbellas@mbakerintl.com	Michael Baker
Nicole Marotz, AICP, LEED AP	Senior Environmental Planner	nmarotz@mbakerintl.com	Michael Baker
James Daniels, RPA	Senior Archaeologist	james.daniels@mbakerintl.com	Michael Baker
Zhe Chen, LEED GA	Air Quality	zhe.chen@mbakerintl.com	Michael Baker
Jacob Swim, PE, TE	Senior Transportation Planner	jacob.swim@mbakerintl.com	Michael Baker
Jay Sullivan, PE, CFM, QSP, /QSD	Hydrology/Hydraulics	jay.sullivan@mbakerintl.com	Michael Baker
Jessie Kang	Environmental Planner	jessie.kang@mbakerintl.com	Michael Baker
Frankie Tong-Goodblatt, AICP	Senior Environmental Planner	frankie.tong@mbakerintl.com	Michael Baker
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Marisa Flores	Senior Biologist	marisa.flores@mbakerintl.com	Michael Baker
Samantha Martinez	Biologist	samantha.martinez@mbakerintl.com	Michael Baker
Susan Wood, PhD	Senior Architectural Historian	susan.wood@mbakerintl.com	Michael Baker
Rachel Grant	Transportation Planner	rachel.grant@mbakerintl.com	Michael Baker
Hilary Heidenreich	Graphics/Word Processing	hilary.heidenreich@mbakerintl.com	Michael Baker
Ana Cotham	Technical Editor	acotham@mbakerintl.com	Michael Baker
Kevin Oliver	GIS Specialist	kevin.oliver@mbakerintl.com	Michael Baker
Ryan Phaneuf	Environmental Specialist	ryan.phaneuf@mbakerintl.com	Michael Baker
Andrew Lund, EIT	Civil Associate	andrew.lund@mbakerintl.com	Michael Baker
Eddie Torres	Senior Principal	rgtorres@mbakerintl.com	Michael Baker
Winnie Woo	Junior Analyst II	winnie.woo@mbakerintl.com	Michael Baker
Dennis Dinh	Junior Analyst I	dennis.dinh@mbakerintl.com	Michael Baker
Samantha Guetz, EIT	Civil Associate	samantha.guetz@mbakerintl.com	Michael Baker
Darshan Shivaiah	Environmental Specialist I	darshan.shivaiah@mbakerintl.com	Michael Baker
Geoffrey Chan	GIS Analyst	geoffrey.chan@mbakerintl.com	Michael Baker
Jonathan Perez	GIS Analyst	jonathan.perez@mbakerintl.com	Michael Baker
Epifanio Figueroa, GISP	Field Crew Lead	epifanio.figueroa@mbakerintl.com	Michael Baker
Jordan Gray, PE, TE	Transportation Manager	jordan.gray@mbakerintl.com	Michael Baker
Teresa Tran	Field Archaeologist	teresa.tran@mbakerintl.com	Michael Baker
Zandra Mikhael	Field Archaeologist	zandra.mikhael@mbakerintl.com	Michael Baker

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Acknowledged by:

Date: January 8, 2024



Michael Baker International Inc./Environmental & Planning Department Manager

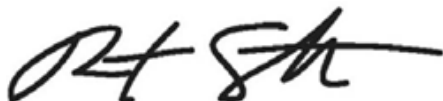
ATTACHMENT "C"

Appendix A, 44 C.F.R. Part 18 – Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Consultant ("Consultant"), certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Consultant understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.



Signature of Consultant's Authorized Official

Bob Stark, AICP | Environmental & Planning Department Manager
Name and Title of Consultant's Authorized Official

January 8, 2024
Date

EXHIBIT 2
Noncollusion Declaration

TO BE EXECUTED BY PROSPECTIVE CONSULTANT AND SUBMITTED WITH PROPOSAL

The undersigned declares:

The foregoing proposal submitted in response to the City of Escondido's Request for Proposals No. 24-17—El Caballo Park Master Plan Environmental Review is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The proposal is genuine and not collusive or sham. The prospective consultant has not directly or indirectly induced or solicited any other prospective consultant to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any prospective consultant or anyone else to put in a sham proposal, or to refrain from submitting a proposal. The prospective consultant has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the prospective consultant or any other prospective consultant, or to fix any overhead, profit, or cost element of proposal price, or of that of any other prospective consultant. All statements contained in the proposal are true. The prospective consultant has not, directly or indirectly, submitted their proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal, and has not paid, and will not pay, any person or entity for such purpose.

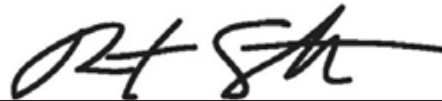
Each individual executing this declaration on behalf of a prospective consultant that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that they have full power to execute, and does execute, this declaration on behalf of the prospective consultant.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on January 8, 2024.



Signature

Title Senior Environmental Planner
Of Michael Baker International Inc.



Signature

Title Environmental & Planning Department Manager
Of Michael Baker International Inc.

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

Michael Baker
I N T E R N A T I O N A L

We Make a Difference

MICHAEL BAKER INTERNATIONAL
9635 Granite Ridge Dr Ste 300
San Diego, CA 92123

Personnel List

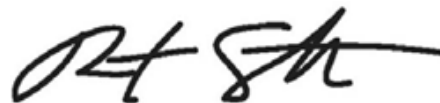
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Jonathan Perez	GIS Analyst	jonathan.perez@mbakerintl.com	Michael Baker
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Acknowledged by:

Date: January 8, 2024



Michael Baker International Inc./Environmental & Planning Department Manager



Title	Escondido Contract - El Caballo Environmental Review
File name	file
Document ID	6a8cb63cd63662b9916a457d9694396c91d0da7a
Audit trail date format	MM / DD / YYYY
Status	● Signed

This document was requested from app.contractsafe.com

Document History



SENT

04 / 02 / 2024

19:22:34 UTC

Sent for signature to Tim Thiele (tthiele@mbakerintl.com)
from mcrooks@escondido.org
IP: 216.231.240.96



VIEWED

04 / 02 / 2024

20:09:01 UTC

Viewed by Tim Thiele (tthiele@mbakerintl.com)
IP: 152.186.227.122



SIGNED

04 / 02 / 2024

20:12:54 UTC

Signed by Tim Thiele (tthiele@mbakerintl.com)
IP: 152.186.227.122



COMPLETED

04 / 02 / 2024

20:12:54 UTC

The document has been completed.



STAFF REPORT

April 17, 2024

File Number 0600-10; A-3500

SUBJECT

CONSULTING AGREEMENT FOR DESIGN OF MOUNTAIN VIEW PARK PICKLEBALL COURTS PROJECT

DEPARTMENT

Development Services

RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 2024-23 awarding a consulting agreement to David Volz Design Landscape Architects, Inc. ("DVD") in the amount of \$235,009 to provide engineering design services for the Mountain View Park Pickleball Courts Project ("Project").

Staff Recommendation: Approval (Development Services Department, Chris McKinney, Deputy City Manager and Julie Procopio, City Engineer)

Presenter: Jonathan Schauble, Principal Civil Engineer

ESSENTIAL SERVICE – Yes, Maintenance of Parks Facilities/Open Spaces

COUNCIL PRIORITY – Increase Retention and Attraction of People and Businesses to Escondido.

FISCAL ANALYSIS

The CIP budget includes \$1,200,000 in Park Development Fees for this project. There are adequate funds in the project budget for design and estimated construction costs.

PREVIOUS ACTION

Located near the eastern edge of the City of Escondido ("City") within a residential neighborhood, Mountain View Park ("MVP") was originally an avocado and orange grove before the City purchased the land in 1985 and converted it to a recreational park for City residents to enjoy. The Mountain View Park Site Master Plan Report, dated December 8, 1988, was adopted by the City and described the development of the park as a phased approach as monies are available. In the master plan, sports fields and courts were identified to be developed within the park footprint. To date, only a portion of the identified courts have been constructed leaving room for additional fields/courts.



CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

MVP is approximately 11 acres in size and contains lighted little league fields, a soccer field, tennis courts, picnic tables, a tot lot/playground, restrooms, and an open turf area. The pickleball community within the City is a rapidly growing community with residents expressing the desire to have pickleball courts installed within parks around the City.

As a result of ongoing outreach with the pickleball and tennis communities, an agreement was developed between the tennis community and the pickleball community to turn the tennis courts at MVP into mixed use tennis/pickleball courts. Since that agreement was reached, the City has received feedback from both tennis and pickleball communities emphasizing the need for separate pickleball courts in order to accommodate both communities. The Project will provide eight pickleball courts within MVP and will provide additional landscape improvements along the frontage street of the park to help beautify the area.

City staff received seven proposals to perform the design services for the Mountain View Park Pickleball Courts Project. The proposals ranged in price from \$197,730 to \$441,433. A proposal evaluation committee evaluated all seven proposals and selected the most qualified consultant, DVD, based on their technical expertise, past experience on projects of similar scope, and Project team members. The evaluation committee then interviewed DVD and entered into negotiations. As a result of the interview and negotiations, DVD was determined to be the most qualified consultant that provided the best value to the City based on the proposed scope and fee to perform the required design of the Mountain View Park Pickleball Courts Project.

DVD will provide design and environmental services for eight new pickleball courts to be located west of the existing tennis courts at MVP. It is anticipated that the design will require nine months to complete after which bidding and construction would commence (Resolution No. 2024-23 Exhibit "A").

RESOLUTIONS

- a. Resolution No. 2024-23
- b. Resolution No. 2024-23 Exhibit "A" - Consulting Agreement

RESOLUTION NO. 2024-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A CONSULTING AGREEMENT WITH DAVID VOLZ DESIGN LANDSCAPE ARCHITECTS, INC. FOR DESIGN OF THE MOUNTAIN VIEW PARK PICKLEBALL COURTS PROJECT

WHEREAS, the adopted Capital Improvement Program (CIP) budget includes funding for the Mountain View Park Pickleball Courts Project (Project); and

WHEREAS, David Volz Design Landscape Architects, Inc. was determined to be the most qualified consultant that provided the best value to the City; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to authorize the Mayor to execute a consulting agreement with David Volz Design Landscape Architects, Inc. in the amount of \$235,009.

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 Mayor is authorized to execute, on behalf of the City, a consulting agreement with David Volz Design Landscape Architects, Inc., which is attached and incorporated to this Resolution as Exhibit "A", and subject to final approval as to form by the City Attorney.

EXHIBIT "A"

CONSULTANT'S SCOPE OF SERVICES

PROPOSAL

To Provide Professional Landscape Architectural Design Services for

CITY OF ESCONDIDO

**MOUNTAIN VIEW PARK PICKLEBALL
COURTS DESIGN**



FEBRUARY 1, 2024

Designing landscapes that create community



Designing landscapes that create community...

Leveraging location-based technologies to create a smarter world

February 1, 2024
Revised March 19, 2024

Nicholas Josten
City of Escondido
201 N. Broadway
Escondido, CA 92025

RE: PROPOSAL TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURE DESIGN SERVICES FOR MOUNTAIN VIEW PARK PICKLEBALL COURTS DESIGN (RFP NO. 24-20)

Dear Mr. Josten,

New pickleball courts at Mountain View Park will be an awesome recreational opportunity for the residents of Escondido. The next step in this planning process is selecting a firm to work hand in hand with City staff to deliver design and construction documents for the project. David Volz Design team has a long resume of award-winning sports facility projects like this. We are currently working with the cities of Pasadena and Irvine on a similar facility, both of which are set to go out to bid next month. In addition, we are working with Lake Forest, Glendale, Yorba Linda, Huntington Beach, Riverside, and Buena Park to provide new pickleball courts in their cities.

The design and environmental services DVD will provide include an 8-court layout with fencing and benches, sidewalk access, noise mitigation identified in the environmental document, landscaping and irrigation improvements, among other amenities. Our project civil engineer, West Coast, will provide survey, geotechnical, grading, and stormwater facilities. CEQA documents will also be included.

As part of DVD's focused community outreach, we will engage the community residents and present a concept plan to showcase the design options and gather feedback, something DVD regularly provides. After the conceptual design is approved, we will prepare final drawings, including construction documents, technical specifications, and probable construction costs. Our final work will be bid support, construction support services, and delivering as-builts.

Thank you for allowing the DVD team to prepare this proposal for the design of the Mountain View Park Pickleball courts. Our team is enthusiastic about the project and is looking forward to the opportunity to work with you and your staff. Should you have any questions about our proposed scope of services, please do not hesitate to call.

This proposal is valid for ninety (90) days.

Very truly yours,

DAVID VOLZ DESIGN

David J. Volz, R.L.A. # 2375
LEED Accredited Professional, QSD/QSP

TABLE OF CONTENTS

Work Plan

- Firm Profile 4
- Understanding & Approach 5
- Sustainability 7
- Community Outreach 8
- Graphic & Renderings 9
- Scope of Services 10
- Quality Control 12

Project Team

- Organizational Chart 13
- Project Team Table 14

- Project Experience & References 15

- Project Schedule 20

Appendix

- Resumes
- Subconsultants
- Certifications
- Letters of Recommendation

Fee Proposal (Separate)

- Fee Proposal
- Hourly Rate Schedule



FIRM PROFILE

David Volz Design (DVD) is committed to the creative design of outstanding public spaces. We develop landscapes, parks, sports fields, and streetscapes to meet the specific needs of their communities. DVD designs special environments for those who seek recreation in a beautiful setting: wonderful natural environments for those who are simply looking for respite, and for those who pursue recreation and competitive athletic endeavors on the playing field. Our firm capitalizes on what the site and nature has to offer. For all of our commissions, we work to enhance the site's use, working within environmentally sound parameters while taking full advantage of the site and its surroundings to best service the community's needs.



We provides a wide range of services to our public agency clients: site planning, budgeting and preparation of construction documents are the mainstays of the services we provide. Public facilities and landscape improvements we have designed are evident in communities throughout Southern California. We have successfully delivered award-winning public landscape important projects in all over California

We strive to stay on top of the constantly changing world of the construction industry and its pricing. We regularly analyze what is happening with projects during estimating and bidding process to ensure that we are as close as possible to our clients' budget. We have been very successful in tracking costs.

Our company understands the importance of protecting the environment, protecting our resources and the health of future generations. **DVD is proud to be a LEED Accredited and a Qualified Stormwater Designer QSD company.** We understand the commitment we have to the public to deliver quality projects that offer a high return for the public funds invested; projects that can be maintained and deliver a lifetime of service to the communities they are built for.

Our team will be easy to work with, creative, and responsive. We live by our mission statement to "create community" through our designs. Together our firm will be a pro-active knowledgeable resource for your city staff.

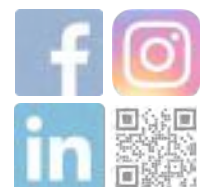
- PLANNING & DESIGNING**
- Demonstration gardens, mitigation & restoration
 - Nature parks, interpretive gardens & wilderness camps
 - Streetscape development & redevelopment
 - Community, Neighborhood & mini-parks
 - Facility master plans & feasibility studies
 - School fields & campus planning
 - Irrigation renovation & redesign
 - Design guidelines & standards
 - Sports parks & stadiums
 - Grant applications & GIS

Founded in 1997
 25 years in business
 S-Corporation-CA
 Never filed for bankruptcy
 Wholly-owned Business
 16 employees
 David Volz RLA#2375
 Gary Vasquez RLA #3883
 Eric Sterling RLA#5463
 Luis Pedraza RLA#6782
 Shaun Johnson RLA#6413
 LEED Accredited
 SBE

"DVD continues to build its reputation on creativity and service in the design of outstanding public spaces. We create high quality public spaces for our clients' communities and neighborhoods. We work with public agencies and the people they serve to develop innovative landscapes of outstanding beauty."

Contact Person:
 David Volz, President, RLA,
 LEED AP, QSD/QSP
 714-641-1300
 dvolz@dvolzdesign.com

Like us on Facebook!
 Follow us on Instagram!
 @davidvolzdesign



www.dvolzdesign.com



UNDERSTANDING & APPROACH

David Volz Design proposes to provide professional Landscape Architectural Services for the Pickleball courts at Mountain View Park in Escondido. This facility upgrade will provide a great recreational opportunity for the community in this area of the city. The project will include timely coordination, inventory, survey and analysis, and a public presentation to engage with the community to develop a final design. Once the concept plan is approved, we will prepare Construction Documents, including plans and specifications, cost and estimates, bid support, support during construction, and final as-builts. Our team goal will be deliver a functional, accessible, and easily maintainable facility.

The site as it exists today is an underutilized lot with existing trees situated between the tennis courts and a nearby historic building. Trees will be removed as a part of this project, pending direction from the city, may need to be replaced elsewhere. As a part of this project, landscape and irrigation modifications will be necessary to accommodate the new design. The park utilizes water for irrigation purposes and all new plantings will be low water use and climate appropriate. Species will be selected in conjunction with the city for durability and ease maintenance. As part of the DVD scope, we will prepare an environmental review, noise study, cultural/historic property study, biological study, assist with tribal consultation, a topographic survey, a geotechnical report, and perform a utility investigation. Working in conjunction with the city, the DVD team will conduct public outreach and engagement with nearby residents to receive design input. This includes attending a meeting, preparing and presenting a concept plan, answering questions, and gathering input. Once the concept design is approved, our team will produce engineering drawings showing the design of the pickleball courts and associated improvements at 30%, 60%, 90%, and final plans. After receiving and addressing city plan check comments, final plans and technical specifications will be provided. We will work with our civil engineer to prepare budget estimates for construction costs. Throughout the project and during the bidding process and construction phase, the assigned DVD professionals will coordinate with the City and Contractors, promptly responding to RFIs and answering questions.

We understand the current budget does not include court lighting or shade structures, which are the most requested amenities upgrades for pickleball facilities. We would work with your staff to put forth a design that would easily accommodate these features so they could be easily added in the future. We could provided conduit, pull boxes, and block-out locations at very little cost now that would allow for this future flexibility.



The David Volz Design team is well-experienced in the design and delivery of new park amenities for public parks and recreational facilities. Our team is perfectly matched to your projects needs with similar successfully delivered facilities. Our team of experienced designers have visited Mountain View Park and is excited about the prospect of delivering eight courts for the residents of Escondido.

For Mountain View Park, the David Volz Design team will bring our park planning expertise to the table to work with you and your staff to program, develop, and refine a concept plan. This plan will be presented to nearby residents to garner input. Then, in collaboration with the City, we will develop construction documents, see the project through construction, and deliver as-builts.

Throughout the design phases, DVD will refine and update the project budget estimate, better informing City staff on the project scope as it develops.

INITIAL PROPOSED DESIGN PROGRAM

1. New fencing with screening and gates
2. Pickleball courts surfacing, nets, and striping (USA Pickleball Association-design guidelines)
3. New benches for resting between matches
4. ADA-compliant access
5. Landscaping and Irrigation
6. Storm Water Treatment



SUSTAINABILITY & LOW IMPACT DESIGN

David Volz Design is committed to delivering public landscapes that are sustainable and beautiful. We embrace the principles of design that encourage stewardship of our resources, respect for the environment and creative sustainable practices. Through our affiliation with LEED's, we identify and quantify the sustainability of our designs. Our team has extensive experience with Public Works Agencies delivering storm water management practices that mimic natural hydrological cycles. We implement integrated management practices into every project.

Low Impact Design development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage to control storm water where it is generated. Projects under LIDs design are uniquely site specific in their effort to reduce runoff and volume, reduce pollutants and fertilizers, and maintain pre-development surface temperatures. All of which are problematic for conventional storm water management. Key goals include reducing downstream flooding, erosion, and scour from natural waterways. Benefits of LID practices include cost saving over expensive infrastructure. Utilizing bio-swales and sunken lawns allow for the discernment and infiltration of runoff. Bio-swales offer opportunities for biodiversity utilizing native plant material that can remedy the degradation of native habitats. Additionally, LID aesthetics can enhance and beautify the built environment and landscapes by use of pervious pavers and alternative natural paving materials.

A beautiful and sustainable landscape starts with a clear understanding of the client's requirements, the site and environs and a creative approach to the design process. Water efficiencies, energy use reductions, waste reduction, recycled content and localized material's sourcing can all be quantified and are an integral part of our design. Resource conservation through the use and specification of recycled and reused materials and identification of locally sourced goods are important sustainability issues. Water resources are conserved through our thoughtful low water use planting schemes, precise irrigation layout and control systems, as well as, stormwater capture, cleaning and reuse. For pollution prevention, stormwater recycling plans are embraced and integral to our designs. On-site water detention, bio filtration, permeable pavement, and many other measures are creatively incorporated into the landscapes we design.

David Volz Design is dedicated to the opportunity and challenge of creating unique spaces and special places that draw inspiration from the environs and the community. David Volz Design believes the very definition of sustainability speaks of environments that are well used and enjoyed, and maintainable over time. We at DVD believe that the ultimate measure of sustainability of any public space has to be high use and enjoyment over the long term.

Low Impact Design Benefits

- Reduce runoff/reduce flooding
- Reduce pollutants & fertilizer
- Reduce sediment runoff & scour
- Improved infiltration ground water recharge
- Cost savings over conventional design
- Biodiversity in the urban habitat
- Streamlined design functionality
- Aesthetics

Low Impact Design IMPs

Non-Structural:

- Reduced impervious areas
- Disconnect from conventional storm water systems
- Reduce disturbed areas of development
- Minimize grading/reduce construction impacts
- Preserve natural drainage and vegetation

Structural:

- Bioretention including vegetated swales and bio-swales
- Permeable pavements
- Green roofs
- Cisterns / Recycling



COMMUNITY OUTREACH

For any community inspired design program, DVD envisions a robust community engagement process. Our initial community meeting will be a participatory community brainstorming session focused on gathering ideas for developing a park plan. Our preparation for this input will include site reviews and analysis of the plans and documents related to this park site. We will gather "seed" ideas from city staff and from our own site reviews. Our team will assist in the preparation of notices and graphics to get the word out - to invite the community to help design their park.

We will begin the initial workshop with an on site tour of the park to clearly identify the setting. To foster the "brainstorming" session, our team will introduce "seed" ideas that will encourage thoughtful responses and open the discussion for brainstorming and continued idea generation. We will look to the community for ideas about possible improvements, including ideas for enhancement, family recreation and complimentary opportunities to develop the design of an outstanding park plan.

The DVD team will take the ideas and inspirations received from the community at the initial design charrette meeting and refine the ideas and proposed elements into initial concept plans. These conceptual layouts will be presented to city staff in an idea consolidation meeting. The best ideas and themes will then be refined into conceptual plans for the community to consider. The second community workshop will be a bit more formal. The refined initial concept plans will be presented, and the ideas reviewed. We will look for agreement from the participants on the elements which will become a part of the draft plan. Comments and input will be received to refine the park's vision and program and to obtain consensus for the improvement elements for the park. Following, a draft master plan and draft design report will be prepared. This plan will then be presented to the public and the Commission or Council for review and comment. Upon the city leader's direction a final plan will be prepared.

The plan, which will be the focus of our planning efforts, will be the culmination of the community's ideas being honed into a final graphic representation of the best development strategy for this park. A report will also be prepared outlining the input process and describing the program and development elements. Also, a preliminary construction budget will be a part of this project report.

The community workshops that we facilitate are the best medium for finding out what the citizenry desires. Allowing the community to stand in a place of ownership aids in a smooth planning process. In the long term, this ownership translates into projects that are sustained by the community.



GRAPHICS & RENDERINGS

WHAT IF A VISUALIZATION OF AN IDEA COULD BRING CLARITY TO THE DESIGN INTENT? COULD ALLOW FOR ENLIGHTENED CONSIDERATION AND UNDERSTANDING?

The David Volz Design studio has a robust graphic design component, and skilled professionals adept at delivering graphics and images, including immersive 3-dimensional fly throughs that communicate our design ideas before moving ahead with the project's engineering.

Communication is the key to understanding. The photo-realistic renderings, computer-generated 3D models, and images of the project style, detailing, form, and function provide a clear understanding of the project concepts. Our creative and innovative designs are beautifully rendered for review and consideration of civic leaders, our collaborative partners, and the general public. Our visualizations have resulted in great feedback and design considerations, great "Now I Get It" moments, and enthusiastic approvals of concepts, ideas, and projects.

The DVD team has proven capabilities for the graphic presentation of the ideas and the layout for review of the park's conceptual layout. We will prepare artist renderings, 3D fly through videos and photo realistic pictures to describe the many elements we plan to include in this development. We will ready all our renderings for social media posting and for use in city communications.



SCOPE OF SERVICES

TASK 1 - PROJECT INITIALIZATION AND MANAGEMENT

- 1.01 Initial kickoff meeting with city project staff
 - a. Review project criteria and program objectives
 - b. Review procedures and design schedule
 - c. Assign calendar dates to each milestone with completion by October 1, 2024
- 1.02 Background Research
 - a. Collect available data, maps, as-builts
 - b. Review site plans and documents
 - c. Review initial opportunities
 - Identify opportunities and constraints
 - Identify surrounding uses and connections
- 1.03 Preliminary Engineering Studies Coordination
 - a. Geotechnical soils report
 - b. Site topographic survey
 - c. Initial SWPPP/SWQMP plans
 - d. Environmental studies

TASK 2 – PRELIMINARY CONCEPT PLANS/ COMMUNITY WORKSHOP

- 2.01 Prepare preliminary concept plans and alternatives
 - a. Develop designs for park improvements
 - b. Develop concepts and alternatives
 - c. Refine and consolidate ideas
 - d. Color-rendered plan view graphics
 - e. Character style pictures depicting ideas for improvements including court color options
 - f. Plant palette
- 2.02 Review preliminary concept with city staff
- 2.03 Community review and workshop
 - a. Present preliminary concept plans
 - Program elements review

- Idea and vision consolidation
- Review options and alternatives
- Concept discussion
- Define community consensus
- b. Document input received
 - Prepare summary of input from community
 - Annotate maps with community insights

- 2.04 Review input received from previous community outreach with city project team
 - a. Identify opportunities and program for potential park facilities

MEETINGS & DELIVERABLES

Review meeting with staff
Community outreach meeting
Community outreach exhibits

TASK 3 – FINAL CONCEPT PLANS (30%)

- 3.02 Construction cost budget estimates
 - a. Prepare analysis of construction cost for each plan options
- 3.03 Prepare final concept plan
 - a. Review schematic layouts with city staff, obtain direction to prepare final concept plan
 - b. Refine/revise preliminary concept plan per comments
 - c. Construction cost budget estimates
- 3.04 Presentation to City staff

MEETINGS & DELIVERABLES

Review meeting with staff (1)
Final concept plans
Construction cost budget
Presentation to City staff

TASK 4 - CONSTRUCTION DOCUMENTS (60% & 90% SUBMITTALS)

- 4.01 Prepare construction drawings
 - a. Site construction plan and details
 - b. Irrigation plan and details
 - c. Final landscape plan and details
 - d. Civil plan and details
- 4.02 Prepare technical specifications
- 4.03 Prepare construction cost budgets
- 4.04 Internal quality control review
- 4.05 Submittal/review at 60% and 90%

MEETINGS & DELIVERABLES

Construction plans (60% & 90% submittals)
Construction technical specifications
Construction budget estimate
Identify and finalize details repairing structural engineering
City staff meetings (bi-weekly)
Meeting summaries

TASK 5 - FINAL CONSTRUCTION DOCUMENTS

- 5.01 City project team review of work-to-date
- 5.02 Update construction drawings per city comments
 - a. Site construction plan and details
 - b. Irrigation plan and details
 - c. Final landscape plan and details
 - d. Civil plan and details
 - e. Technical specifications
 - f. Construction cost budget estimates
 - g. Provide structural details and calculations
- 5.03 Internal quality control review

MEETINGS & DELIVERABLES

Construction plans (100% submittal)
Construction technical specifications
Construction budget estimate
City staff meetings (bi-weekly)
Meeting summaries

TASK 6 - CONSTRUCTION PERIOD SERVICES

- 6.01 Bidding Assistance
 - a. Provide answers to pertinent pre-bid questions
 - b. Assist the city in evaluation of bids
- 6.02 Construction Assistance
 - a. Attend pre-construction meeting
 - b. Respond to project Requests for Information (RFI's) and Submittals
 - c. Participate in construction progress meetings and prepare meeting summary notes
- 6.03 As-built plan preparation (contractor annotation)

MEETINGS & DELIVERABLES

Bidding assistance
RFI responses, instructions
Meeting summaries
City staff support services
As-builts

OPTIONAL TASK

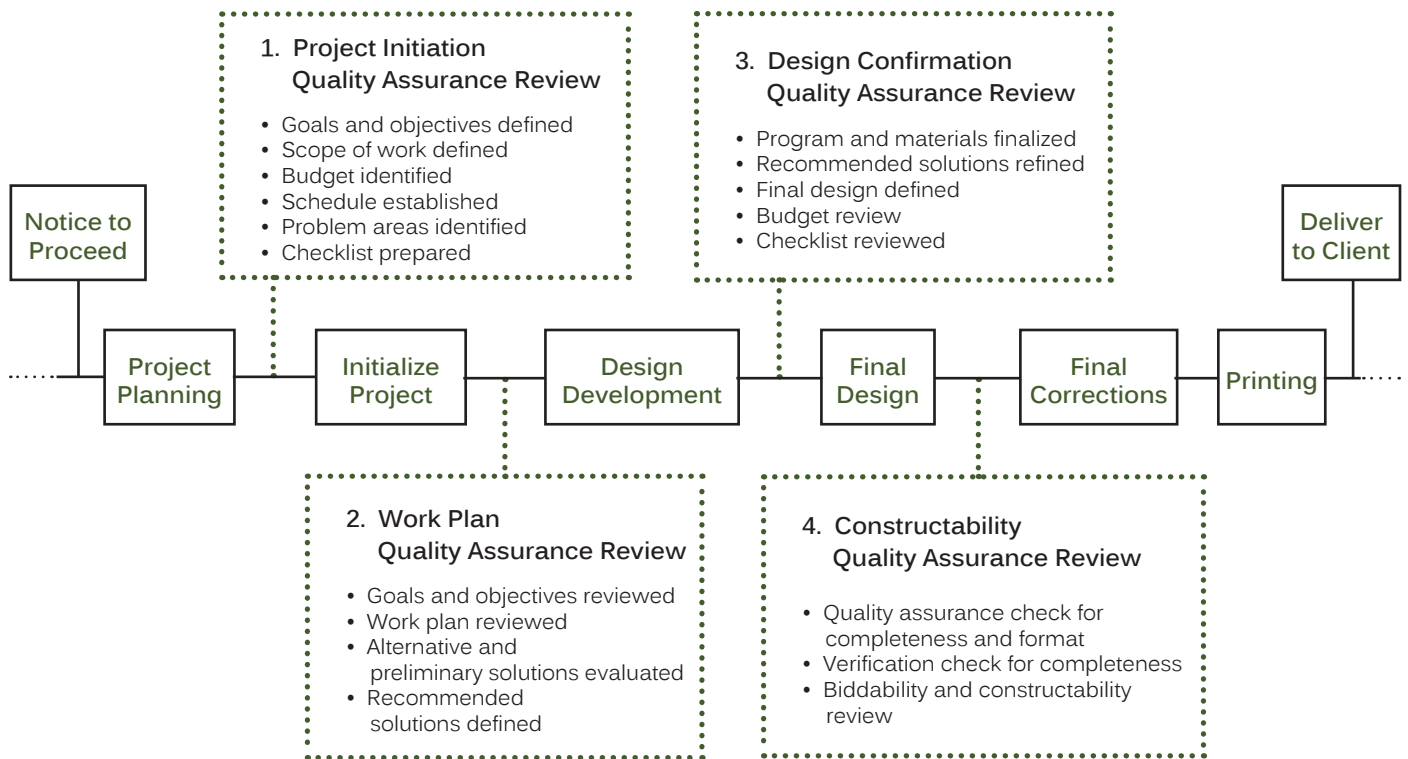
TASK 7 – CONSTRUCTION MANAGEMENT SERVICES

- 7.01 See MKN hourly rates

QUALITY CONTROL

DVD has an established quality control and assurance program that we undertake for all our design services, and for this project. The Principal-in-Charge will be responsible for implementation of these Quality Control measures. The primary elements include:

- Verification that required deliverables and documents noted in the Scope of Work are provided.
- A Peer Review will be conducted by our senior professional staff to solicit critical comments and verify correctness.
- Retention of documents with highlighted markings and red-line comments, and verification that required revisions are incorporated into the updated documents.
- Continual assessment and tracking of project schedule and budget against baseline data.
- A complete construction review for constructability and biddability of the complete PS&E package will be assigned to experienced professionals on staff prior to final submittal to our client.



WHY CHOOSE DAVID VOLZ DESIGN?

Creative Designers of Public Spaces

Cost Controls and Quality of Design with Rich Detailing

Online Public Outreach Expertise
 Community Inspired Park Design

Award Winning Park and Sports Field Design

Experience in Delivery of Projects

ORGANIZATIONAL CHART

Our creative designers have the background and expertise to deliver outstanding landscape architecture services for your city's project. The DVD key team members are experienced and talented professionals and they will be supported by a team of licensed landscape architects, several very capable designers, sub consultants, and support staff.

Our design approach, from design development through construction document development, includes strong quality control techniques as well as several quality control measures. For example, our team will have a senior staff landscape architect assigned to specifically provide quality control oversight. This experience landscape architect will be involved in regular in-house design review of project drawings, specifications and budget estimate. He will provide input, and advice to the project administrator. This effort, together with our other quality control measures, will focus on providing the city with a design which is accurate and constructable.

Delivering projects within our client's expectations, budgets and time frame is our top priority. We will establish milestones for deliverables and set precise schedules for meetings and reviews. Our senior management will review all submittals prior to issuance. We will provide recommendations based upon experience and expertise for the betterment of any project assigned to DVD. These same senior DVD professionals will remain the primary contact for the City throughout the project.

PROJECT MANAGER - Eric Sterling will provide design oversight of this project and be the design professional-of-record for the construction documents. Coordination of our large team of professionals will be the responsibility of DVD's project manager, **Kevin Volz**. Kevin has extensive team leadership experience, he will be an active and engaged manager for this project. He will coordinate and lead design development meetings. Keeping in regular touch with the city project team, updating schedules and filing project progress reports, with action items, as the design is developed.

David Volz Design looks forward to a long relationship with your city. We are committed to delivering high quality services, designs, reports, documents, and support to the city

City of Escondido
 Mountain View Park Pickleball Courts

**DAVID VOLZ DESIGN
 LANDSCAPE ARCHITECTS, INC**

David Volz, RLA #2375,
 LEED AP, QSD/P
Principal in charge

Gary Vasquez, RLA #3883
Director of design

Eric Sterling, RLA #5463
Senior Landscape Architect

Kevin Volz, GISP
Director of GIS

Luis Pedraza, RLA #6782
Landscape Architect

Paul Cassar
Senior Landscape Designer

Bryant Avolos
Landscape Designer

Bryce Frost
Landscape Designer

Sarah Moon
Landscape Designer

Angela Lee
Landscape Designer

Dana Bull
Landscape Designer

Michelle Maldonado
Project Designer

Xitlali Casarrubias
Project Designer

Jonathan Aguirre
Project Designer

WEST COAST CIVIL
Civil Engineer

Austin Frisby, P.E., QSD
Project Manager

Claire Pfeifer, EIT
Design Engineer III

ECORP
Environmental Consultant

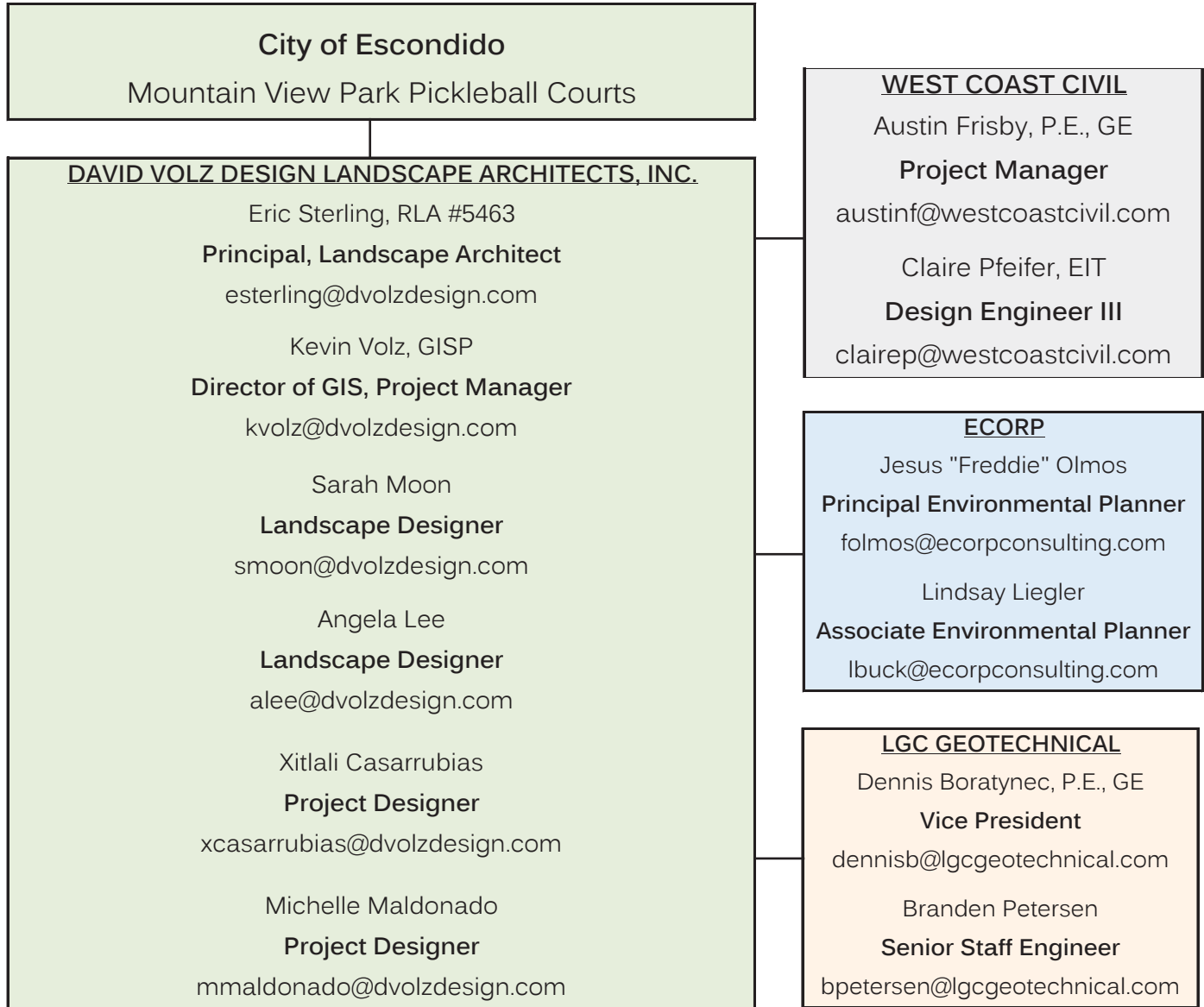
Jesus "Freddie" Olmos
Principal Environmental Planner

Lindsay Liegler
Associate Environmental Planner

LGC GEOTECHNICAL
Geotechnical Consultant

Branden Petersen
Senior Staff Engineer

TEAM PROJECT TABLE



FREMONT PARK

The revitalization of Fremont Park will be a great improvement for the citizens of Glendale. It has a special character and being the oldest park in the city, an important historical context; it provides a wonderful greenspace and needed recreational opportunities for the residents who live just north of downtown Glendale. This community, through several outreach meetings, provided DVD park planners with insights related to the park's use and the current needs for recreation. The slate of improvements we planned will be enjoyed by all: new synthetic turf soccer fields, community center, play spaces, picnic grounds and ball courts. New lighting, easy access, and a full perimeter drive path will ensure better security. New parking, new maintenance facilities and a refurbished home for the model railroad club will improve this community focal point.

This busy facility includes an active tennis community with regularly scheduled lessons, tournaments, and play days. There is also a great contingent of drop-in regulars that frequent these courts. An update of the facility was needed, access, lighting and new fencing, and net stations were installed based upon DVD renovation plans. The courts were sawcut, patched and resurfaced to accommodate this facility-wide makeover. The new courts are beautiful, they have state of the art lighting and a new downloadable lighting control.



Client: City of Glendale
Reference:
 Joseph Gonzalez
 Park Planner
 (818) 550-4415
 jogonzalez@glendaleca.gov

- Key Elements:**
- (8) Tennis courts
 - Large community building
 - Soccer arena, enclosed, synthetic turf & lights
 - Large fully accessible play spaces
 - Spray pad play space
 - Pickle ball & basketball courts
 - Large parking lot
 - Open lawn and picnic pavilions
 - Art all around the park
 - Night lighting throughout
 - Walkways & beautiful gardens

- Services provided:**
- Master Plan & Community Outreach
 - Design Development
 - Construction Documents
 - Bidding Assistance
 - Construction Period Services

Acreage: 8
Start Date: March 2015
Completion Date: Out to Bid Soon
Cost of Design: \$1.1 million
Construction Estimate: \$12.3 mil

DVD Project Manager:
 Gary Vasquez
Staff: David Volz, Paul Cassar, Luis Pedraza, Larry Poindexter
Subconsultants: Civil Works Engineer, Design West Engineering, LGC Geotechnical, SKA Engineers

More Glendale Projects:



“DVD and their team ... have provided leadership for community outreach, have designed creative and fun play spaces and have prepared high quality construction documents.”

George Balteria , Retired City of Glendale
 Letter of Recommendation

ARLINGTON PARK PICKLEBALL

Arlington Park in Riverside is set to undergo a transformative upgrade with the addition of 12 dedicated pickleball courts, a testament to the city's commitment to fostering a vibrant recreational landscape. The planned pickleball courts at Arlington Park will not only accommodate the growing interest in this social sport but will also feature amenities such as shaded seating areas and support facilities. Collaborating with Urban Habitat and city staff, the project aims to deliver a concept plan that seamlessly integrates the new venue into the park's landscape, providing comfortable environments for players and spectators alike. The construction is anticipated to commence later this year, promising Arlington Park as a hub for pickleball enthusiasts and a shining example of thoughtful park planning.



Client:

City of Riverside

Jordan Maus, RLA
Parks, Recreation &
Community Services Dept.
(951) 826-2201
jmaus@riversideca.gov

Key Elements:

- Pickleball courts
- Spectator seating
- Shade structure
- Acrylic court surfacing
- Player benches
- Electrical upgrades

Services provided:

- Schematic Design
- Design Development
- Construction Documents
- Design/Build

Acreage: .59 acre

Start Date: January 2023

Completion Date: Under Design

Design Cost: \$108,680

Construction Cost: TBD

DVD Project Manager:

Eric Sterling

Staff: Jonathan Aguirre,
Sarah Moon

Builder: Urban Habitat

MIKE WARD PICKLEBALL COMPLEX

The David Volz Design team provided Planning, Community Outreach, Conceptual Design, and Construction Documents for the Pickleball Improvements at Mike Ward Park in the City of Irvine. This is Irvine's second Pickleball facility and is intended to set the standard for future pickleball facilities in Southern California.

The park will feature eight new courts fully amenitized with shade, seating, drinking fountains, bike racks, lighting, vending machines and more. An information kiosk will link players to the city's reservation site and provide court availability and upcoming events. A central plaza provides direct access to each court and brings spectators closer to the action. The project includes a new restroom building, storage, ADA improvements, and landscape improvements. Slated to open in 2024 this facility will be the premiere facility.

Client:
City of Irvine

Reference:
Farhad Bolourchi
Senior Project Manager
949-724-6689
fbolourchi@cityofirvine.org

Key Elements:

- Pickleball courts
- Shaded seating
- Court lighting
- Concrete bike path
- Information kiosk
- ADA accessibility

Services provided:

- Concept Plan
- Community Outreach
- Design Development
- Construction Documents
- Construction Period Services

Size: 24,265 SF, .56 acres
Start Date: Feb 2023
Cost of Design: \$136,635

Staff: Eric Sterling, Michelle Maldando, Xitlali Casarrubias



VINA VIEJA PARK PICKLEBALL COURTS

The Vina Vieja Pickleball proposed project provides for the installation of the first dedicated Pickleball courts in the City of Pasadena at Vina Vieja Park. The approved concept plan will include 12 lighted courts as well as parking and a restroom on 11 acres. Site amenities will include tables, benches, drinking fountains, bleachers, and shade structures. The environmental documents call for preservation of the many oak trees along the adjacent waterway, noise and lighting mitigation measures, and full access for vehicles and pedestrians across the site.

Community outreach and stakeholder committee meetings were integral to the concept development. Commission and council reviews are reflected in the final layout plans. The project has received EIR approval and is in the hopper for funding this next fiscal year.

Client:
 City of Pasadena

- Key Elements:**
- Parking lot expansion
 - Pickleball Courts (12)
 - Restroom & Storage Building
 - Shaded bench seating

- Services provided:**
- Master Plan
 - Community Outreach
 - Construction Documents

Start Date: August 2019
Completion Date: July 2021
Cost of Design: \$173,105
Construction Estimate: \$3.7 mil

DVD Project Manager:
 David Volz
Staff: Gary Vasquez, Paul Cassar,
 Larry Poindexter, Luis Pedraza,
 Dana Bull
Subconsultants: NV5, Psomas



WORK PLAN

PROJECT SCHEDULE



Scope of Services	February				March				April				May				June			
	WK 1	WK 2	WK 3	WK 4	WK 5	WK 6	WK 7	WK 8	WK 9	WK 10	WK 11	WK 12	WK 13	WK 14	WK 15	WK 16	WK 17	WK 18	WK 19	WK 20
Project Initialization and Management	Work effort	Work effort																		
Community Workshop			Milestone	City review			Milestone													
Preliminary Concept Plans (30%)				Work effort	Work effort	Work effort	Work effort	City review	City review	Work effort	Work effort	Milestone								
Construction Documents (60% & 90%)										Work effort	Work effort	Work effort	Work effort	Work effort	Work effort	Work effort	Work effort	Work effort	Work effort	City review
Final Construction Documents																				
Bidding and Construction Support																				

Scope of Services	July				August				September				October				November			
	WK 25	WK 26	WK 27	WK 28	WK 29	WK 30	WK 31	WK 32	WK 33	WK 34	WK 35	WK 36	WK 37	WK 38	WK 39	WK 40	WK 41	WK 42	WK 43	WK 44
Project Initialization and Management																				
Community Workshop																				
Preliminary Concept Plans (30%)																				
Construction Documents (60% & 90%)	City review																			
Final Construction Documents	Work effort	Work effort	Work effort	Work effort	Work effort	Milestone	City review	City review	Work effort	Work effort	Work effort	Milestone								
Bidding and Construction Support																				As-Needed



APPENDIX



ERIC STERLING

PRINCIPAL, DIRECTOR OF OPERATIONS

Mr. Sterling is a highly experienced landscape architect with 25+ years of experience in the field. He is returning to DVD after a 9-year

absence exploring worldly projects. Throughout his career, he has worked on a variety of projects for public agencies, including recreational parks, streetscapes, school sites, and city design guidelines. He has also worked on multiple projects for Disney parks, including many award-winning designs. One of Mr. Sterling's strengths is his attention to detail, which has proven invaluable in his work with playground design, the latest construction practices and materials, and ADA accessibility concerns.

He is a key member of the DVD team, responsible for coordinating the design development plans and carrying them through to construction drawings. He is known for his ability to collaborate effectively with a variety of clients, architects, engineers, and designers, and for his successful project management from beginning to end. Mr. Sterling's responsibilities include ensuring adherence to established project schedules and cost agreements, as well as monitoring production to deliver the highest quality products to clients.

He works closely with staff, clients, and agencies to create successful products, and he is especially skilled in working with contractors during construction to ensure that projects are completed successfully. Mr. Sterling is also responsible for plan checking to ensure the successful completion and delivery of projects. Overall, Mr. Sterling brings a wealth of experience and expertise to DVD, and his ability to manage projects effectively from beginning to end, along with his attention to detail, make him an invaluable asset to the team.

EDUCATION

BS, Landscape Architecture, 2001, California State Polytechnic University, Pomona

REGISTRATION: Landscape Architect, California, #5463

SKILLS

Adobe Creative Suite, Sketch up, AutoCAD, Microsoft Office

YEARS WITH DVD: 2005-2012 & March 2021 - present

ROLE: Works extensively on the development process from inception through master plan development, construction document preparation, contract administration, and on-site inspection. He managed the project to ensure adherence to established project budgets, and schedules.

RECENT PROJECT EXPERIENCE

COSTA MESA SANITARY HEADQUARTERS

Client: Costa Mesa Sanitary District
A turf removal/water conservation project to provide a boldly vibrant landscape design which incorporates native landscape. These outreach programs include waste reduction, composting and mulching as well as water saving irrigation practices and landscape material selection.

WOLFSON PARK EXPANSION

Client: City of Rancho Mirage
Working hand-in-hand with the city to deliver a design that meets the communities' expectations, the overall design needed to fit within the parks' existing Victorian style while accommodating new program features.

REFLECTION PARK

Client: City of Desert Hot Springs
The new program includes ADA upgrades, benches, boulders and cobble, new native landscape and irrigation, a reflective monument sign, and a grid of California Fan Palms. The Park will utilize energy efficient night lighting and no turf grass.

WHITAKER ELEMENTARY SCHOOL PARK

Client: City of Buena Park
An initial opportunity to provide some dedicated park facilities at Whitaker School has blossomed into a full of fledged "new" park across three acres of school yard. Through a series of community outreach workshops a plan has emerged with several exciting and unique elements.



KEVIN VOLZ, GISP DIRECTOR OF GIS

Kevin Volz is a certified GIS Professional (GISP) that has been managing teams and leveraging GIS for the past 15 years to creatively analyze spatial data and produce high-quality GIS solutions and products. He recently rejoined DVD to offer GIS services and integrate GIS within current workflows. Since the start of the new year, GIS has been implemented on several key projects and is proving its value by providing key insights, increasing communication and sharing of ideas, and improving project outcomes overall.

With a strong background in strategically leading, building, and marshaling teams and resources to successfully complete complex technical work, Kevin is experienced in all aspects of GIS program development. Kevin is well-versed in analysis and design, development, programming, testing, implementation, and post-implementation phases. He has an extensive background in assessing and managing risk, monitoring and maintaining schedules and resources, quality assurance plans, and communicating timely, critical information to both highly technical and non-technical audiences. He enjoys collaborating with teams and clientele to provide excellent solutions in support of private businesses, governments, and municipal agencies.

EDUCATION

- BS, Geography, GIS, San Diego State University, 2009

REGISTRATION

- Certified GIS Professional (GISP), #160469, 2018
- Certified UAV pilot
- URISA VC member

SKILLS

Fire and EMS - providing GIS and custom software solutions, 7 years, Esri Partner Network, AAG, AWS, Python programming, HTML, Microsoft Office

YEARS WITH DVD: 2009-2010, February 2022 - present

AVAILABILITY: 40%

ROLE: Involved in all aspects of GIS program development from analysis and design to development, testing, implementation, and post-implementation phases including assessing and managing risk, monitoring and maintaining resources and schedules, and quality assurance.

RECENT PROJECT EXPERIENCE

WAYFINDING SIGNAGE

Client: City of Gardena

GIS was leveraged to visualize and analyze traffic patterns (road speeds, intersections, Average Daily Traffic (ADT), bike routes, ADA design standards, etc.) and city boundary/zoning information.

MORRELL LAB

Client: University of Minnesota

Provided researchers with exploratory GIS analysis and has produced several map series for publications on agricultural and genetic projects.

SAN DIEGO VACANT HOUSING STUDY & REPORT

Client: San Diego Housing Commission

Worked with the City of San Diego and SDG&E Utilities on large datasets, researched custom report metrics and parameters, identified long-term housing vacancies, and created map outputs and reports.

CUSTOM DRIVE-TIME AND DEMOGRAPHIC MAPS

Client: Hughes Marino

Created custom reports using peak/off-peak drive-time analyses and various demographic and housing metrics (e.g. population, average housing cost, median housing income) for a commercial real estate firm using GeoEnrichment and census data.



SARAH MOON

LANDSCAPE DESIGNER

As an experienced Landscape Designer with over seven years of expertise in project design, Sarah has delivered innovative and unique solutions in design-build, urban, park, and recreation design. She has a deep understanding of the complex interplay between natural and built environments and can create designs that are both functional and visually appealing.

Sarah's responsibilities as a Landscape Designer include collaborating with clients and other professionals to gather project requirements and creating detailed designs that consider site analysis, environmental factors, and user needs. Some of her notable accomplishments are completing projects within budget and on schedule and maintaining strong relationships with clients and stakeholders. Over the years, she has developed a diverse portfolio of projects ranging from small urban spaces to large public parks and recreation areas. She also has worked on various design-build projects, where she was responsible for overseeing the construction of my designs and ensuring that they meet the project's specifications.

As an experienced Landscape Designer, she is dedicated to staying up-to-date with the latest trends and technologies in the field and is committed to continually improving her skills and knowledge. She is a collaborative team player who works well with architects, engineers, and contractors to achieve the best outcomes for the project.

EDUCATION

- BS. Landscape Architecture, California State Polytechnic University, Pomona, 201x

SKILLS

AutoCAD, Microsoft Office, Adobe Creative Suite, Sketch up, GIS

YEARS WITH DVD: 2017 - present

ROLE: Responsible for analyzing data from our community input charrette process to help form a common goal of what the community desires, prepares landscape architectural plans, specifications, and cost estimates on a multitude of projects, plan checking to ensure consistent update of plan details from client requests.

RECENT PROJECT EXPERIENCE

WHITAKER ELEMENTARY SCHOOL PARK

Client: City of Buena Park
An initial opportunity to provide some dedicated park facilities at Whitaker School has blossomed into a full of fledged "new" park across three acres of school yard. Through a series of community outreach workshops a plan has emerged with several exciting and unique elements.

BERKSHIRE & GREVELIA PARKS

Client: City of South Pasadena
The Berkshire and Grevelia lots have been purchased and the neighborhood has given initial ideas for the conversion of these properties to pocket parks. DVD designed life back to the exciting park facilities that the neighbors envisioned for their community.

MILES AVENUE TURF REDUCTION

Client: City of La Quinta
The new street median island landscape along Miles Avenue will set a precedent for a new beautiful water thrifty and desert efficient landscape.

CANYON, VILLA PARK & ORANGE HIGH SCHOOLS

Client: Orange Unified School District
DVD provided construction documents for bidding and for the adjacent site improvements of the new turf sports fields and all weather running tracks.



ANGELA LEE LANDSCAPE DESIGNER

Ms. Lee is returning to DVD from a 5-year absence due to relocation out of state. She has experience in many aspects of the public landscapes design process

including conceptual planning, planting design, irrigation design, and community presentation techniques. Angela is extremely knowledgeable in drafting construction documents and understands exactly what information contractors will need. Her abilities include her computer graphic skills, writing and composition, and an aptitude for tackling challenging tasks with timely completion of duties. Not only does she understand and work on the design and construction process but she is excellent at analyzing data from our community input charrette process to help form a common goal of what the community desires.

“Our environments deserve thoughtful and attentive design, since our surroundings can do so much in how we behave and feel. I appreciate the goal of this office to design public spaces where people can enjoy spending their time, connect with nature, and take pride in their communities.”

EDUCATION

- MLA, Landscape Architecture, 2010, University of Michigan, MI
- BS, Cinema-Television Critical Studies, 2003, University of Southern California, CA

SKILLS

AutoCAD, Microsoft Office, Adobe Creative Suite, Sketch up, GIS

ACCOMPLISHMENTS

- Landscape Architecture Faculty Award, University of Michigan

YEARS WITH DVD: 2013 - 2016 & October 2021 - present

AVAILABILITY: 40%

ROLE: Responsible for analyzing data from our community input charrette process to help form a common goal of what the community desires, prepares landscape architectural plans, specifications, and cost estimates on a multitude of projects, plan checking to ensure consistent update of plan details from client requests.

RECENT PROJECT EXPERIENCE

WAYFINDING SIGNAGE

Client: City of Gardena

GIS was leveraged to visualize and analyze traffic patterns (road speeds, intersections, Average Daily Traffic (ADT), bike routes, ADA design standards, etc.) and city boundary/zoning information.

COSTA MESA SANITARY HEADQUARTERS

Client: Costa Mesa Sanitary District

A turf removal/water conservation project to provide a boldly vibrant landscape design which incorporates native landscape. These outreach programs include waste reduction, composting and mulching as well as water saving irrigation practices and landscape material selection.

WHITE OAK RIDGE

Client: City of Orange

The phased landscape renovation of White Oak Ridge will follow a landscape precedent previously established on Trails End Lane. The new landscape will utilize water saving plants and water efficient irrigation.

BERKSHIRE & GREVELIA PARKS

Client: City of South Pasadena

The Berkshire and Grevelia lots have been purchased and the neighborhood has given initial ideas for the conversion of these properties to pocket parks. DVD designed life back to the exciting park facilities that the neighbors envisioned for their community.



MICHELLE MALDONADO
PROJECT DESIGNER

As a recent graduate from the landscape architecture program at Berkeley, Ms. Maldonado brings a strong design background. With her knowledge of AutoCAD and SketchUp, as well as her attention to detail and

ability to work well in a team, she is well-suited to assist with the design and planning of various landscape projects, conduct research and gather data, and prepare cost estimates and project schedules. Her strong communication skills will also be an asset when it comes to client meetings and presentations. She has a great sense of responsibility, and she is eager to learn and grow in the field.

EDUCATION

BS, Landscape Architecture, University of California, Berkley, 2022

SKILLS

AutoCAD, Rhino, Microsoft Office, Adobe Creative Suite, Sketch up, GIS

YEARS WITH DVD: May 2022 - present



XITLALI CASARUBBIAS
PROJECT DESIGNER

Ms. Casarubbias has a strong focus on community engagement and creating designs that are versatile and provide a range of services. By engaging with the community to understand their wants and needs,

she aims to create designs that add meaning and value to the space. Her motivation and team-oriented approach will make her an asset to any team and will ensure the success of any project she works on. Her ability to balance the technical and creative aspects of landscape architecture are valuable skills, and her approach to engaging the community in her designs will bring a unique perspective to the team and projects.

EDUCATION

BS, Landscape Architecture, University of California, Berkley, 2021

SKILLS

AutoCAD, Rhino, Microsoft Office, Adobe Creative Suite, Sketch up, GIS

YEARS WITH DVD: June 2022 - present

ROLE: Assist with the design and planning of landscape projects, including site analysis, conceptual design, and construction documents, Conduct research and gather data on site conditions, materials, and regulations, Participate in client meetings and prepare graphics for presentations.

RECENT PROJECT EXPERIENCE

AROVISTA PARK MODERNIZATION

Client: City of Brea

The goal is to create an all inclusive destination park to improve emotional, social, physical, and mental health and where they can explore, discover, relax, and play in a safe and uniquely fun environment.

COSTA MESA SANITARY HEADQUARTERS

Client: Costa Mesa Sanitary District

A turf removal/water conservation project to provide a boldly vibrant native landscape design.

SANTA ANA SPLASH PADS

Client: City of Santa Ana

The City of Santa Ana has the opportunity to re-imagine a portion of six existing parks and plan for new splash pads.

PICKLEBALL COURTS @ MIKE WARD COMMUNITY PARK

Client: City of Irvine

This facility upgrade will include a 8-court layout, electrical upgrades and lighting, shade, player and spectator seating, and other amenities.

JURUPA AVENUE MEDIANS

Client: City of Fontana

We will consider the already developed street medians and the right-of-way along the project corridor to include the aesthetics of the unique neighborhood characteristics.



West Coast Civil is a minority-owned business enterprise (MBE) providing civil engineering services for planning, design, and construction assistance for private and public sector clients. WCC is committed to building long-term relationships by provided dedicated service to our clients and communities.



Austin Frisby, PE, QSD
Project Manager

EDUCATION:

- Bachelors of Science, Civil Engineering, San Diego State University, 2018
- Registered Civil Engineer, State of California, RCE 92311
- Qualified SWPPP Developer, #92311

Austin is a project manager with seven years of civil engineering experience in the public and private sector. His primary role for this project will be to coordinate the civil design with the Design Team. Austin has provided similar roles on projects for: City of Dana Point, City of Santa Monica, University of California, San Diego, and City of Redondo Beach. Austin started his career with the City of La Mesa and understands the needs of local cities.

EXPERIENCE

UCSD Grove Stormwater Improvements, University of California, San Diego

Design Lead. Mr. Frisby led the West Coast Civil team's design efforts for the UCSD Grove Stormwater Improvements. The Project involved coordination with a Landscape Architect to replace an existing asphalt drive aisle and grassy knoll with a biofiltration swale, bus stop wait area, ADA compliant curb ramp, and decomposed granite walking path for UCSD students and faculty. (Construction completed March 2021)

City of Santa Monica Building Renovation at 3200 Airport Avenue, City of Santa Monica

Project Engineer. Mr. Frisby served as a project engineer for the development of civil plans associated with exterior improvements as part of the building renovations at 3200 Airport Ave. West Coast Civil's scope of work included ADA ramp design, parking lot improvements, utility relocations, and design of Low Impact Development BMP's. (2021 - 2023)



Claire Pfeifer, EIT
Design Engineer III

EDUCATION:

- Bachelors of Science, Structural Engineering, University of California, San Diego, 2020
- Engineer in Training, State of California, EIT 172548

Claire is a Design Engineer III with five years of civil engineering experience in the public and private sector. Her primary role for this project will be to lead the civil design improvements. Claire has led design efforts for several site civil projects and is in the process of taking her final exams to become a licensed civil engineer in the state of California.

EXPERIENCE

San Diego International Airport Terminal 1 Expansion, San Diego Regional Airport Authority

Design Engineer. Ms. Pfeifer provided engineering design of the air-side stormwater quality improvements related to the Terminal 1 expansion. The stormwater quality improvements included storm water collection, pumping, and bio-infiltration in the existing in-field ovals. The water quality improvements provide treatment for heavy metals, specifically lead and copper to lower TMDLs to San Diego Bay, which is 303D listed (2020 – Current).

Rolling Hills City Hall Improvements, City of Rolling Hills

Project Engineer. Mr. Frisby led the civil engineering design for renovations to the City of Rolling Hills City Hall and Community Services Building. Civil engineering services included grading, utility relocations, ADA improvements, and hardscape improvements. (Design completed February 2023)



Jesus "Freddie" Olmos
Principal Environmental Planner

EDUCATION:

- B.A., Environmental Analysis & Design, with a minor in Urban and Regional Planning, University of California, Irvine

Established in 1987, ECORP Consulting, Inc. (ECORP) is a California "S" Corporation that specializes in assisting government agencies and private clients with a wide range of environmental services including technical expertise in land use planning; biological, cultural, and water resources; and regulatory compliance with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), Clean Water Act, federal and state Endangered Species Acts, National Historic Preservation Act (NHPA), and other laws and regulations. ECORP has well-established working relationships with the resources agencies, including the U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and the U.S. Fish and Wildlife Service (USFWS).

Mr. Olmos' 23 years of professional experience involves California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) analysis and document preparation for government agencies and private clients. He has prepared and managed a variety of environmental documents, including Initial Studies/Mitigated Negative Declarations (IS/MNDs), Environmental Impact Reports (EIRs), Environmental Impact Statements (EISs), Environmental Assessments (EAs), and Findings of No Significant Impact (FONSIs), including Addendum CEQA/NEPA documentation.

LINDSAY LIEGLER
Associate Environmental Planner

EDUCATION:

- M.P.P., Concentration in Environmental Policy & Sustainability, UCLA Luskin School of Public Affairs
- B.S., Environmental Science, Minor in Conservation Biology, University of California, Los Angeles

ECORP is a financially sound firm with five offices (Santa Ana, Redlands, Rocklin, San Diego, and Chico) serving clients throughout California. Additionally, ECORP maintains offices in Flagstaff, Arizona and in Santa Fe, New Mexico. ECORP is registered with the Department of Industrial Relations (#1000012875) and is a California Small Business-Public Works (SB-PW).

Ms. Liegler has four years of experience in CEQA document preparation, climate change resilience studies, biological resources and habitat quality assessments. While working with ECORP, she has served as project manager for a variety of environmental documents including Initial Studies, Negative Declarations, Mitigated Negative Declarations, Environmental Impact Reports, Environmental Impact Studies, Categorical Exclusions, and Categorical Exemptions.



LGC Geotechnical, Inc. is a Southern California based geotechnical consulting firm with its office located in San Clemente, California. LGC Geotechnical focuses on providing professional geotechnical services throughout Orange County. We provide quality, full service geotechnical services to clients, which include public agencies, local Cities, residential and commercial developers, architects, insurance companies, utility companies, and homebuilders. The staff at LGC Geotechnical consists of highly educated and licensed professionals including registered geotechnical engineers (GE) and certified engineering geologists (CEG). Together they combine their technical knowledge and wide-ranging field experience to provide effective geotechnical engineering solutions to complex geologic problems.

LETTER OF RECOMMENDATION

Item 6.



COMMUNITY SERVICES DEPARTMENT
JIM BOX, DIRECTOR

February 6, 2023

RE: Recommendation in Support of David Volz Design Landscape Architects, Inc.

To Whom It May Concern:

David Volz Design has provided high-quality design and consulting services to the City of Buena Park for many years. They have provided park planning, leadership at public outreach meetings, creative park design, developed construction documents, and construction period services on several park projects.

Two notable projects the City of Buena Park is exceptionally proud of is the Rick Gamez Park and most recently, the Whitaker School Park. The projects include a high level of design and a team of sub-consultants under David Volz Designs' contract. David Volz Design team welcomed community input at outreach gatherings to design creative, interactive play areas and inviting, green spaces.

David Volz Design has always provided the City of Buena Park with high-quality professional service for these projects and many others. I highly recommend David Volz Design to your agency.

Sincerely,

Jim Box
Director of Community Services
City of Buena Park
(714) 562-3850
JBox@BuenaPark.com

“David Volz Design has always provided the City of Buena Park with high-quality professional services for these projects and many others.”

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CITY of CYPRESS
5275 Orange Avenue, Cypress, California 90630
Phone 714-229-6700 www.cypressca.org

February 7, 2023

RE: Recommendation in Support of David Volz Design Landscape Architects

To Whom It May Concern:

The City of Cypress has collaborated with David Volz Design on several important park development and landscape projects. The recently completed city-wide Median Restoration Project, an APWA award-winning project, restored the landscaped medians and parkways throughout the City with new drought-tolerant landscaping and drip-irrigation systems, providing for a cohesive design aesthetic throughout the city, while also conserving water in light of the recent droughts. DVD and their team provided exceptional service throughout the project and prepared high quality construction documents.

I would highly recommend to any agency the firm of David Volz Design. My contact information is listed below. Please contact me for further comments in support of this firm.

Sincerely,

Nick Mangkalakiri, P.E.
City Engineer
nmangkal@cypressca.org

“DVD and their team provided exceptional service throughout the project and prepared high quality construction documents.”



CITY OF GARDEN GROVE

Steve Jones
Mayor
George S. Brietigam
Mayor Pro Tem - District 1
John R. O'Neill
Council Member - District 2
Cindy Ngoc Tran
Council Member - District 3
Joe DeVinh
Council Member - District 4
Stephanie Klopfenstein
Council Member - District 5
Kim Bernice Nguyen
Council Member - District 6

February 2, 2023

RE: Recommendation in Support of David Volz Design Landscape Architects, Inc.

To Whom It May Concern:

David Volz Design has provided high quality design and consulting services to the City of Garden Grove for many years. They have provided park planning, provided leadership at public outreach meetings, provided creative park design, developed construction documents and provided construction period services on several park projects.

One notable project is the Woodbury Park Revitalization Project, which includes a high level of design and a team of sub-consultants under David Volz Designs' contract. This project is a Prop 68 grant award that will allow a complete renovation, of an under used park, to be brought back to life for an underserved community. DVD has done an outstanding job of meshing the needs of the community with the design request of the Parks and Rec Commission and staff.

DVD has always provided the City of Garden Grove with high quality professional service for these projects and many others. I highly recommend David Volz Design to your agency.

Sincerely,

John Montanez
Community Services Director
(714) 741-5214
johnmo@ggcity.org

“... a high level of design and a team of sub-consultants under David Volz Designs' contract.”



OFFICE OF THE CITY MANAGER
405 E. El Monte Avenue
Dinuba, CA 93618
B: (559) 590-5900
F: (559) 591-4246
lpatlan@dinuba.ca.gov

August 21, 2019

Re: Recommendation in Support of David Volz Design Landscape Architects, Inc.

To Whom It May Concern,

The City of Dinuba has commissioned David Volz Design to provide services on several park design projects. These services have included community-based design process, presentations to commissions and council and creative solutions that have addressed many community needs. Our recently completed Roosevelt Paseo is an outstanding DVD designed pedestrian pathway. The paseo has received accolades from the community and nearby elementary school served by the pathway.

Should additional information be required, please call me at the city number. I recommend David Volz Design to any agency looking for creative and professional landscape architectural services.

Sincerely,

Luis Patlan
City Manager
lpatlan@dinuba.ca.gov

“I recommend David Volz Design to any agency looking for creative and professional landscape architectural services.”

LETTER OF RECOMMENDATION



14717 BURIN AVENUE • LAWNDALE, CALIFORNIA 90260 • (310) 973-3200 • FAX (310)

September 4, 2019

RE: Recommendation in Support of David Volz Design Landscape Architects, Inc.

To Whom It May Concern:

The City of Lawndale has collaborated with David Volz Design on two important park development projects in the city, including the recently completed Hogan Park renovation and expansion project, which included expansion of an existing park, street closure, utility relocation and provision of play areas for children aged 5 to 12 years old.

In addition, David Volz Design also collaborated with the City of Lawndale on Charles B. Hopper Park, a new one acre park designed and built on a former California Department of Transportation property within the City of Lawndale.

DVD's team welcomed community input at a number of outreach gatherings to design creative and interactive play areas and inviting green spaces for both projects.

I would highly recommend David Volz Design to any agency. My contact information is listed below. Please contact me for further comments in support of this firm.

Sincerely,

Mike Estes
Director of Community Services
City of Lawndale
(310) 973-3272
mestes@lawndalecity.org

"DVD's team welcomed community input at a number of outreach gatherings to design creative and interactive play areas and inviting green spaces for both projects."



Steve Costley
Director of Parks & Recreation

City of South Gate

Parks & Recreation Department

WWW.CITYOFSOUTHGATE.ORG

Parks Make Life Better!

February 1, 2023

RE: Recommendation in Support of David Volz Design Landscape Architects, Inc.

To Whom It May Concern:

David Volz and his team at David Volz Design have provided superior service to the City of South Gate on a variety of projects to improve our parks over the last twelve years. From Master Planning and Community Outreach to whole park renovations, providing creative, sustainable and usable designs that enhance our community and excite our park goers, David Volz Design has consistently met all expectations.

Please feel free to contact me if you have any specific questions or would like additional information. We have had nothing but the best experiences with DVD and would enthusiastically recommend them to anyone looking for a top-quality landscape design firm for your public project.

Sincerely,

Steve Costley,
Director of Parks & Recreation
323-563-5494
scostley@sogate.org

"From Master Planning and Community Outreach to providing creative, sustainable and usable designs that enhance our community and excite our park goers, David Volz Design has consistently met all expectations."



February 9, 2023

RE: Recommendation in Support of David Volz Design Landscape Architects, Inc.

To Whom It May Concern:

The City of Norwalk has collaborated with David Volz Design on several important park development projects. The recently completed concept design for Hermosillo Park was submitted to the State of California for a Proposition 83 grant, and the City has been awarded \$8.5 million to build a new community center, park amenities, parking lot, lighting and landscaping. DVD and their team were instrumental in the success of securing the grant for this project. The design was creative and utilized the entire park site to provide a variety of areas for sports, leisure and community gatherings.

I would highly recommend to any agency the firm of David Volz Design. My contact information is listed below. Please contact me for further comments in support of this firm.

Sincerely,

Christine Roberto
Public Services Manager
croberto@norwalkca.gov
(562) 928-5708

"DVD and their team were instrumental in the success of securing the grant for this project."



September 17, 2019

RE: Recommendation in Support of David Volz Design, Landscape Architects, Inc.

To Whom It May Concern:

The City of Paramount collaborated with David Volz Design on several important park development projects, including recently completed conceptual park design documents for three of our parks, as well as a conceptual design for proposed park amenities utilizing Southern California Edison (SCE)'s right of way land.

The DVD's team welcomed community input at outreach gatherings to design creative, interactive play areas, and inviting green spaces.

DVD has always provided the City of Paramount with high quality professional service and I would highly recommend David Volz Design to any agency. My contact information is listed below. Please contact me for further comments in support of this firm at 562-220-2100.

CITY OF PARAMOUNT

Adriana Figueroa
Public Works Director

"DVD has always provided the City of Paramount with high quality professional service and I would highly recommend David Volz Design to any agency."



August 26, 2019

- David J. Shawyer
Mayor
- Rigoberto A. Ramirez
Mayor Pro Tem
- Carol Warren
Council Member
- Gary Taylor
Council Member
- Hong Alyce Vau
Council Member
- Jared Hildenbrand
City Manager

RE: Recommendation in Support of David Volz Design Landscape Architects, Inc.

To Whom It May Concern:

The City of Stanton has commissioned David Volz Design to provide services on several park design projects. These services have included community-based design process, presentations to commissions and council and creative solutions that have addressed many community needs. Stanton Central Park is an outstanding DVD designed park. The park has received accolades from the community and design awards from APWA and California Park and Recreation Society. DVD also designed Harry M. Dotson Park which also received design awards from APWA.

Should additional information be required, please call me at the city number. I recommend David Volz Design to any agency looking for creative and professional landscape architectural services.

Sincerely,

Allan Rigg
Director of Public Works
(714) 379-9222 ext. 203

“Stanton Central park is an outstanding DVD designed park. The park has received accolades from the community and design awards from APWA and California Park and Recreation Society. DVD also designed Harry M. Dotson Park which also received awards from APWA.”

- MAYOR
Vicente Sarmiento
- MAYOR PRO TEM
Phil Bacerra
- COUNCILMEMBERS
Johnathan Ryan Hernandez
Jessica Lopez
Nelida Mendoza
David Penaloza
Thai Viet Phan



- CITY MANAGER
Kristine Ridge
- CITY ATTORNEY
Sonia R. Carvalho
- CLERK OF THE COUNCIL

CITY OF SANTA ANA

PUBLIC WORKS AGENCY
20 Civic Center Plaza • P.O. Box 1588
Santa Ana, California 92702
www.santa-ana.org

February 3, 2023

RE: Recommendation of David Volz Design Landscape Architects, Inc.

To Whom It May Concern:

David Volz Design has provided high quality design and consulting services to the City of Santa Ana for many years. They have provided park planning, provided leadership at public outreach meetings, provided creative park design, developed construction documents and provided construction period services on several park projects.

Most notably is the recent Santiago Park Gas House Area Development project, of which David and his team have been a part of from the very beginning. They provided concept design, led community outreach efforts, developed contract documents and are now providing construction support. The project will be completed this spring and is an award winner. We are very excited and are appreciative of the great working relationship we had together, and the expertise they brought to the table.

DVD has always provided the City of Santa Ana with high quality professional service for these projects and many others. I highly recommend David Volz Design to your agency.

Sincerely,

Suzi Furjanic
Associate Park Planner
sfurjanic@santa-ana.org

CITY OF SAN MATEO
Parks and Recreation Department



330 WEST 20TH AVENUE
SAN MATEO, CALIFORNIA 94403-1388
TELEPHONE: (650) 522-7400
FAX: (650) 522-7401

“We selected David Volz Design because they have created many award winning unique park designs for other public agencies.”

August 2, 2017

To whom it may Concern,

The City of San Mateo is currently working with David Volz Design to provide preliminary design documents for our Borel Park site. They have developed two very creative and innovative design concepts for our newest neighborhood park. We selected David Volz Design because they have created many award winning unique park designs for other public agencies. Most of their park and public agency projects are very well thought out and incorporate history, culture, and art to support a strong theme. All of the components of the design such as site furnishings, paving materials, and the plant selection all work together to support the design concept. David Volz Design does a great job creating attractive and functional public spaces with high recreation value.

Having worked with David Volz Design on several projects at different agencies, I have always found them easy to work with professional and the public appreciates the skills and commitment. I strongly recommend David Volz Design to any public agency seeking creative and professional landscape architectural services.

Greg Meek
Park Planning Administrator
(650) 522-7544
gmeek@cityofsanmateo.org

SANTA ANA CITY COUNCIL

- 14 Supervisor
Miguel A. Flores
- 13 Councilmember
Miguel A. Flores
- 12 Councilmember
Miguel A. Flores
- 11 Councilmember
Miguel A. Flores
- 10 Councilmember
Miguel A. Flores
- 9 Councilmember
Miguel A. Flores
- 8 Councilmember
Miguel A. Flores
- 7 Councilmember
Miguel A. Flores
- 6 Councilmember
Miguel A. Flores
- 5 Councilmember
Miguel A. Flores
- 4 Councilmember
Miguel A. Flores
- 3 Councilmember
Miguel A. Flores
- 2 Councilmember
Miguel A. Flores
- 1 Councilmember
Miguel A. Flores

“DVD has always provided the City of Santa Ana with high quality professional services for these project and many others.”



February 1, 2024
Revised March 19, 2024

Nicholas Josten
City of Escondido
201 N. Broadway
Escondido, CA 92025

RE: PROPOSAL TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURE DESIGN SERVICES FOR MOUNTAIN VIEW PARK PICKLEBALL COURTS DESIGN (RFP NO. 24-20)

Dear Mr. Josten,

We are looking forward to working with the City of Escondido. Our team of professionals has what it takes—expertise, enthusiasm, and exceptional service—to plan, design, and see to the successful completion of your projects.

Thank you for your consideration.

Very truly yours,

DAVID VOLZ DESIGN

David J. Volz, R.L.A. # 2375
LEED Accredited Professional, QSD/QSP

FEE PROPOSAL

We have the knowledge and expertise to creatively take this project from start to finish, from design development through final, construction engineering and construction. We have provided similar services on hundreds of communities defining projects for cities throughout Southern California. We have a very creative team and our desire to be your City's design partner will be evidenced in our energy and enthusiasm every step of the way.

Scope of Services	ORIGINAL CONTRACT							REDUCED SCOPE						
	DD \$200	SLD \$155	LD \$140	PD \$120	AD \$110	Total Hrs	Fee	DD \$200	SLD \$155	LD \$140	PD \$120	AD \$110	Total Hrs	Fee
Task 1 - Project Initialization and Management	4	16		4	4	28	\$ 4,200	4	16		4	4	28	\$ 4,200
Task 2 - Community Workshop	4	16		8	1	29	\$ 4,350	4	4		4	1	13	\$ 2,010
Task 3 - Preliminary Concept Plans (30%)	40	16	8	16	3	83	\$ 13,850	40	16	8	16	3	83	\$ 13,850
Task 4 - Construction Documents (60% & 90%)	40	120	80	160	20	420	\$ 59,200	40	120	80	160	20	420	\$ 59,200
Task 5 - Final Construction Documents	16	40	8	40	3	107	\$ 15,650	16	40	8	40	3	107	\$ 15,650
Task 6 - Bidding and Construction Support	20	80	8	16	16	140	\$ 21,200	20	80	8	16	16	140	\$ 21,200
	124	288	104	244	47	807	\$ 118,450	124	276	104	240	47	791	\$ 116,110
Civil Engineering Services by West Coast Civil							\$ 100,591							\$ 87,780
Environmental Services by Ecorp							\$ 78,948							\$ 21,344
Geotechnical Services by LGC							\$ 7,475							\$ 7,475
Structural Engineering by Waddell							\$ 2,300							\$ 2,300
Reimbursable expenses, printing, copying, postage, etc.							\$ 5,000							
	TOTAL PROPOSED DESIGN FEE \$ 312,763							TOTAL REDUCED FEE \$ 235,009						

3/14/2024

ASSUMPTIONS

1. See the subconsultant proposals attached for proposed services and additional excluded services.
2. Addition to the above the services and fees will be required if construction exceeds the **twelve consecutive calendar months**. Construction period service will require more fees if construction exceed the length of construction previously mentioned.
3. The following project expenses will be billed at cost plus 15% administrative fee in addition to the professional fees listed above:
 - Printing, copying, scanning, graphic, photography and reproduction services
 - Delivery, shipping and courier charges
 - Subconsultant fees and expenses
 - Agency fees, permits, plan check and inspection fees
4. The reimbursable allowance will only be billed as-needed.
5. Payments are due within **30 days** from invoice date.
6. The rates shown are subject to periodic increases, including January 1st of each year, in accordance with any increase in the Consumer Price Index or other equal to cost index.

HOURLY RATES SCHEDULE

Principals	\$230/hr
Director of Design	\$200/hr
Senior Landscape Architects	\$175/hr
Director of GIS	\$165/hr
Landscape Architect	\$160/hr
Plan Check	\$160/hr
Senior Landscape Designer	\$155/hr
Senior GIS Analyst	\$155/hr
Landscape Designer	\$140/hr
GIS Analyst	\$140/hr
Project Designer/CADD Technicians I, II, III	\$110, 120, 130/hr
GIS Technicians I, II, III	\$110, 120, 130/hr
Administration	\$110/hr





March 12, 2024

Allie Stafford
David Volz Design Landscape Architects, Inc.
151 Kalmus Drive, Suite M8
Costa Mesa, CA 92626

Subject: Proposal for Civil Engineering Services for the City of Escondido Mountain View Park Pickleball Courts Design (Rev 1)

Ms. Stafford

In response to your request, West Coast Civil, Inc. (WCC) is pleased to submit this Proposal to provide civil engineering services for the Mountain View Park (MVP) Pickleball Courts Design (Project) for the City of Escondido (City). Provided below is our scope of services in accordance with the City's posted Request for Proposals (RFP).

I. SCOPE OF SERVICES

1. PROJECT MANAGEMENT

Project Meetings

WCC will attend up to six (6) project meetings. A project meeting is anticipated after the City's review of each design deliverable along with three (3) meetings during the course of the Project.

2. Environmental Evaluation and Utility Coordination

SWQMP Preparation

WCC will prepare a Storm Water Quality Management Plan (SWQMP), for a Priority level project, that will identify low impact design measures that the Project will incorporate. It is anticipated that coordination between WCC, City, and Landscape Architect will be required. It is assumed that up to two (2) submittals may be required. WCC will attend up to one (1) meeting with the City to discuss comments.

SWPPP Preparation

WCC will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the Regional Water Quality Control Board (RWQCB) to meet the requirements of the Construction General Permit. The SWPPP will include temporary and permanent storm water Best Management Practices (BMP)s designed to treat the "first flush" storm event and prevent erosion.



Erosion Control Plan

WCC will prepare an Erosion Control Plan with up to two (2) sheets. It is anticipated that this plan will have the required Best Management Practices (BMP) notes and a layout of the site and anticipated location of erosion control measures for the Contractor.

Utility Coordination

WCC will coordinate with the Landscape Architect and the City regarding existing utilities and required connections/abandonments as a part of this Project. Utility improvements, if required, will be shown on the plans as plan view only.

3. GEOTECHNICAL EVALUATION

No WCC scope is anticipated for this Task.

4. PUBLIC OUTREACH AND ENGAGEMENT

No WCC scope is anticipated for this Task.

5. PLANS, SPECIFICATIONS, SCHEDULE ESTIMATE, AND COST ESTIMATE

Topographic Survey

WCC will subcontract with Paradigm Geospatial (PG), a licensed surveyor in the State of California, to perform a topographic survey for the Project. PG will collect surface elevations and measure pipe inverts for storm drain facilities within the Project area. Basis of Bearings and Benchmarks shall conform to the City's standard requirements. A deliverable will be provided in AutoCAD Civil 3D.

Construction Plans (30/60/90/100-Percent)

WCC will provide civil engineering drawings showing the design of the pickleball courts in conjunction with the Landscape Architect's plans. Anticipated civil plans include one (1) Notes sheet, one (1) Demolition plan, one (1) Site and Horizontal Control plan, one (1) Precise Grading plan, one (1) Utility and BMP plan, and one (1) Detail sheet. Plan views are anticipated to be at a scale no greater than 1"=20'.

Specifications (60/90/100-Percent)

WCC will provide specifications related to the civil improvements. Specifications are anticipated to be based on the City's Standard General Conditions and Greenbook. Where information is not available in the two listed references, WCC will generate supplemental special provisions (SSP's) to incorporate the entire civil scope of work.

Construction Schedule

WCC will assist the Landscape Architect with the development of an anticipated construction schedule. WCC input will be limited to civil driven aspects and general construction sequences.



Construction Estimate (30/60/90/100-Percent)

WCC will provide an Opinion of Probable Construction Cost (OPCC) for civil and general bid items with each identified submittal to the City. The cost estimate will be based on American Advancement of Cost Engineering (AACE) standards.

6. BIDDING AND CONSTRUCTION SUPPORT

Bidding and Construction Support

WCC will provide miscellaneous support services to answer questions and/or requests for information (RFI). This task includes reviewing construction documents/submittals for conformance to plans and aiding the Contractor if minor adjustments are required to support construction. A maximum of sixteen (16) RFI's and ten (10) submittals are provided as part of WCC's scope. Record drawings from the Contractor's redlines are not included as part of WCC's scope.

7. OPTIONAL SERVICE ONE

No WCC scope is anticipated for this Task.

II. ADDITIONAL SERVICES

If requested by the CLIENT, WCC will provide the following additional services, beyond the services included in Section I, Scope of Services, on a time and materials basis according to WCC's current standard rate schedule or at a negotiated lump sum price. These services have been identified as potentially necessary or desirable for further construction:

- A. Any additional project related services not specifically included in Section I, Scope of Services.

III. EXCLUSIONS

The following are specifically excluded from this proposal:

- Agency Permit Processing
- Geotechnical Engineering Services including Geotechnical Reports.
- Structural Engineering Services including design and calculations.
- Landscape Design.
- Agency Fees, Deposits, or Taxes.
- Services of dry utilities consultant and coordination with dry utility companies such as SDG&E, COX, AT&T.
- Utility potholing.
- Utility mark out
- Traffic control plans.
- Architectural plans.



- As-Built Drawings.

IV. CLIENT FURNISHED SERVICES

The CLIENT will provide the following services or information:

- Assign one person to serve as the CLIENT's project manager who has the authority to represent the CLIENT and will serve as the point of interface for all project issues and communications.

V. FEES AND CONDITIONS

The services described in Section I, Scope of Services, will be provided on a time and material basis, with the estimated total cost amounting to **\$76,330** in accordance with our fee schedule (Attachment A).

We appreciate the opportunity to offer this proposal. If you have any questions, please contact me.

Sincerely,

Austin Frisby, P.E., Q.S.D.
Project Manager, West Coast Civil, Inc.
(951) 529-5247 | austinf@westcoastcivil.com

Anthony Gonzalez, P.E., ENV SP
President, West Coast Civil, Inc.
(858) 869-1332 | anthony@westcoastcivil.com

Item 6.

Attachment A

WEST COAST CIVIL						12-Mar-24
Fee Proposal for MVP Pickleball Courts Design						
WCC - City of Escondido	WCC Classifications					
	Project Manager (Austin)	Design Engineer III (Claire)	CAD Tech III (Michel)	Sub-Consultant	Total Hours	Fee Subtotal
Hourly Rates	\$ 195	\$ 155	\$ 125			
Task 1. Project Management						
Project Meetings (6)	10	10			20	\$ 3,500
Task Sub-Total	10	10	0		20	\$ 3,500
Task 2. Environmental Evaluation and Utility Coordination						
SWQMP Preparation (1 Review/1 Resubmittal)	4	12	28		44	\$ 6,140
SWPPP Preparation Assistance	4	8	16		28	\$ 4,020
Erosion Control Plan (2 Sheets)	2	8	16		26	\$ 3,630
Task Sub-Total	10	28	60		98	\$ 13,790
Task 3. Geotechnical Evaluation						
Soils Investigation						\$ -
Task Sub-Total	0	0	0		0	\$ -
Task 4. Public Outreach and Engagement						
Public Outreach and Engagement						\$ -
Task Sub-Total	0	0	0		0	\$ -
Task 5. Plans, Specifications, Schedule Estimate, and Cost Estimate						
Topographic Survey				\$8,140.00		\$ 8,140
Civil Plan Sheets (6) - 30% 60% 90% 100%	20	56	144		220	\$ 30,580
Specifications - 60% 90% 100%	8	16	32		56	\$ 8,040
Construction Schedule Assistance	4	4			8	\$ 1,400
OPCC - 30% 60% 90% 100%	8	8			16	\$ 2,800
Task Sub-Total	40	84	176		300	\$ 50,960
Task 6. Bidding and Construction Support						
RFI's (16)	8	16			24	\$ 4,040
Submittals (10)	8	16			24	\$ 4,040
Task Sub-Total	16	32	0		48	\$ 8,080
Sub-Total	76	154	236		466	
Total for Professional Services						\$ 76,330





March 14, 2024
(P24-027)

David Volz
Landscape Architect
David Volz Design Landscape Architects, Inc.
151 Kalmus Drive, Suite M8
Costa Mesa, CA 92626
Via email: dvolz@dvolzdesign.com

Subject: CEQA Services for the Mountain View Park Pickleball Courts Design Project, City of Escondido, California

Dear Mr. Volz:

ECORP Consulting, Inc. (ECORP) is pleased to provide this proposal for environmental services for the Proposed Project referenced above. This proposal presents ECORP's proposed technical approach and cost estimate to complete these services.

PROJECT UNDERSTANDING

The City of Escondido proposes to construct eight new pickleball courts at the existing Mountain View Park in the City of Escondido, San Diego County. The park was originally an avocado and orange grove before the City purchased the land in 1985 and converted it to a recreational park for City residents to enjoy. The existing park is approximately 11 acres and contains lighted little league fields, a soccer field, tennis courts, picnic tables, a tot lot/playground, restrooms and an open turf area. The new pickleball courts would be constructed on a 1-acre site within the park boundary. An additional Project goal is that the Project be designed to avoid any impacts to the historic Mountain House located to the west of the Project location. This house is listed in the City's Historic Resources Inventory.

The Project is subject to review under the California Environmental Quality Act (CEQA) and the Lead Agency would be the City of Escondido. Along with the Request for Proposals, the City of Escondido provided the Mountain View Park Site Master Plan prepared in 1988. The City also provided the 1992 Programmatic Environmental Impact Report (PEIR) for the City's Master Plan for Parks, Trails and Open Space. The mitigation plan requirements from the 1992 PEIR must be followed in the environmental documentation and proposed park design. ECORP has proposed an analysis of impacts to the Mountain House dwelling, located adjacent to the proposed pickleball courts, to ensure that the requirements of the PEIR to avoid impacts to sensitive cultural resources are accomplished. After an initial review, it appears that the Project may be exempt from CEQA, in which case a Categorical Exemption would be appropriate (Task 4).

Mr. David Volz
March 14, 2024
Page 2 of 7

SCOPE OF WORK

Task 1 – Historic Resources Impacts Assessment

An ECORP Architectural Historian will conduct a field visit of the project area to capture photographs of the study area, setting, and nearby historical resources to assist with the impacts assessment. ECORP will prepare an impacts assessment to determine if the Proposed Project would significantly impact the character-defining features of the Mountain House dwelling located at 1160 South Citrus Avenue, APN 231-220-43-00. The Proposed Project activities will be compared to the Level of Significance areas and character-defining features identified in documentation provided by the City of Escondido. This analysis will specifically assess adherence to the Secretary of the Interior's Standards for Rehabilitation, addressing potential impacts. The significance of impacts will be determined based on CEQA guidelines, with proposed mitigation measures, exploration of alternatives, and thorough documentation for compliance.

Task 2 - Noise Impact Assessment

The evaluation of noise impacts associated with the Project will be completed by staff members who are noise experts. The City of Escondido promulgates specific noise standards for both Project construction and operational activities. The applicable noise and land use compatibility criteria for the Project Area regulating noise impacts will be discussed for land uses adjacent to, and nearby, the Project Site as they will be the basis for the Project impact determination and whether mitigation is necessary.

The Project Site is surrounded mainly by residential land uses. In order to establish the existing ambient noise levels currently experienced in the Project Area ECORP will conduct up to four (4) short-term (15 minutes) measurements in the Project vicinity. The short-term measurements will focus specifically on the residential land uses that could be impacted from the noise generated at the proposed pickleball courts.

Construction would occur during implementation of the Proposed Project. Noise levels from construction sources will be analyzed using the Federal Highway Administration Roadway Construction Noise Model and based on the anticipated equipment to be used. In order to evaluate the potential health-related effects (physical damage to the ear) from construction noise, construction noise will be evaluated in terms of hourly equivalent continuous noise levels (Leq) and the frequency of occurrence at nearby land uses. In addition to construction noise, an analysis of vibration impacts will be prepared based on the California Department of Transportation's vibration analysis guidance.

The evaluation of the Project's contribution to noise increases over existing conditions will be addressed. According to the 2020 Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol, doubling of traffic on a roadway is required in order to increase noise to a perceptible level

Mr. David Volz
March 14, 2024
Page 3 of 7

for humans. In the case that traffic is predicted to double the amount of existing traffic on vicinity roadways, offsite mobile source noise impacts from vehicular traffic will be assessed using the U.S. Federal Highway Traffic Noise Prediction Model (FHWA-RD-77-108). Otherwise, off-site traffic noise will be addressed qualitatively.

The Project will also generate noise from onsite activities, primarily the proposed pickleball courts. Project onsite noise will be calculated with the SoundPLAN 3D noise model. The SoundPLAN 3D noise model predicts noise levels based on the location, noise level, and frequency spectra of the noise sources as well as the geometry and reflective properties of the local terrain, buildings and barriers. A noise contour graphic will be prepared to depict the noise levels at the surrounding receptors. The modeling results and noise contour graphics will be discussed and summarized in the analysis.

ECORP proposes to evaluate noise impacts in a technical report. Where appropriate, the analysis would be supported by modeling documentation, which would be included as an appendix to the technical report.

Task 3 – Native American Consultation Assistance

ECORP will assist the City in consulting with Native American tribes as requested by the City for the Project. At the direction and discretion of the City, ECORP may use this budget to assist in completing a Native American Heritage Commission (NAHC) Sacred Lands File Search, drafting contact or consultation letters to Native American tribes, coordinate tribal meetings, maintain an administrative record of Native American outreach and consultation, and provide technical support to the agency in determining whether or not Tribal Cultural Resources will be significantly impacted by the Project.

This cost estimate is provided on a time and materials, "best efforts" basis as requested by the City. If the consultation requests from the tribes or services requested from the City require more effort that will exceed the budget provided herein, then a contract change order would be required to complete the scope.

Task 4 – CEQA Categorical Exemption

After completing the technical studies described above, ECORP will determine whether the Project qualifies for a CEQA Categorical Exemption. The Project may be exempt from CEQA under Class 3: New Construction or Conversion of Small Structures (CEQA Guidelines Section 15303). Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Mr. David Volz
 March 14, 2024
 Page 4 of 7

ECORP will prepare the Notice of Exemption (NOE) Form from Appendix E of the CEQA Guidelines. This form will be filed at the San Diego County Clerk’s office and electronically with the State Clearinghouse. A receipt of filing will be obtained from both entities. The form will also be provided to the City for posting on the City’s website.

COST ESTIMATE

This scope of work will be performed on a time-and-materials basis as detailed in Table 1.

Table 1 – Cost Breakdown

Activity	Cost (\$)
Task 1 – Historic Resource Impact Assessment	\$7,000
Task 2 – Noise Impact Assessment	\$4,900
Task 3 – Native American Consultation Assistance	\$5,000
Task 4 – CEQA Categorical Exemption	\$1,750
TOTAL COST	\$18,650

Costing Assumptions

- ◆ ECORP Consulting, Inc. assumes that the Project description will not change during the Project. Changes to the Project description may affect cost and schedule.
- ◆ Schedule estimates are based on our best judgment of the requirements known at the time of the proposal and can be influenced favorably or adversely by Client’s needs and other circumstances. ECORP will perform the services and accomplish the objectives within the presented costs and schedule. However, if the scope of work or schedule changes, ECORP will offer separate proposals for any out-of-scope work.
- ◆ ECORP Consulting, Inc. assumes that, by receipt of notice to proceed, full access to the property will be provided by the Client, including keys to locked gates and advance notice to existing property tenants of our right of entry.
- ◆ ECORP assumes that the City of Escondido will provide ECORP documentation related to the Mountain House’s listing on Escondido’s Local Register of Historic Properties that explains the resource’s character-defining features, aspects of integrity, or applicable eligibility criteria needed for the impacts assessment. If the City cannot provide documentation on the Mountain House’s listing, ECORP can conduct a records search with the California Historical Resources Information System (CHRIS) to acquire necessary evaluation documentation to complete the impacts assessment for an additional fee. If the records search fails to provide sufficient information, ECORP may be required to complete an updated evaluation and integrity assessment for the Mountain House, through contract amendment, which may be determined through project implementation.

Mr. David Volz
March 14, 2024
Page 5 of 7

- ◆ In accordance with Stipulation 6 E of the California Historical Resources Information System Information Access and Use Agreement (hereafter, Agreement) between ECORP and the California Office of Historic Preservation, one copy of any written report, historical resource record, or digital data based in part or entirely on the use of California Historical Resources Information System data acquired under the Agreement shall be submitted to the Information Center that provided such data within 60 calendar days following the creation of said product.
- ◆ The fee for records search information at the California Historical Resources Information Center has been estimated herein; however, the actual cost of the information will not be known until after the Information Center provides the information. Client agrees to pay the full fee from the Information Center in accordance with the Rate Schedule.
- ◆ This scope does not include costs for test excavations or formal evaluations of archaeological sites or historic architectural resources. If these services are required, a separate scope and cost will be provided.
- ◆ Cultural resources location information is exempt from the California Public Records Act and Freedom of Information Act, and therefore, reports that include site location information are considered confidential and are not intended for public distribution.
- ◆ ECORP shall not be held responsible for work delays or cancellations caused by strikes, accidents, acts of God, delays imposed by the Client, or other delays beyond the control of ECORP, including the Covid 19 pandemic.
- ◆ It is assumed that ECORP can use and rely on the data and information contained in the project related documents provided by the Client. ECORP will not perform a technical review of these documents and will not be responsible for the content or accuracy of these studies.
- ◆ Change orders will be issued and signed by the Client and ECORP Consulting, Inc., before starting additional work not provided for in the original proposal. If the Client's authorized representative is not available for signature, the additional out-of-scope work will not commence until the change order is signed.
- ◆ Attendance at meetings not listed in the scope of work is not included in the costs.
- ◆ This cost is valid for a period of 90 days from the date of this the proposal. Beyond 90 days, ECORP reserves the right to reevaluate the cost.

Mr. David Volz
March 14, 2024
Page 6 of 7

Thank you for the opportunity to submit this proposal. If you have any questions regarding this proposal, please contact me at (949) 584-8066 or via email at lbuck@ecorpconsulting.com.

Sincerely,

ECORP Consulting, Inc.



Lindsay Buck (Lieglar)
Staff Environmental Planner

Attachment: 2024 Rate Sheet

Mr. David Volz
March 14, 2024
Page 7 of 7

FEE SCHEDULE FOR PROFESSIONAL SERVICES¹

ECORP Consulting, Inc. – 2024 Rates

Principal I-IV	\$225-\$375
Senior I-IV	\$160-\$210
Staff I-III	\$135-\$150
Associate I-III	\$105-\$125
Assistant I-III	\$85-\$100
Technician I-III	\$65-\$85
GIS Specialist I-III	\$120-\$165
GIS Technician	\$100
Technical Editor	\$155
Publications Specialist I-II	\$100-\$120
Accountant I-III	\$115-\$160
Clerical	\$90

¹Technical classification includes biologists, regulatory permitting specialists, archaeologists, architectural historians, paleontologists, air quality/greenhouse gas specialists, noise specialists, planners, CEQA/NEPA specialists, UAS pilots, and other technical professionals.

Expense Reimbursement/Other:

1. Computers, facsimile, and telephone are included in the billing rates, and there is no additional charge.
2. Reproduction, equipment and other direct expenses are reimbursed at cost plus a 14% administrative handling charge (excluding mileage).
3. The hourly rates for Subconsultants will be billed at the hourly rate indicated, plus a 12% administrative handling charge.
4. Mileage will be billed at the current IRS rate, adjusted annually.
5. Per Diem, depending upon location, may be charged where overnight stays are required.
6. Expert Witness Testimony, including Depositions, is billed at time and a half.
7. Non-standard invoicing will be billed at the hourly rates for support personnel.
8. ECORP will review our hourly rates annually and may choose to escalate our rate sheet depending on changes to the cost-of-living index and other factors.

¹ Rates effective January 2024 and are subject to change. Depending on the project requirements, titles may vary from this general list.



January 31, 2024

Project No. 24018-01

Ms. Allie Stafford
David Volz Design Landscape Architects
151 Kalmus Drive, Suite M8
Costa Mesa, CA 92626

Subject: Proposal to Provide a Limited Subsurface Geotechnical Evaluation and Recommendations for Proposed Mountain View Park Pickleball Courts, 1160 South Citrus Avenue in the City of Escondido, California

Introduction

In accordance with your request, LGC Geotechnical, Inc. has prepared this proposal and cost estimate to perform a limited subsurface geotechnical evaluation, provide recommendations, and construction services for the proposed Mountain View Park pickleball courts located at 1160 South Citrus Avenue in the City of Escondido, California. This proposal is based on information provided by you and our previous experience with similar projects.

Geotechnical Evaluation

We recommend performing a limited subsurface geotechnical evaluation and provide preliminary geotechnical recommendations pertaining to the proposed improvements (pickleball courts and associated improvements). The evaluation would consist of advancing hand auger borings and performing laboratory testing.

Note: Our evaluation and report will only address the geotechnical issues associated with the site and will not address any environmental issues.

Scope

- Excavate, sample, and log one to two hand-augured borings to depths of up to approximately 5 feet below the ground surface in the approximate location of the proposed improvements.
- Observe the current site condition and periodically probe the near surface soils with a hand probe for relative density determination.
- Collect, submit, and assign samples for laboratory testing (as appropriate) to our geotechnical laboratory for characterization of the engineering properties of the selected onsite materials.

- Perform limited laboratory testing of representative samples of the site soils to determine their expansion potential and sulfate content. Geotechnical interpretation and analysis of field and laboratory results.
- Preparation of one preliminary geotechnical evaluation report for the planned pickleball courts.

Cost

We propose to perform the above-mentioned geotechnical services on a *time-and-material* basis in accordance with our attached 2022 Professional Fee Schedule for an estimated amount of Six Thousand Five Hundred Dollars (\$6,500.00) for the geotechnical evaluation. If this proposal meets with your requirements, please provide us with the appropriate authorization from your firm.

Assumptions

Please note that the following assumptions have been made:

1. No permits will be required.
2. We assumed that right of entry will be addressed by your office prior to the start of our fieldwork.
3. We are not aware of any environmental or biological constraints in the immediate vicinity of the subject project. We assume you will make us aware of any constraints and the particulars regarding them before we begin our evaluation. If our proposed scope of services is found to conflict with environmental or biological constraints, it will be adjusted accordingly, as will our cost estimate.
4. No field infiltration testing will be required for the WQMP.
5. This cost estimate does not include responses to agency review sheets (if any).

If any of these assumptions are invalid, our fees shall be adjusted accordingly.

Schedule

Once we receive the notice to proceed, we will begin the field evaluation when equipment is available. The field portion of our evaluation is expected to take one full day. Laboratory testing will be completed approximately two weeks following our field work and preparation/distribution of the geotechnical report will require an additional one week.

Closure

If this proposal meets with your approval, please provide us with the necessary work authorization. We will start work immediately upon signing a mutually agreeable contract.

Our proposed services will be performed to the general standard of care of geotechnical consulting in Southern California; no other warranty is expressed or implied.

The opportunity of submitting this proposal is sincerely appreciated. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

LGC Geotechnical, Inc.



Branden Petersen, EIT
Senior Staff Engineer

DJB/BPP

Attachment: 2022 Professional Fee Schedule

Distribution: (1) Addressee (electronic copy)



2022 PROFESSIONAL FEE SCHEDULE GEOTECHNICAL SERVICES

Professional Billing Rate (per hour)

Word Processing.....	\$ 70.00
CAD Operator	95.00
Junior Field Technician	95.00
Senior Field Technician.....	110.00
Field Technician/Prevailing Wage.....	150.00
Staff Engineer/Geologist	135.00
Senior Staff Engineer/Geologist	145.00
Field Supervisor/Operations Manager.....	110.00
Project Engineer/Geologist.....	170.00
Senior Project Engineer/Geologist.....	185.00
Associate Engineer/Geologist.....	195.00
Principal Engineer/Geologist.....	250.00

Engineering Equipment

Field Vehicle Usage	\$ 10.00/per hour
Vehicle Mileage.....	included in vehicle usage
Nuclear Soil Gauge and Inclinometer.....	included in hourly rate
Other Monitoring Equipment.....	<i>Upon Request</i>

Laboratory Tests

Moisture Content	\$ 24.00
Moisture and Density (ring samples).....	35.00
Maximum Dry Density (optimum moisture content)	294.00
Maximum Density Checkpoint.....	100.00
Sieve Analysis.....	165.00
Hydrometer Analysis.....	135.00
Sieve and Hydrometer Analysis.....	220.00
Percent Passing No. 200 Sieve.....	85.00
Liquid Limit and Plastic Limit	180.00
Liquid Limit – Non-Plastic (1pt).....	100.00
Sand Equivalent.....	125.00
Expansion Index.....	155.00
Direct Shear (shear rate of 0.05 in./min.)	345.00
Direct Shear (shear rate of lower than 0.05 in./min.).....	415.00
Single Point Shear.....	135.00
Unconsolidated Undrained Triaxial Shear	205.00
Consolidation (w/o time rate)	235.00
w/time rate, add (per increment)	55.00
w/extra load, add (per load).....	50.00
Collapse Test (ASTM D4546-B)	125.00
R-Value (untreated).....	375.00
R-Value (treated)	410.00
Sulfate Content.....	95.00
Chloride Content	85.00
Corrosive Suite (minimum resistivity, pH, sulfate and chloride).....	320.00
Organic Matter Content	85.00
Caltrans 216 Compaction.....	300.00





Stipulations

- ◆ All professional rates are accrued from portal to portal.
- ◆ Expert witness testimony, depositions, or mediation conferences, will be billed at 2.0 times the professional billing rate.
- ◆ All geologists, engineers, and technicians will be billed at time-and-a-half for overtime. Overtime is defined as more than 8 hours in one day and any time worked on weekends, state holidays or night shifts. Double time will be billed when more than 12 hours are worked in one day or more than 8 hours on weekends, state holidays or night shifts. Scheduling Field Technicians less than 48 hours in advance may result in their hours being billed at overtime rates.
- ◆ Invoices are rendered monthly, payable upon receipt.
- ◆ Proposals are valid for 30 days, unless otherwise stated.
- ◆ Heavy equipment, subcontractor fees and expenses, supplemental insurance, travel, shipping, outside reproduction, and other reimbursable expenses will be invoiced at cost, plus 20 percent.
- ◆ Prior to initiating our field work, client agrees to provide all information in client's possession about actual or possible presence of underground utilities and/or hazardous materials on the site. Client agrees to reimburse LGC Geotechnical for all costs related to unanticipated discovery of utilities and/or hazardous materials.
- ◆ Prior to initiating our field work, client agrees to provide all information in client's possession with regard to restricted entry and/or exploration areas, such as areas of environmental contamination, hazardous soils, sensitive habitat areas, etc. Client agrees to reimburse LGC Geotechnical for all costs related to environmental contamination, hazardous soils, sensitive habitat areas, etc.
- ◆ Client is responsible for providing safe and legal access to the site at all times.
- ◆ LGC Geotechnical will not be liable for any loss, damage or liability to persons or property arising out of performance of our service that is not covered and paid for by our insurance. For any other loss, damage or liability which is not covered by insurance, our liability will be limited to the lessor of either \$10,000 or the total amount paid by client to LGC Geotechnical on the project in question.
- ◆ These rates are based on standard insurance coverage. If higher insurance limits are required client should discuss these limits, and the associated cost, with LGC Geotechnical prior to the initiation of our services.
- ◆ LGC Geotechnical's services will be performed in accordance with generally accepted standards of care and diligence normally practiced by geotechnical consulting firms performing services of a similar nature in Southern California. No other warranty, either expressed or implied, is included or intended in LGC Geotechnical's proposals, contracts, reports, etc.
- ◆ Quoted laboratory test rates assume samples are free of hazardous materials. Handling and testing of samples containing hazardous materials may include additional costs.



MKN CPM LLC
23942 Lyons Ave. Ste. 215
Newhall, CA 91321
661 425 6363

2024 FEE SCHEDULE
FOR PROFESSIONAL CM SERVICES
MKN CPM, LLC

ENGINEERS AND TECHNICAL SUPPORT STAFF

Principal Construction Manager	\$264/HR
Construction Manager	\$224/HR
Resident Engineer	\$205/HR
Assistant Resident Engineer	\$185/HR
Construction Inspector	\$178/HR
Administrative Assistant	\$70/HR

Routine office expenses such as computer usage, software licenses and fees, telephone charges, office equipment and supplies, incidental postage, copying, and faxes are included as a 3% fee on labor cost.

DIRECT PROJECT EXPENSES

Outside Reproduction	Cost + 10%
Subcontracted or Subconsultant Services	Cost + 10%
Travel & Subsistence (other than mileage)	Cost
Auto Mileage	Current IRS Rate



STAFF REPORT

April 17, 2024

File Number 0600-10; A-3325-4

SUBJECT

APPROVE BUDGET ADJUSTMENT, CHANGE ORDER AND CONTRACT AMENDMENT FOR THE CITRACADO PARKWAY EXTENSION PROJECT

DEPARTMENT

Development Services

RECOMMENDATION

It is requested that the City Council adopt Resolution No. 2024-43 authorizing a budget adjustment to receive reimbursement in the amount of \$2,033,103.50 from Rincon Del Diablo Municipal Water District, Resolution No. 2024-44 for a change order in the amount of \$994,407.97 to the construction contract with Flatiron West, Inc., and Resolution No. 2024-45 authorizing Amendment 4 to the consultant contract with TY Lin International in the amount of \$389,823 for the Citracado Parkway Extension Project ("Project").

Staff Recommendation: Approval (Chris McKinney, Interim Development Services Director/ Deputy City Manager and Julie Procopio, City Engineer)

ESSENTIAL SERVICE –Yes, Public Works/Infrastructure

COUNCIL PRIORITY – Improve Public Safety; Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

The budget adjustment is intended to recognize reimbursement from Rincon Municipal Water District for work performed on their behalf. Remaining programmed funds for the Citracado Parkway Extension Project are adequate to cover the cost of the proposed change order and amendment amounts. Additional funding will be programmed in the CIP budget for the costs of long-term maintenance and monitoring as required by the resource agency permits for the Project. The Project is funded with a combination of funding sources including a \$12.5 million Local Partnership Program grant, TransNet, Traffic Impact Fees, and a contribution from the Palomar Hospital project.

PREVIOUS ACTION

On August 20, 2014, the City Council authorized the Mayor to execute a reimbursement agreement with Rincon Del Diablo Municipal Water District ("Rincon") for their share of pipeline design costs for the Citracado Parkway Extension project. On February 5, 2020 the City Council authorized the Mayor to



CITY of ESCONDIDO

STAFF REPORT

execute a reimbursement agreement with Rincon for recycled water and potable water construction and relocation as part of the Citracado Parkway Extension Project.

On May 11, 2022, the City Council authorized the Mayor to execute an agreement with Flatiron West, Inc. in the amount of \$23,792,400.50 to complete the Citracado Parkway Extension Project. On October 11, 2023, the City Council authorized the Mayor to execute a change order to the construction contract with Flatiron West, Inc. in the amount of \$1,493,621.38 for additional costs associated with construction of the soundwall on the east side of Citracado Parkway.

On February 5, 2020, the City Council authorized the Mayor to execute an agreement with TY Lin International, Inc. for construction management and constructability review in the amount of \$1,596,544. On June 22, 2022, the City Council authorized the Mayor to execute Amendment 1 to the City’s contract with TY Lin International, Inc. in the amount of \$982,162.51 to support a longer construction duration based on a detailed constructability review that determined more time was necessary to complete the Project. Staff approved Amendment 2 to TY Lin’s agreement in the amount of \$191,295 for additional construction management and added staff for inspection of sound wall foundation construction due to the presence of shallow rock and excessive groundwater. On October 11, 2023, the City Council authorized the Mayor to execute Amendment 3 with TY Lin International, Inc. in the amount of \$845,013 for continued support of Project construction.

BACKGROUND

Construction of the Project began on September 6, 2022. The original contract completion date was in February 2024. As a result of utility conflicts and the presence of rock and shallow groundwater resulting from rainfall experienced during the 2022/23 and 2023/24 rain seasons, the Project now has an estimated completion in July 2024. Higher than average rainfall over the last two years has raised the groundwater table, making construction of Project sound wall foundations more difficult requiring pumping of groundwater and placement of sleeves to prevent caving of foundations. Rock has also been present in Project sound wall excavations, lengthening the time necessary to drill foundations. Utility conflicts have resulted in the need to re-design and reroute water mains, irrigation lines and appurtenances. Delays associated with weather, groundwater, rock and utilities have extended the Project duration, and required additional construction management services.

Construction Changes:

The Environmental Impact Report for the Project requires noise-reducing sound walls along much of the existing segment of Citracado Parkway. The presence of rock and groundwater in the soundwall foundations for the west side of the roadway resulted in additional construction costs in the amount of \$688,652.94. To mitigate potential costs, one segment of sound wall was re-designed to provide a shallower footing to reduce the risk of exposure to rock and groundwater, averting approximately \$150,000 in additional costs. In addition, utility conflicts resulted in the need to re-route and relocate



CITY of ESCONDIDO

STAFF REPORT

water and irrigation lines and their appurtenances at a cost of \$305,755.03. In total, staff has confirmed \$994,407.97 in actual additional costs associated with construction of the westerly soundwall footing and utility conflicts to date. Staff requests that the City Council approve change orders to the Flatiron West, Inc. contract in the amount of \$994,407.97

Construction Management Changes:

An amendment to the agreement with TY Lin, the construction management consultant, is requested based on the extended construction timeline and to cover required additional effort of the construction management to team track time and materials associated with groundwater, rock and utility conflicts. The consultant's efforts ensure that the City can determine and pay for the actual cost of the additional work. In addition, additional costs resulted from the need to test the foundations placed under wet conditions. The construction duration was extended due to these conditions which have resulted in additional construction management services. Staff recommends a contract amendment with TY Lin in the amount of \$389,823 to ensure construction management and quality assurance of the Project through its anticipated completion date.

Project Status:

The Project is approximately 70% complete. The Citracado Parkway bridge deck and rails have been completed leaving placement of sidewalks and approach slabs remaining to be completed. Median curb, curb and gutter, sidewalk and roadway base have been installed for much of the roadway extension south of the bridge. Placement of curb, gutter and sidewalk are in progress for the roadway extension on the north side of the bridge. Soundwalls are nearly complete on the east side of the roadway with foundation completion on the westerly side of Citracado Parkway anticipated by early May 2024.

Over the next several months, the contractor will complete import of soil, placement of roadway base, and asphalt concrete for the extended roadway. Along the existing segment of Citracado Parkway, the sound walls on the westerly side of the roadway will be completed. SDG&E mobilized on site in late March to relocate existing vaults and install service points for connection of street lights, traffic signals and irrigation controllers. The overall Project is expected to be complete and opened to traffic in July 2024.

RESOLUTIONS

- a. Resolution No. 2024 – 43
Resolution No. 2024 – 43 Exhibit "A": Budget Adjustment
- b. Resolution No. 2024 – 44
- c. Resolution No. 2024 – 45
Resolution No. 2024 – 45 Exhibit "A": Amendment 4

RESOLUTION NO. 2024-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A BUDGET ADJUSTMENT TO ACCEPT FUNDS PER THE CITY'S REIMBURSEMENT AGREEMENT WITH RINCON DEL DIABLO MUNICIPAL WATER DISTRICT FOR THE CONSTRUCTION OF THE CITRACADO PARKWAY EXTENSION PROJECT

WHEREAS, the City Council has allocated funding in the adopted Capital Improvement Program ("CIP") Budget for the Citracado Parkway Extension Project; and

WHEREAS, on August 20, 2014, the City Council adopted Resolution No. 2014-131 authorizing execution of a Reimbursement Agreement with Rincon Del Diablo Municipal Water District ("Rincon") for Rincon's share of pipeline design costs associated with the construction of the Citracado Parkway Extension Project ("Project"); and

WHEREAS, on February 5, 2020, the City Council adopted Resolution No. 2020-14 authorizing execution of a Reimbursement Agreement with Rincon for Rincon's share of recycled water and potable water construction and relocation as part of the construction of the Project; and

WHEREAS, the City Council recognizes that approval of a budget adjustment for the Project is required to continue and complete construction of the Project; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to authorize a budget adjustment with Rincon accepting an amount not to exceed \$2,033,000.

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 a budget adjustment with Rincon Del Diablo Municipal Water District for the construction of the Citracado Parkway Extension Project up to \$2,033,000, Exhibit "A".
3. That should staff determine that additional funds are owed by Rincon Del Diablo Municipal Water District to complete construction of the Citracado Parkway Extension Project, the City Manager shall have authority to approve additional budget adjustment to accept those funds.



BUDGET ADJUSTMENT REQUEST

Department:	Development Services	For Finance Use Only BA # _____ Fiscal Year _____
Department Contact:	Julie Procopio, ext. 4001	
City Council Meeting Date: <i>(attach staff report)</i>	04/10/2024	

EXPLANATION OF REQUEST

Budget Adjustment to accept reimbursement funds from Rincon Del Diablo Municipal Water District for their fair share of construction and construction management costs of the Citracado Parkway Extension Project up to the amount of \$2,033,000.

BUDGET ADJUSTMENT INFORMATION

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Citracado Parkway Extension	235-631001	\$2,033,000	

APPROVALS

DEPARTMENT HEAD	DATE	FINANCE	DATE

RESOLUTION NO. 2024-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING CHANGE ORDERS TO THE PUBLIC IMPROVEMENT AGREEMENT WITH FLATIRON WEST, INC. FOR THE CONSTRUCTION OF THE CITRACADO PARKWAY EXTENSION PROJECT

WHEREAS, the City Council has allocated funding in the adopted Capital Improvement Program (“CIP”) Budget for the Citracado Parkway Extension Project; and

WHEREAS, on May 11, 2022, the City Council adopted Resolution No. 2022-56 authorizing execution of a Public Improvement Agreement with Flatiron West, Inc. in the amount of \$23,792,400.50 for the construction of the Citracado Parkway Extension Project (“Project”); and

WHEREAS, on October 11, 2023, the City Council adopted Resolution No. 2023-120 authorizing execution of a change order in the amount of \$1,493,621.38 regarding construction services to be provided by Flatiron West, Inc. under the Public Improvement Agreement for the Project; and

WHEREAS, the City Council recognizes that approval of an additional change order for the Project is required to continue and complete construction of the Project; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to authorize the Mayor to execute a second change order with Flatiron West, Inc. in an amount not to exceed \$994,407.97.

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 construction change orders issued to date with Flatiron West, Inc. for the construction of the Citracado Parkway Extension Project totaling \$994,407.97.

3. That staff retains the authority to approve change orders up to ten-percent of the total contract amount in accordance with the Municipal Code.

RESOLUTION NO. 2024-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A FOURTH AMENDMENT TO THE CONSULTING AGREEMENT WITH TY LIN INTERNATIONAL FOR THE CITRACADO PARKWAY EXTENSION PROJECT

WHEREAS, the City Council has allocated funding in the adopted Capital Improvement Program Budget for the Citracado Parkway Extension Project (“Project”); and

WHEREAS, on February 5, 2020, the City Council adopted Resolution No. 2020-08 authorizing execution of a Consulting Agreement with TY Lin International in the amount of \$1,596,544 for the construction management of the Project; and

WHEREAS, on June 22, 2022, the City Council adopted Resolution No. 2022-82 authorizing execution of a first amendment to the Consulting Agreement with TY Lin International in the amount of \$982,162.51 for the continued construction management of the Project; and

WHEREAS, on September 21, 2023, the City Manager executed a second amendment to the Consulting Agreement with TY Lin International in the amount of \$191,295 for the continued construction management of the Project; and

WHEREAS, on October 11, 2023, the City Council adopted Resolution No. 2023-123 authorizing execution of a third amendment to the Consulting Agreement with TY Lin International in the amount of \$845,013 for the continued construction management of Project; and

WHEREAS, additional construction management services are required of TY Lin International to support the construction of the Project in the amount of \$389,823.

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 Mayor is authorized to execute, on behalf of the City, a Fourth Amendment to the Consulting Agreement with TY Lin International, which is attached and incorporated to this Resolution as Exhibit "A", and subject to final approval as to form by the City Attorney.
3. That the City Manager is authorized to approve additional amendments to this contract up to \$200,000 in accordance with the Municipal Code.



CITY OF ESCONDIDO
FOURTH AMENDMENT TO CONSULTING AGREEMENT

This Fourth Amendment to Consulting Agreement ("Fourth Amendment") is made and entered into as of the last signature date set forth below ("Effective Date"),

Between: CITY OF ESCONDIDO
 a California municipal corporation
 201 N. Broadway
 Escondido, CA 92025
 Attn: Julie Procopio
 760-839-4001
 ("CITY")

And: T.Y. Lin International
 a California corporation
 404 Camino del Rio South, Suite 700
 San Diego, CA, 92108
 Attn: Joseph Smith
 619-692-1920
 ("CONSULTANT").

(The CITY and CONSULTANT each may be referred to herein as a "Party" and collectively as the "Parties.")

WHEREAS, the Parties entered into that certain Consulting Agreement dated March 9, 2020 ("Agreement"), which was subsequently amended by a First Amendment dated August 11, 2022, a Second Amendment in September 2023, and a Third Amendment in October 2023 (collectively, the "Agreement"), wherein CITY retained CONSULTANT to provide services for construction management for the Citracado Parkway Extension Project, as more specifically described in the Agreement; and

WHEREAS, the Parties desire to amend the Agreement to include additional services as described in "Attachment A" to this Fourth Amendment, which is attached hereto and incorporated herein by this reference.

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms, and conditions set forth herein, and the mutual benefits derived therefrom, the Parties hereby agree as follows:

1. The CONSULTANT shall furnish all of the Services described in "Attachment A" to this Fourth Amendment.
2. The CITY will compensate CONSULTANT in an additional amount not to exceed the sum of **\$389,823**, pursuant to the conditions contained in "Attachment A" to this Fourth Amendment.

- 3. All other terms of the Agreement not referenced in this Fourth Amendment shall remain unchanged and in full force and effect. In the event of a conflict between a provision of the Agreement and this Fourth Amendment, this Fourth Amendment shall prevail.
- 4. This Fourth Amendment and the Agreement, together with any attachments or other documents described or incorporated therein, if any, constitute the entire agreement and understanding of the Parties, and there are no other terms or conditions, written or oral, controlling this matter.
- 5. This Fourth Amendment may be executed on separate counterparts that, upon completion, may be assembled into and shall be construed as one document. Delivery of an executed signature page of this Fourth Amendment by electronic means, including an attachment to an email, shall be effective as delivery of an executed original.
- 6. Unless a different date is provided in this Fourth Amendment, the effective date of this Fourth Amendment shall be the latest date of execution set forth by the names of the signatories below.

IN WITNESS WHEREOF, this Fourth Amendment is executed by the Parties or their duly authorized representatives as of the Effective Date:

CITY OF ESCONDIDO

Date: _____

Dane White, Mayor

T.Y. Lin International

Date: _____

Signature

Name & Title (please print)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, CITY ATTORNEY

BY: _____

THE CITY OF ESCONDIDO DOES NOT DISCRIMINATE AGAINST QUALIFIED PERSONS WITH DISABILITIES.

ATTACHMENT "A"

Scope of Work

A. General

T.Y. Lin International, a California corporation ("Consultant") will provide the City of Escondido, a California municipal corporation ("City") with continued consulting services related to the construction of the City's Citracado Parkway Extension Project ("Project").

B. Location

Consultant shall provide continued services as required for improvements being constructed within the Project site, including the existing portion from West Valley Parkway to South Andreasen Drive, Escondido. Please see **Exhibit 1** to this Scope of Work, which is attached hereto and incorporated by this reference, for the Project site map.

C. Services

1. Consultant shall continue to provide construction management, inspection, environmental, and material and testing services for Project improvements, including but not limited to overall management of construction support team, coordination of utility redesigns and coordination of construction inspection with project work, inspection of all street and bridge improvements, public outreach to affected residents and response to project inquiries, environmental inspections-compliance-oversite and permit extensions, and material testing of all materials placed as part of the project.
2. Services provided pursuant to the Fourth Amendment shall be in accordance with the Consultant's proposal, which is attached hereto as **Exhibit 2** to this Scope of Work and incorporated herein by this reference.

D. Scheduling

Inquires relating to this Fourth Amendment, including scheduling and coordination with City staff, shall be directed to Matt Souttere at 760-214-4718 or msouttere@escondido.org.

E. Contract Price and Payment Terms

The contract price of this Fourth Amendment shall not exceed **\$389,823**. The contract price of this Fourth Amendment includes all labor, materials, equipment, and transportation required to perform the work, and shall bring the cumulative contract price of the Agreement to **\$4,004,837.51**.

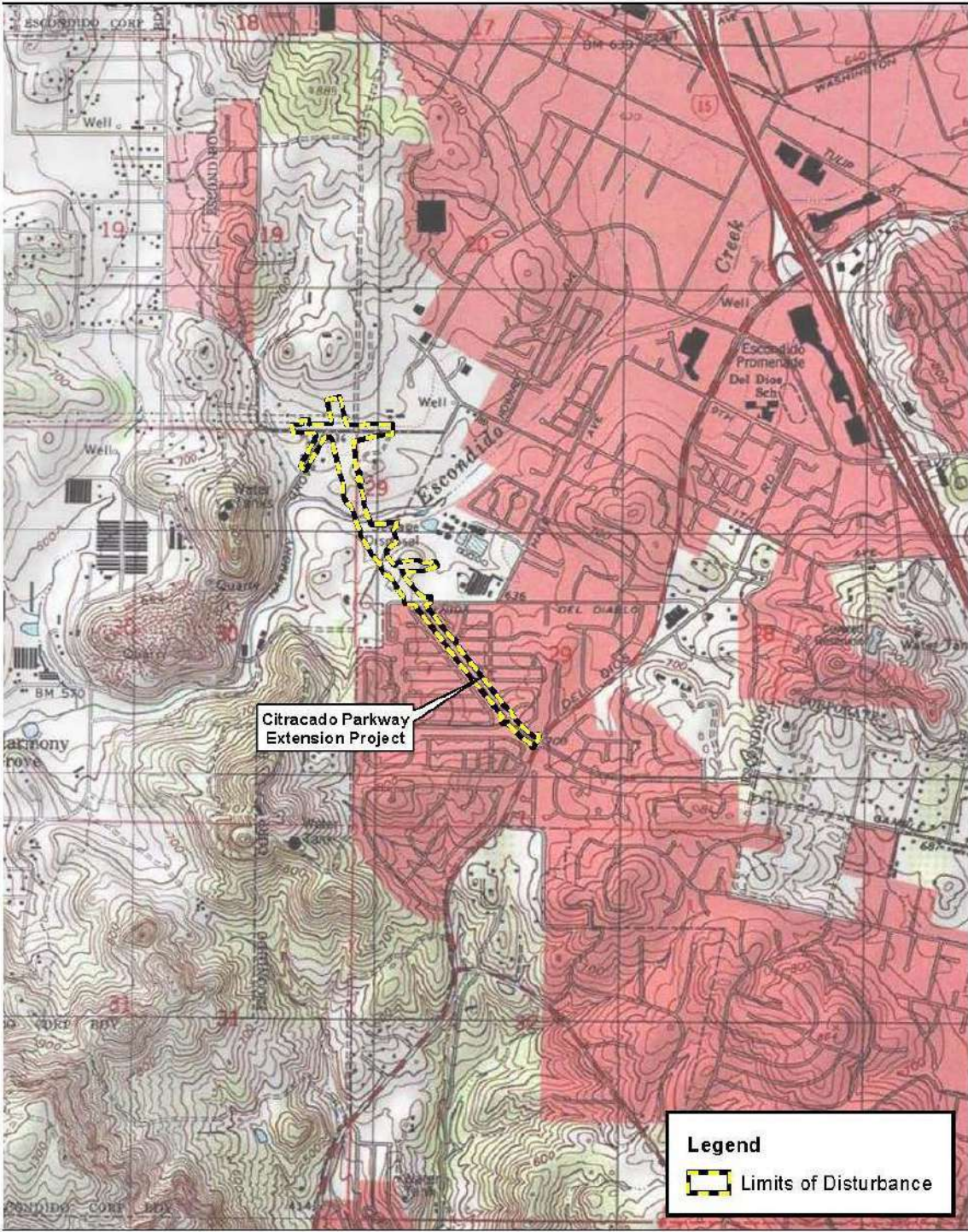
Services shall be billed as services are performed. Payment will be made after services have been performed and within 30 days of receipt of an invoice for those services.

The service rates as described in **Exhibit 2** to this Scope of Work, which is attached hereto and incorporated by this reference, shall remain firm throughout the term of this Fourth Amendment.

F. Term

The term of this Fourth Amendment shall be from the Effective Date of this Fourth Amendment through the date of **Notice of Completion** for the Project, which shall be filed by the City with the County of San Diego after all Project improvements and closeout documents are accepted by the City Engineer. This is anticipated by December 31, 2024.

EXHIBIT "1"



Source: USGS 7.5' Quadrangles, Escondido 1975, Valley Center 1975, Rancho Santa Fe 1983, San Marcos 1983; AECOM 2011

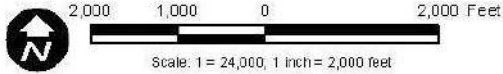


EXHIBIT
"2"

Prepared for: City of Escondido
CITRACADO PARKWAY EXTENSION PROJECT
STAFFING PLAN, COSTS and FEES
2/26/2024



Finish date July 2024 per estimated revised Schedule (CPM)

Estimate to Complete FEB 1, 2023 to End of job

NAME	POSITION	Construction										Post activities		Fee Estimate							
		2024										2023		2024		ODCs		Total		Subtotal per Firm	
		Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	2023	2024	Hours	\$	Hours	\$	Hours	\$	%	
T.Y. LIN INTERNATIONAL																					
JOSEPH SMITH, PE	PROJECT MANAGER/RESIDENT ENGINEER																				
BRIAN ROCHELLE, PE	DEP RE/STRUCTURE REP/FIELD ENGINEER			160	168	176	176	160	176	160			\$197.36	\$203.28	1176	\$239,056	\$45,000	1176	\$284,056	33.33%	Earthspectives ODCs
JOHN WILLIAMSON, PE	BRIDGE INSPECTOR/FIELD ENGINEER			160	168	176	80						\$197.36	\$203.28	584	\$118,715		584	\$118,715	13.93%	
ADRIANNA CARO	SOUNDWALL INSPECTOR			160	168	176	176	160	120				\$163.20	\$168.10	960	\$161,376		960	\$161,376	18.94%	
WADE DURANT, PE	SCHEDULE REVIEWS/CCOs/CLAIMS			100	50	100	80	60	20				\$227.58	\$234.41	410	\$96,106		410	\$96,106	11.28%	
Kleinfelder																					
DERICK LONDON	ASSISTANT RESIDENT ENGINEER/RDWH INSPECTOR			120									\$180.21	\$185.62	120	\$22,274	\$10,000	120	\$32,274	3.79%	\$138,579
ANNA FINLAY	PUBLIC RELATIONS MANAGER			8	8	8							\$119.04	\$122.61	24	\$2,943	\$1,200	24	\$4,143	0.49%	
KRISTA GOODMAN	PUBLIC RELATIONS COORDINATOR												\$57.74	\$59.47	0	\$0		0	\$0	0.00%	
JAMAL HANNA	ELECTRICAL/SIGNAL INSPECTOR			20	8	8	40	40					\$184.61	\$190.15	116	\$22,057	\$750	116	\$22,807	2.68%	
	MATERIAL TESTING/REPORTS			80	80	80	60	40	20				\$135.06	\$139.12	360	\$50,082	\$20,000	360	\$70,082	8.22%	
	MATERIALS PM/ENGINEER			6	6	6	6	6	10				\$225.11	\$231.86	40	\$9,274		40	\$9,274	1.09%	
Helix																					
KARL OSMUNDSON	ENVIRONMENTAL COMPLIANCE COORDINATOR			8	40	4	4	4	4				\$247.61	\$255.04	64	\$16,323		64	\$16,323	1.92%	\$45,412
DANE VAN TAMELEN	SENIOR PERMITTED WILDLIFE BIOLOGIST			16	16	8	8	8	8				\$123.60	\$127.31	64	\$8,148		64	\$8,148	0.96%	
ALEXANDER WALSH	ASSISTANT BIOLOGIST MONITOR			40	40	20	20	20	48				\$108.15	\$111.39	188	\$20,942		188	\$20,942	2.46%	
ERICA HARRIS	SENIOR SCIENTIST												\$169.95	\$175.05	0	\$0		0	\$0	0.00%	
SEAN BOHAC	GIS												\$144.20	\$148.53	0	\$0		0	\$0	0.00%	
MARY ROBBINS WADE	CULTURAL RESOURCES PRINCIPAL INVESTIGATOR												\$174.45	\$179.68	0	\$0		0	\$0	0.00%	
SAFEWORK (DBE)																					
KATHY KEATING	LABOR COMPLIANCE			8	8	8	8	8	8				\$160.08	\$164.89	48	\$7,914		48	\$7,914	0.93%	\$7,914
	LABOR COMPLIANCE												0	\$0	0	\$0		0	\$0	0.00%	
N.W. PAPAC CONSULTING																					
WAYNE PAPAC	Utility Coordinator/Inspector												\$152.85	\$157.44	0	\$0		0	\$0	0.00%	\$0
Supplemental Work																					
													0	\$0	0	\$0		0	\$0	0.00%	
Totals		4154	\$775,209.41	\$76,950.00	4154	\$852,159	100%	Totals	100%												

Incl Markup

Incl Ammend #3

Job to date	Total	Remaining per
JAN 2023 Invoice		JAN 2023 Invoice
\$1,792,854.62	\$2,453,107.77	\$256,041.41
\$876,297.58		\$115,166.75
\$802,574.46		(\$13,622.08)
\$61,844.55		\$86,504.45
\$52,138.03		\$67,992.29
\$968,113.24	\$1,106,692.56	\$147,239.88
\$604,459.17	CS	\$101,387.58
\$363,654.07	MT	\$45,852.30
\$229,602.60	\$275,015.06	\$53,324.30
\$30,631.43	\$38,545.91	\$11,487.72
\$56,312.38	\$56,312.38	\$0.00
\$69,407	\$69,407	\$0
\$3,146,921	\$3,999,081	\$468,093

87%

13%

\$5,757	3% Mark-up on Subconsultants
\$857,917	Total Fee to Complete
\$468,093	Amount remaining
\$389,823	Additional amount required

Incl Ammend #3

\$3,615,015	Current Budget
\$468,093	Amount remaining



STAFF REPORT

April 17, 2024
File Number 0810-20

SUBJECT

PL24-0017 – Zone Text Amendments to Article 40 and Associated Articles in Chapter 33 (Zoning Code)

DEPARTMENT

Planning Division, Development Services Department

RECOMMENDATION

Request that the City Council conduct a public hearing on the proposed Zone Text Amendment and take action on the recommendation of City staff and the Planning Commission, which recommend the City Council:

Introduce Ordinance No. 2024-05, approving a Zone Text Amendment to amend Articles 40 (Historical Resources), 61 (Administration and Enforcement), 64 (Design Review), and 65 (Old Escondido Neighborhood) of the Escondido Zoning Code to address the dissolution of the Historic Preservation Commission.

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Interim Director of Development Services)

Presenter: Ivan Flores, AICP, Senior Planner

ESSENTIAL SERVICE – Yes, Land Use/Development

COUNCIL PRIORITY – Encourage Housing Development

FISCAL ANALYSIS

There will no fiscal impacts to the City of Escondido as a result of this amendment.

PREVIOUS ACTION

On February 21, 2024, City Council adopted Ordinance No. 2024-03 dissolving the Historic Preservation Commission.

PROJECT DESCRIPTION

City staff request approval of a Zone Text Amendment to amend Article 40 (Historical Resources) of the Escondido Zoning Code to delegate historic preservation responsibilities to the Planning Commission



CITY of ESCONDIDO

STAFF REPORT

and/or City staff. The Zone Text Amendment also includes minor text updates to Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) for consistency purposes associated with the Article 40 changes (“Project”). Such text updates include but are not limited to: permit the Zoning Administrator to list and remove properties on the Local Register of Historical Places; permit the Planning Commission to conduct design review on specific projects, and; clarifying the appeal process for staff approvals of projects, respectively.

A detailed Project description can be found in the March 26, 2024, Planning Commission staff report (see Attachment “1”).

BACKGROUND

On August 19, 2020, the City Council formed a Boards and Commission subcommittee (“Subcommittee”) to evaluate the function of various City boards and commissions. The purpose of the Subcommittee was to provide recommendations to the full City Council on how to improve efficiencies such as adopting uniform by-laws, 2-year terms, and a yearly meeting between commissioners and City Council members.

On April 12, 2022, Development Services staff presented the concept of dissolving the Historic Preservation Commission (“HPC”) to the Subcommittee. The primary reason for such request entailed challenges in recruiting qualified candidates that met the requirements for a Certified Local Government (“CLG”), and also making quorum for meetings where an action needed to be made on projects. Throughout 2023, the Subcommittee continued observing the HPC and ultimately decided to recommend dissolution to the full City Council in order to align with the newly adopted Comprehensive Economic Development Study (“CEDs”). On February 21, 2024, City Council adopted Ordinance No. 2024-03 and dissolved the HPC (see Attachment “2” for City Council staff report).

ANALYSIS

The request includes a Zone Text Amendment to amend several Articles of Chapter 33 (Escondido Zoning Code) of the Escondido Municipal Code. As discussed above, and in the Planning Commission Staff Report dated March 26, 2024, the text amendment would delegate historic preservation responsibilities to the Planning Commission, City Council, Zoning Administrator, and/or City staff. The Project does not discontinue any historic preservation programs that are maintained by the City or those identified in the City’s 2012 General Plan. City staff will continue to implement the existing programs including, but not limited to, Certificates of Appropriateness for external modifications, and Mills Act Contracts. The Zone Text Amendment also includes amendments to Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) for consistency purposes. These text amendments are necessary to address the dissolution of the HPC; however, they are not substantive in nature, and consist of cleanups, clarification of processes, and empowering the Planning Commission/City staff to conduct design review on specific properties.



CITY of ESCONDIDO

STAFF REPORT

A complete analysis of the various text amendments before the City Council may be found in the attached Planning Commission staff report (Attachment “1”).

PLANNING COMMISSION ACTION

The Planning Commission considered the Project at its March 26, 2024 meeting, and the staff report is included as Attachment “1”. The Planning Commission voted 7 – 0 recommending approval of the Project to the City Council. The Planning Commission does not have any significant concerns with the proposed text amendments, and held minimal discussion on the substantive changes.

ENVIRONMENTAL REVIEW

The Project qualifies for an exemption under the California Environmental Quality Act (“CEQA”) Guidelines Section 15061 (b) (“Common Sense Exemption”) and Section 33-922 (c)(1) of the Article 47 (Environmental Quality) of the Escondido Zoning Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a significant effect on the environment. Approval of the Project includes adoption of the Notice of Exemption for the Project (see Attachment “3”). City staff will file a Notice of Exemption with the County Clerk of San Diego.

CONCLUSION AND RECOMMENDATION

The proposed amendments to the Escondido Zoning Code would streamline the review of historic resources, and bring Article 40 in alignment with the CEDS while also maintaining protections for historic resources. Furthermore, the amendments would ensure consistency with other articles of the Escondido Zoning Code. Approval of the Project aligns with the City Council’s priority related to encouraging housing development through the streamlining of reviews for properties that contain historic resources.

Based on the analysis contained in this staff report, in addition to the March 26, 2024, Planning Commission report, staff recommends that the City Council introduce Ordinance No. 2024-05 and approve the Project.

ORDINANCES

- a. Ordinance No. 2024-05
- b. Ordinance No. 2025-05 with Exhibit “A” PL24-0017 Factors to be Considered/Findings of Fact
- c. Ordinance No. 2025-05 with Exhibit “B” Zone Text Amendment

ATTACHMENTS

- a. Attachment “1” Planning Commission staff report dated March 26, 2024
- b. Attachment “2” City Council staff report dated February 21, 2024
- c. Attachment “3” Notice of Exemption

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT TO AMEND SEVERAL ARTICLES OF THE ESCONDIDO ZONING CODE

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

- a) On February 21, 2024, the City Council adopted Ordinance No. 2024-03 dissolving the Historic Preservation Commission to bring the Escondido Zoning Code into alignment with the recently adopted Comprehensive Economic Development Study.
- b) The Planning Division of the Development Services Department identified the changes that are necessary to address the dissolution of the Historic Preservation Commission, and processed a Zone Text Amendment (Planning Case No. PL24-0017) to amend Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) of Chapter 33 (Escondido Zoning Code) of the Escondido Municipal Code.
- c) The intent and purpose of the Zone Text Amendment is to amend the Escondido Zoning Code to reassign historic preservation responsibilities to the Planning Commission, City Council, Zoning Administrator, and/or City staff.
- d) The Planning Division of the Development Services Department completed its review, and scheduled and held a public hearing regarding the Zone Text Amendment before the Planning Commission on March 26, 2024. Following the public hearing on March 26, 2024, the Planning Commission adopted Resolution

No. 2024-05, which recommended that the City Council approve the Zone Text Amendment and amend the Escondido Zoning Code.

SECTION 2. Proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 3. The City Council did on April 17, 2024, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council including without limitation:

- a. Written information including written and graphical information, and other material;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated April 17, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing.

SECTION 4. Upon consideration of the Findings of Fact, attached as Exhibit "A" and incorporated herein by this reference as though fully set forth, the April 17, 2024, City Council staff report, and the Planning Commission recommendation, based on the totality of the record and evidence described and referenced in this Ordinance, the City Council approves the amendment to the Escondido Zoning Code incorporated herein as though fully set forth herein.

SECTION 5. ENVIRONMENTAL REVIEW. The Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b) (Common Sense Exemption), and Article 47 (Environmental Quality) of Chapter 33 of the Escondido Municipal Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a

significant effect on the environment. A Notice of Exemption will be filed with the County of San Diego per CEQA Guidelines Section 15062.

SECTION 6. The City Council hereby approves the amendment to the Escondido Zoning Code as shown on Exhibit "B" hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 7. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. The City 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 for the City of Escondido.

SECTION 10. The City Clerk is hereby directed to update the Escondido Zoning Code to reflect the amendment approved by this Ordinance as shown in Exhibit "B".

SECTION 11. This Ordinance shall become effective 30 days from the date of passage.

EXHIBIT "A"

PLANNING CASE NO. PL24-0017

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.

2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines Section 15061(b) ("Common Sense Exemption") and Section 33-922(c)(1) of Article 47 (Environmental Quality) of the Escondido Zoning Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a significant effect on the environment. The Project entails changes to the Escondido Zoning Ordinance that would delegate the Historic Preservation Commission's responsibilities and duties to other existing decision-making bodies, such as the Planning Commission, Zoning Administrator, City Council, and Director of Development Services. No programming or process intended to preserve a historic resource(s) within the City would be removed and all such programming and processes would be maintained, with the exception of the City's CLG status. The Project would ensure continued consistency with the City's General Plan Resource Conservation Element policies directed at historic resources, including Cultural Resources Policy 5.2, as it would continue the maintenance of, and allow for the development of appropriate ordinances and programs that work to protect, enhance, and perpetuate resources.

The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines Section 15300.2.

3. The City Council has independently considered the full administrative record before it, which includes, but is not limited to the April 17, 2024, City Council staff report, the Planning Commission staff report dated March 26, 2024, testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment and all of the requirements of CEQA have been met.

4. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido Civic Center. The City Clerk, whose office is located at 201 North Broadway, Escondido, CA

92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

Zone Text Amendment Determinations (Escondido Zoning Code Section 33-1263)

With respect to Planning Case No. PL24-0017 (Zone Text Amendment), the City Council finds the following:

1. *That the public health, safety and welfare will not be adversely affected by the proposed change;*

The proposed Zone Text Amendment addresses the dissolution of the Historic Preservation Commission, and assigns historic preservation responsibilities to the Planning Commission, City Council, Zoning Administrator, and/or City staff. The proposed Zone Text Amendment is consistent with the objectives, policies, and programs within the City's 2012 General Plan, including consistency with Land Use Zoning Policy 2.1, and Cultural Resources Policies 5.2 and 5.8 in that the proposed Zone Text Amendment streamlines the development process for properties with historic resources while continuing to protect historic resources as discussed in the Resource Conservation element. Furthermore, the dissolution of the Historic Preservation Commission aligns land development reviews with the City's newly adopted Comprehensive Economic Development Strategy (CEDS). By transferring historic preservation responsibilities to the Planning Commission, Zoning Administrator and staff, City staff anticipate a more expeditious approval process. This also aligns with the City Council priority to Encourage Housing Development. Therefore, the public health, safety and welfare will not be adversely impacted by the proposed changes.

2. *That the property involved is suitable for the uses permitted by the proposed zone;*

The proposed Zone Text Amendment does not expand or permit additional uses other than what is already permitted on properties with historic resources. The Zone Text Amendment streamlines and assigns historic preservation responsibilities to Planning Commission, Zoning Administrator, and/or City staff; furthermore, the amendment includes minor text updates to other articles for consistency purposes.

3. *That the uses permitted by the proposed zone would not be detrimental to surrounding properties*

The proposed Zone Text Amendment does not include the addition of uses that are already permitted under the zoning code.

4. *That the proposed change is consistent with the adopted general plan;*

As discussed in the Planning Commission staff report dated March 26, 2024, the proposed Zone Text Amendment would be consistent with the City's 2012 General Plan. The amendment does not impact the existing historic preservation program administered by the City, and the City will continue to maintain the City's Local Register of Historical Places in conformance with General Plan policies. The amendment would continue to protect, rehabilitate, preserve, and maintain historical resources in the City while also aligning the zoning code with the City Council's adopted Comprehensive Economic Development Strategy (CEDS).

5. *That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;*

The proposed Zone Text Amendment does not include change of zones that would establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 in that the amendment does not involve any change of zone. The proposed Zone Text Amendment does not expand or permit additional uses other than what is already permitted on properties with historic resources. The Zone Text Amendment streamlines, and assigns historic preservation responsibilities to Planning Commission, Zoning Administrator, and/or City staff; furthermore, the amendment includes minor text updates to other articles for consistency purposes.

6. *That the relation of the proposed change is applicable to specific plans.*

The proposed Zone Text Amendment would only be applicable to the Downtown Specific Plan (DSP) and the South Centre City Specific Plan (SCCSP) as those are the only specific plans that contain language regarding Certificates of Appropriateness. The review processes established by the specific plans supersede the requirements of the Escondido Zoning Code; however, those processes would continue to be consistent with the newly established processes through the proposed Zone Text Amendment.

Exhibit "B"

Zone Text Amendment

Article 40 (Historical Resources) of Chapter 33 (Escondido Zoning Code) of the Escondido Municipal Code is hereby repealed in its entirety and replaced as follows:

Article 40 HISTORICAL RESOURCES

§ 33-790 Purpose and definitions.

(a) Purpose. It is the purpose and intent of this article to:

- (1) Protect, enhance and perpetuate historical resources, sites, and districts that represent or reflect elements of the city's cultural, social, economic, political, and architectural history for the public health, safety, and welfare of the people of the city;
- (2) Safeguard the city's historical heritage as embodied and reflected in its historical resources, sites, and historical districts;
- (3) Stabilize and improve property values;
- (4) Foster civic pride in the character and accomplishments of the past;
- (5) Strengthen the city's economy by protecting and enhancing the city's attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;
- (6) Enhance the visual character of the city by encouraging the preservation of unique and established architectural traditions;
- (7) Promote the use of historical landmarks and districts for the education, pleasure, and welfare of the people of the city;
- (8) Permit historical and archaeological sites to be identified, documented, and recorded by written and photographic means and allow an opportunity for preservation of historical and archaeological sites.

(b) Definitions. Whenever the following terms are used in this article, they shall have the meaning established by this section.

"Alteration" means any exterior change or modification through public or private action of any historical property or resource on the Escondido Historic Sites Survey, local register or located within an historical district, affecting the exterior visual qualities of the property or resource excluding routine maintenance (masonry tuckpointing, cleaning), temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees. Alteration also includes removal of historical resources such as mature trees and other landscape features identified on the Escondido Historic Sites Survey as well as disturbances of archaeological sites.

"Archaeological site" means an area where remains of man or his and her activities prior to keeping of history are still evident.

"California Register of Historical Resources/California Register" means a state authoritative and comprehensive listing and guide to California's significant historical resources. The California Register is used by state and local agencies, private groups and citizens to identify, evaluate, register and protect California's historical resources. The California Register is administered by the State Historic Resources Commission, and the Office of Historic Preservation.

"Catastrophic event" means an event, such as fire, earthquake or flooding, that is beyond the property owner's ability to control and renders historical resources hazardous. Catastrophic event shall not include improper/insufficient owner maintenance or corrections that can be accomplished through reasonable measures.

"Certificate of Appropriateness" means a certificate issued by the Director of Development Services approving alteration, restoration, construction, removal, relocation in whole or in part, consistent with the Secretary of Interior Standards, of or to a property on the local register or to an improvement within an historical district.

"Certificate of Appropriateness (Major)" means a major project that undergoes design review by Planning Commission or city staff, prior to issuance of the Certificate of Appropriateness.

"Certificate of Appropriateness (Minor)" means a minor project that undergoes planning administrative review, prior to issuance of the Certificate of Appropriateness.

"Demolition" means any act that destroys in whole or in part an historical resource on the local register or an improvement within an historical district.

"Design Guidelines for Historic Resources" means the guideline/manual adopted by City Council Ordinance 91-57 and any subsequent amendments, applicable to any historical resource or any property within an historical district, intended for property owners, design professionals, and city boards and commissions as a design resource, regulatory tool and policy guide.

"Escondido Historic Sites Survey". See Survey.

"Façade" means the exterior face of a building that is the architectural front, sometimes distinguished from other faces by elaboration of architectural or ornamental details.

"Fixture" means a decorative or functional device permanently affixed to a site or the exterior of a structure and contributing to its ability to meet historical designation criteria. Permanently affixed shall include, but not be limited to, attachment by screws, bolts, pegs, nails or glue, and may include such attachment methods as rope, glass or leather if such material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, moldings, leaded glass or other decorative windows and decorative hardware.

"Historical resources" means and includes, but is not limited to, any object, building, structure, site, area, place, sign, outdoor work of public art, landscape feature, record, or manuscript which is

historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Escondido and listed on the Escondido Historic Sites Survey.

"Historical district" means any area that contains a number of structures or landscape features having a similar character of historic, archaeological, cultural, architectural, community or aesthetic value as part of the heritage of the city, region, state, or nation, and that has been designated pursuant to this article.

"Historic Register Incentives Program" means a program adopted by city council resolution of various incentives intended to encourage and facilitate the preservation, maintenance and appropriate rehabilitation of significant historical resources. The availability of incentives may vary from time to time.

"Historic sign" means a sign that possesses historical, cultural, architectural, or community interest or value associated with the development, heritage or history of the city and that is listed on the Escondido Historic Sites Survey or designated on the local register of historic places.

"Historical site" means any parcel or portion of real property that has special character related to its special historical, cultural, or archaeological feature.

"Historic street markings list" means the list adopted by City Council Ordinance 88-57, and any subsequent amendments, identifying the location and name of the historical markings.

"Improvement" means any place, building, structure, landscape feature or object constituting a physical addition to real property or a structure on real property, or any part of such addition or façade excluding routine maintenance such as masonry tuckpointing, cleaning, awnings, signs, plaques, light fixtures, steps, spas, plantings, nonmature tree and landscaping accessories.

"Landscape feature" means any tree or plant life that has been placed, planted or manipulated by man for cultural purposes.

"Local historical landmark" means any historical resource that has been registered as a local historical landmark pursuant to this article because of its outstanding historic, cultural, architectural, archaeological, or community interest or value as part of the development, the heritage or history of the city.

"Local register of historical places" means a local list established by the city council of districts, sites, buildings, uses, landscape features, signs, structures and objects of local, state or national importance that are significant and warrant protection because of their historic, architectural, archaeological, or cultural values. The local register includes local historical landmarks and districts.

"Mature tree" means as defined in Escondido Zoning Code Article 55, Grading and Erosion Control.

"National Register of Historic Places" means a national list of districts, sites, buildings, structures and objects of local, state or national importance that are significant for their historical, architectural, archaeological or cultural values. Properties less than 50 years old ordinarily are not eligible for the Register unless they are of exceptional importance. The Register is administered by the Keeper of the

Register, U.S. Department of the Interior, and is the nation's official list of cultural resources worthy of preservation.

"Owner" means the person appearing on the last equalized assessment roll of the County of San Diego.

"Person" means any individual, association, partnership, firm, corporation, public agency or political subdivision.

"Planning Commission" means the planning commission of the City of Escondido as established by Chapter 20 of the Escondido Municipal Code.

"Secretary of the Interior's Standards" means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, 1995 Edition, or such later edition as adopted by the city council.

"Street markings" means any street name or stamp in concrete or curbs that denotes the original name of the street or contractor. This definition also includes any historical feature such as horse rings or lamp posts as identified in the Escondido Historic Survey, and all items identified in the historic street markings list.

"Survey" means the Escondido Historic Sites Survey consisting of an historical resources inventory compiled and maintained by the Zoning Administrator that documents structures, uses, sites, and artifacts that are related to the area's history including all areas within the corporate limits. Resources on the list must be 50 years or older unless the Zoning Administrator deems a younger, exceptional resource worthy of documentation. The inventory was originally completed in March 1984 and is updated as needed. The survey may also include an inventory of archaeological resources. Certain records of archaeological resources may not be subject to public review in the interest of protecting these resources from tampering. Resources listed in the survey are eligible for nomination to the Escondido local register of historical places.

"Zoning Administrator" means the Director of Development Services (Director), or designee, as provided for in Title 7, Chapter 4, Article III (section 65901) of the Government Code.

§ 33-792 Establishment of a local register of historical places.

(a) Purpose. The purpose of the local register is to provide a means to preserve, protect and enhance the most significant historical resources within the community, including structures, sites, buildings, uses, and landscape features.

(b) Eligibility. Resources listed on the Escondido Historic Sites Survey are eligible for nomination to the Escondido local register of historical places.

(c) Identification. Local register resources may be identified on-site with an exterior marker displaying pertinent information about the resource. A record of resources on the local register will be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

§ 33-793 Designation of a local historical landmark.

(a) Purpose. The purpose of designating historical landmarks is to provide distinctive recognition of structures, sites, buildings, uses, and landscape features that have outstanding character or historical, archaeological or aesthetic interest or importance as part of the development, heritage, or cultural characteristics of the city.

(b) Eligibility. Resources listed on the local register are eligible for local historical landmark nomination.

(c) Identification. Landmark resources would be identified on-site with an exterior marker displaying pertinent information about the landmark. A record of the landmark resource would also be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

§ 33-794 Procedure and criteria for local register listing or local landmark designation.

(a) Initiation. Any person may nominate a historical resource to the local register or landmark designation. The application shall be made to the planning division on forms provided by the city. Requests for local landmark designation shall include a letter signed by the property owner consenting to the initiation.

(b) Review process.

(1) Upon receipt of an application for local register listing or local landmark designation, the planning division shall notify the property owner and building division of the pending request. No building or demolition permits shall be issued for any alteration to any improvement, fixture, or façade located on a site subject to a request for local register listing or local landmark designation while the matter is pending final decision.

(2) Requests for local register listing or local landmark designation of resources owned by the City of Escondido shall be brought to the city council prior to the Zoning Administrator's decision to list or designate such resource.

(3) The Zoning Administrator shall hold a public meeting. In their review of the request for local register listing or local landmark designation, the Zoning Administrator shall consider the criteria listed in this section.

(c) Criteria. Prior to granting a resource local register or historical landmark status, the Zoning Administrator shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one or more of the criteria listed in this section. A structural resource proposed for the local register shall be evaluated against criteria number one through seven and must meet at least two of the criteria. Signs proposed for the local register shall meet at least one of the criteria numbered eight through 10. Landscape features proposed for the local register shall meet criterion number 11. Archaeological resources shall meet criterion number 12. Local register resources proposed for local landmark designation shall be evaluated against criterion number 13. The criteria are as follows:

(1) Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation;

- (2) Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered;
- (3) Escondido historical resources that are connected with a business or use that was once common but is now rare;
- (4) Escondido historical resources that are the sites of significant historic events;
- (5) Escondido historical resources that are 50 years old or have achieved historical significance within the past 50 years;
- (6) Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district;
- (7) Escondido historical building that is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type;
- (8) Sign that is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historical sign materials and is not significantly altered;
- (9) Sign that is integrated into the architecture of the building, such as the sign pylons on buildings constructed in the Modern style and later styles;
- (10) Sign that demonstrates extraordinary aesthetic quality, creativity, or innovation;
- (11) Escondido landscape feature that is associated with an event or person of historical significance to the community or warrants special recognition due to size, condition, uniqueness or aesthetic qualities;
- (12) Escondido archaeological site that has yielded, or may be likely to yield, information important in prehistory;
- (13) Escondido significant historical resource that has an outstanding rating of the criteria used to evaluate local register requests.

§ 33-795 Procedure and criteria for rescinding local register or landmark status.

- (a) Submittal. Any person may submit a written request to the planning division to remove his or her resource from the local register or to rescind a local landmark designation. The application shall be made on forms provided by the city.
- (b) Review. The Zoning Administrator shall hold a public meeting. In their review of the request to remove a local register or landmark designation, the Zoning Administrator shall consider the criteria listed in this section. Upon rescission, any associated Historic Property Preservation Agreement (Mills Act agreement) will be cancelled.
- (c) Criteria. The criteria listed in this section shall be used to determine whether to remove a resource from the local register or to rescind its local landmark designation.

(1) New documentation has been presented disproving the property's association with a significant person, event, or pattern of history or any other information upon which the resource was placed on the local register or given landmark status;

(2) Evidence has been presented that the property no longer retains its integrity, meaning that modifications and alterations to the resource have affected its location, design, setting, materials, workmanship, feeling or association that warranted its placement on the local register or its designation as a local landmark.

§ 33-796 Historical districts.

(a) Purpose. The purpose of designating historical districts is to provide recognition to an area or site that has several individual structures and improvements that contribute to a special aesthetic, cultural, architectural or engineering interest or value of an historical or archaeological nature.

(b) Eligibility. Any geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development is eligible for historical district designation.

(c) Zoning applicability. A historical district designation may be combined with any zoning district provided for in this title as an overlay to be shown on the zoning map. Development within an historical district overlay shall be subject to historical preservation provisions as set forth in this article, as well as to the regulations of the underlying zone. Where conflict occurs, the regulations set forth in this article shall apply.

(d) Identification. Markers displaying pertinent information about the district may be placed at various vehicular and pedestrian gateways into the historical district. The boundaries of an historical district may be shown on a zoning map as an overlay zone. A record of historical districts would be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

§ 33-797 Procedure and findings for designating an historical district.

(a) Submittal. Any person may request the Planning Commission to designate a historical district. The request for designation shall be filed with the planning division on forms provided by the City.

(b) Review process.

(1) Initiation process. Upon receipt of a recommendation from the Planning Commission, the City Council shall determine whether or not to initiate the designation process.

(2) Designation process. Upon city council initiation:

(A) A minimum of one public neighborhood meeting shall be held during the designation process.

(B) Following the appropriate neighborhood meetings and the completion of research for the district, the Planning Commission shall hold a duly noticed public hearing and shall forward its recommendation to the city council, who shall hold a duly noticed public hearing on the matter. Should the Planning Commission recommend that the area be designated a historical district; the report shall contain the following information:

(i) A map showing the proposed boundaries of the historical district and identifying all structures within the boundaries, contributing or noncontributing;

(ii) An explanation of the significance of the proposed district and description of the historical resources within the proposed boundaries;

(iii) Statements showing how the proposed historical district meets the findings set forth in this section.

(C) In their review of the request to designate a historical district, the Planning Commission and the city council shall consider the criteria listed in this section.

(c) Criteria. The city council may designate an area as an historical district if it finds that the proposed historical district meets all of the following criteria:

(1) The proposed historical district is a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development;

(2) The collective historical value of the proposed historical district may be is greater than that of each individual resource;

(3) The proposed designation is in conformance with the purpose of the city's historic preservation provisions set forth in this article and the city's general plan.

(d) Notification of action. No later than five working days after city council action, the city council's decision shall be filed with the city clerk. A notice thereof shall be mailed to the applicant at the address shown on the application and to the owners of properties located within the proposed historical district.

§ 33-798 Permits and permit procedures.

(a) It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any historical resource or any portion thereof that has been listed on the Escondido Historic Sites Survey, local register, designated a local landmark, or located within an historical overlay district or to alter in any manner any feature of such designated resource without first obtaining a permit in the manner provided in this article. All repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for Rehabilitation.

(b) Unless otherwise exempted in this article, a Certificate of Appropriateness is required for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within a historical overlay district, including back and sides, as well as street façade, even when a building permit is not otherwise required. Other permits, and/or review by the Planning Commission, may be required as prescribed in this article.

(c) Exemptions. A Certificate of Appropriateness is not required for routine maintenance (masonry tuck-pointing, and cleaning), installation of temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees, nor does this article prevent the construction, reconstruction, alteration, restoration,

demolition or removal of any improvement when the city has been satisfied that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the State Historical Building Code.

(d) Submittal requirements for Certificate of Appropriateness. An application for a Certificate of Appropriateness shall be filed with the planning division on a form provided by the city.

(e) Review processes. Following the planning division's receipt of a complete application, the director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff administrative review. Minor projects include:

(A) Placement or removal of exterior objects and restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, any modifications to historical signs, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows, skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.

(B) Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside a historical overlay district shall be subject to staff administrative review to ensure said improvements do not affect the properties' integrity such that they will maintain eligibility to be placed on the local register.

(2) Major projects. Major projects shall be subject to design review by the Director of Development Services, or their designee, unless otherwise noted below. Major projects include all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, changes to the site (grading, parking lots, paving), public right-of-way improvements (curb and gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

(A) Major projects for properties located within a historical overlay district, and on the local register are subject to design review by the Planning Commission.

(B) Notwithstanding subsection (A) above, major projects for all other properties within a historical overlay district shall be subject to staff design review prior to a decision by the Director of Development Services, unless it is determined by the Director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the Planning Commission.

(C) Major projects for properties outside a historical overlay district but identified on the local register shall be subject to staff design review prior to a decision by the Director of Development Services, unless it is determined by the Director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the Planning Commission.

(D) Major projects for properties listed on the Escondido Historic Sites Survey but outside a historic overlay district and not on the local register shall be subject to staff administrative review to ensure said improvements do not affect a property's integrity such that they would be ineligible for inclusion on the local register at a future time.

(3) Discretionary projects requiring a public hearing. Discretionary projects requiring a public hearing shall be acted on by the ultimate decision-maker of the discretionary application.

(f) Notification of action. The determination by planning division staff shall be documented by the issuance of a Certificate of Appropriateness that outlines the approved work, or a written statement giving the reasons for disapproval.

(g) Appeal. The Director's decision may be appealed to the Planning Commission. Appeals shall be filed within 10 days of notification of action and noticed in accordance with section 33-1303 of this title.

(h) Findings. A Certificate of Appropriateness may be issued if planning division staff, Planning Commission, or the City Council makes the following findings:

(1) All of the following:

(A) The proposed alteration or improvement is consistent with the design guidelines for historic resources,

(B) The action proposed is consistent with the purposes of historical preservation as set forth in this article and with the general plan,

(C) The action proposed retains the historical and/or architectural value and significance of the landmark, historical building, or historical district,

(D) The action proposed retains the texture and material of the building and structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within a historical district,

(E) The proposed project is compatible in its location of buildings and structures with the location of the street or public way and the location and arrangement of other buildings and structures in the neighborhood,

(F) If located within a historical district, the proposed project conforms to the design guidelines established for the district; or

(2) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.

§ 33-799 Incentives for preserving historical resources.

(a) Historic register incentives program. To support the preservation, maintenance and appropriate rehabilitation of historical resources and thus carry out the purposes of this article, the Director of Development Services may develop and recommend incentives for city council adoption. The type and

availability of incentives vary from time to time.

(b) Eligible resources. Resources listed on the local register of historical places, including local historical landmarks and properties located within an historical district, may be eligible for incentives.

(c) Submittal requirement. Requests for an incentive shall be filed in writing with the planning division. The request shall include the consent of the owner of the historical resource and information needed to determine whether the resource qualifies for the requested incentive.

(d) Repayment required. Monies granted as an incentive to preserve an historical resource pursuant to this article shall be repaid to the city following the Zoning Administrator's approval to remove the historical designation of said historical resource or the City Council's approval of its demolition.

(e) Authority. City Manager and/or their designee has authority to execute agreements and/or contracts necessary for the historic register incentive programs.

§ 33-800 Duty to keep in good repair.

(a) Maintenance regulations. The owner, lessee, or other person legally in possession of an historical resource on the local register or on the survey within an historical district shall comply with all applicable codes, laws and regulations governing the maintenance of property and shall secure the property against trespassers. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect, the exterior features of buildings on the local register or on the survey within an historical district, and the interior portions thereof when such maintenance is necessary to prevent desecration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

- (1) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (2) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration;
- (3) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
- (4) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;
- (5) Any fault or defect in the building that renders it not properly watertight or structurally unsafe.

§ 33-801 Demolishing an historical resource.

(a) Demolition permit required. No historical resource shall be demolished prior to obtaining a demolition permit issued pursuant to section 33-802 or 33-803, pertaining to emergency or non-emergency removal of historical resources, respectively.

(b) Status of historical significance designation. In all cases, demolishing a local register resource shall automatically remove the local register and landmark designation unless the Planning Commission determines that the site should be retained for potential monumentation.

§ 33-802 Procedure for obtaining an emergency demolition permit.

(a) Submittal. A request for a demolition permit involving an historic resource that has been subject to a catastrophic event, as defined in this article, shall be submitted in writing to the planning division and shall include the property owner's authorization for submittal.

(b) Review. On a case-by-case evaluation and upon consultation with a minimum of two City staff members, comprised of either the Chief Building Official, Fire Marshal, and/or City Planner, the Director of Development Services may, without a public hearing, issue a permit for a complete or partial demolition of an historical resource if it is determined that the catastrophic event has rendered said resource immediately hazardous and dangerous and/or detrimental to the public health and/or safety as defined in the latest adopted California Building Code or California Housing Law. The Director may request additional documentation from the applicant for evaluation of the historical resource.

(c) Considerations for demolition. In determining the appropriateness of demolishing a resource under this emergency provision, the Director of Development Services shall give consideration to demolishing only those portions of a resource that are immediately hazardous, thereby allowing for the preservation/reconstruction of non-hazardous portions. The Director shall also consider whether the damage to the resource is so substantial that it alters the historic character of the resource.

§ 33-803 Procedure and findings for obtaining a nonemergency demolition permit.

(a) Submittal. When staff receives a request for non-emergency demolition of an historic resource, staff shall perform a preliminary assessment to determine if the resource is significant in concert with the city's Environmental Quality Regulations. Staff may employ a registered historian to help make this determination. If the site is determined not to be significant, the demolition permit will be considered at staff level after appropriate environmental review has been publicly noticed and issued and photo documentation to the city's satisfaction has been performed. If the historic resource is determined to be significant or if staff's decision to approve the demolition permit is appealed, an application for a nonemergency demolition permit shall be submitted in writing to the planning division using forms provided by the city.

(b) Review. The Planning Commission and City Council shall each hold a duly noticed public hearing prior to the demolition of a significant historic resource. The applicant shall provide, at a minimum, the following items to the satisfaction of the Director of Development Services or designee:

(1) Advertisement of the resource's availability in at least one local newspaper and the San Diego Daily Transcript, published for a minimum period of two weeks prior to the Planning Commission public hearing and/or City Council public hearing;

(2) Research into the feasibility of relocating a significant resource within the community including a licensed contractor's bid for the cost of moving the resource. For structures, the research shall include cost of improving the structure to meet relevant building code standards;

(A) In the case of a demolition application involving an income-producing property, whether the owner can obtain a reasonable return from the property without the granting of a demolition permit.

(c) Findings. The city council may approve a demolition request upon making finding number 1, 4, and 5, and either number 2 or 3:

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

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

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

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

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

(d) Notification of action. No later than five working days following the city council action, the decision of the city council shall be filed with the city clerk and a notice thereof shall be mailed to the applicant at the address shown on the application.

§ 33-804 Enforcement and penalties.

(a) Abatement. The procedures set forth in Chapter 6, Article 7 of the Escondido Municipal Code governing unsafe, dangerous or substandard buildings, whether in commercial or residential use, shall be applicable to any violations of sections 33-800 and 33-801.

(b) Misdemeanor. It is unlawful for any person or entity to maintain any building or demolish a historical resource listed on the local register or on the survey within an historical district in violation of sections 33-800 and 33-801, respectively. Any such violation constitutes a misdemeanor punishable as set forth in Section 1-13 of the Escondido Municipal Code. Each day of violation constitutes a separate offense and may be separately punished. The chief building official and code enforcement officer are authorized to exercise the authority in California Penal Code Section 836.5 and to issue citations for violation of this section.

(c) Additional remedies.

(1) In addition to any other remedies provided herein, any violation of this chapter may be enforced by civil action brought by the city. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, one or both of the following remedies:

(A) A temporary or permanent injunction, or both;

(B) Assessment of the violator for the costs or any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and

(2) In addition to any other remedies provided herein, in the event an historic resource is completely demolished in violation of this chapter, a penalty may be imposed in which no building or construction related permits shall be issued for the property upon which the demolition took place, for a period of three years from the date of demolition. Said penalty shall be enforced by civil action filed by the city attorney and adjudicated by a court of competent jurisdiction. A demolition shall be presumed to have occurred on the date that the city had actual knowledge of the demolition.

§ 33-805 Historic Street markings.

(a) In order to preserve the integrity of historic street markings throughout the City of Escondido, the following procedures shall be followed:

(1) The current and proposed locations of the existing historic street marking shall be clearly noted on the improvement plan. If neither improvement plans nor a site development review plan is required for the development, the applicant shall submit a letter and location map to the planning division 10 days prior to the construction of any new improvements. The planning division shall review the request and inform the appropriate departments of the restrictions.

(2) In addition, a one-thousand-dollar (\$1,000.00) security bond shall be submitted to the engineering division prior to building permit issuance to ensure that the street marking is properly preserved.

(3) Efforts shall be made to preserve a marking in its original location. However, if the Director of Development Services concurs that no other alternative exists but to relocate the marking, the applicant shall:

(A) Saw-cut the entire street marking out in one piece and reinstall it as part of the new walk as close as possible and within context of its original location; or

(B) Saw-cut the entire street marking out in one piece and reinstall it adjacent to the new walk as close as possible and within context of its original location.

(4) The planning division shall review the request and inform the appropriate departments of the restrictions. The public works department will ensure that the work is correctly done during reconstruction of the curb, gutter, sidewalk and sidewalk pattern.

§ 33-806 Public notification.

Unless otherwise specified in this article, notices of public hearings held pursuant to this article shall be published and mailed in accordance with section 33-1300(a) and (c) of this title.

§ 33-807 through § 33-809. (Reserved)

Article 61 (Administration and Enforcement)

Section 33-1319 (Powers and duties and procedure) of Division 9 of Article 61 of Chapter 33 of the Escondido Municipal Code is hereby amended and a new subsection, (a)(9), is hereby added as follows:

33-1319 Powers and duties and procedure.

(a) The Zoning Administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include, but are not limited to:

- (1) Minor conditional use permits as defined in Division 1 of this article;
 - (2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;
 - (3) Variances as defined in Division 2 of this article;
 - (4) Reasonable accommodation as provided in Division 5 of this article;
 - (5) Grading exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;
 - (6) Proposed modifications to an approved precise development plan pursuant to section 33-411 of Article 19;
 - (7) Time extensions for maps and permits, except those maps and permits initially approved by the Director as specified in this article and Chapter 32, upon submittal of a written request for an extension request, justification statement, and payment of all required application fees;
 - (8) Comprehensive sign programs as specified in section 33-1392(c) of Article 66;
 - (9) Listing and removal of historical resources on the City of Escondido Local Register of Historical Places pursuant to section 33-794 of Article 40.
- (b) The Zoning Administrator is authorized to consider and adopt a negative declaration or mitigated negative declaration, prepared pursuant to CEQA and Article 47 of this chapter, upon completion of the CEQA public review period, for administrative projects that do not require a public hearing.
- (c) The Zoning Administrator shall have the power to adopt all rules and procedures necessary for the conduct of the administrator's business.

- (1) The Zoning Administrator shall schedule public hearings as needed.
- (2) The Zoning Administrator shall hold a hearing, issue a notice of intended decision, or take an administrative action on an application as required pursuant to this chapter for the specific type of request.
- (3) The decisions of the Zoning Administrator shall be filed in the planning division and a copy provided to the applicant at the address shown on the application.
- (4) Actions of the Zoning Administrator may be appealed to the Planning Commission.

Article 64 (Design Review)

Article 64 of Chapter 33 of the Escondido Municipal code is hereby amended and a new Section, 33-1370, is hereby added as follows:

Section 33-1370 Design review in Historic Overlay districts

Any and all references to the design review process in any adopted historic overlay district shall be reviewed by the Planning Commission or city staff, and shall be subject to rules and procedures outlined in Article 40, Historical Resources.

Article 65 (Old Escondido Neighborhood)

Section 33-1381 (Appeal) of Article 65 of Chapter 33 of the Escondido Municipal code is hereby repealed in its entirety and replaced as follows:

§ 33-1381 Appeal.

Staff review decisions may be appealed to the Planning Commission. Planning Commission decisions may be appealed to city council pursuant to section 33-1303 of this zoning code.



STAFF REPORT

DATE: March 26, 2024
 PL24-0017 – Article 40 Revisions

PROJECT NUMBER / NAME: PL24-0017 – Article 40, 61, 64, and 65 Revisions

REQUEST: A request for approval of amendments to the Escondido Zoning Code including Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood). Such text updates are related to dissolution of the Historic Preservation Commission, reassignment of historic preservation responsibilities to the Planning Commission, Zoning Administrator, and/or City staff, permitting the Zoning Administrator to list properties on the Local Register of Historical Places, permitting the Planning Commission to conduct design review on specific projects, and clarifying the appeal process for staff approvals of projects, respectively.

PROPERTY SIZE AND LOCATION: CityWide

APPLICANT: Development Services Department

GENERAL PLAN / ZONING: N/A

PRIMARY REPRESENTATIVE: Ivan Flores, AICP, Senior Planner

DISCRETIONARY ACTIONS REQUESTED: Zone Text Amendment

PREVIOUS ACTIONS: On February 21, 2024, City Council adopted Ordinance No. 2024-03 dissolving the Historic Preservation Commission.

CEQA RECOMMENDATION: Categorical Exemption – CEQA Guidelines Section 15061 (Common Sense Exemption)

STAFF RECOMMENDATION: Recommend approval to City Council

REQUESTED ACTION: Approve Planning Commission Resolution No. 2024-05

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Christopher McKinney, Interim Director of Development Services

Veronica Morones, City Planner



CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

On August 19, 2020, the City Council formed a Boards and Commission subcommittee to evaluate the function of various City boards and commissions. The purpose of the subcommittee is to provide recommendations to the full City Council on how to improve board and commission efficiencies, such as adopting uniform by-laws, 2-year terms, and a yearly meeting between commissioners and City Council members.

On April 12, 2022, Development Services staff presented the concept of dissolving the Historic Preservation Commission (HPC) to the subcommittee. City staff cited challenges in recruiting qualified candidates meeting the requirements for a Certified Local Government (CLG) and reaching quorum for meetings where an action needed to be made on a specific project as the primary reasons for dissolution. Throughout 2023, the subcommittee continued observing the HPC and ultimately decided to recommend dissolution to the full City Council in order to align with the newly adopted Comprehensive Economic Development Study (CEDs). The CEDs concluded the City lagged behind neighboring cities in the permitting of new housing development which impacts its ability to provide adequate housing to its residents, and makes it more expensive for younger working families. On February 21, 2024, City Council adopted Ordinance No. 2024-03 dissolving the HPC (see page 4 of Attachment 1 for adopted ordinance).

SUMMARY OF REQUEST

The dissolution of the HPC requires amendments to Chapter 33 (Escondido Zoning Code) that would streamline the review process for historic projects; delegate historic preservation responsibilities to City staff, Planning Commission, and the City Council; and create general consistency throughout the zoning code given the dissolution of HPC. The proposed amendments include amendments to Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood). Further discussion on the effected sections of the Escondido Zoning Code is provided below in the Project Analysis.

The primary responsibilities of the HPC are listed below:

1. Designating Local Register or Landmarks
2. Rescinding Local Register or Landmark Status
3. Designation of a Historic District
4. Certificate of Appropriateness (stand-alone Major Projects)
5. Certificate of Appropriateness w/ Discretionary Actions
6. Emergency Demolition Permit
7. Non-emergency demolition permit for non-significant structures
8. Non-emergency demolition for significant resources
9. Maintaining historic incentive programs e.g., Mills Act contracts

The proposed text amendments are illustrated in Attachment 2 of this staff report and are made easily identifiable through the use of **bold and underline text** (newly added language) and ~~strikethroughs~~ (deleted text). The attachment only identifies the specific sections that would be amended by the Zone Text Amendment; however, as shown in Exhibit B of Resolution 2024-05, Article 40 would be repealed in its entirety for ease of updating the zoning code through the City Clerk's office. The full text amendment is located in the aforementioned Exhibit.



CITY of ESCONDIDO

STAFF REPORT

PROJECT ANALYSIS

Article 40 (Historical Resources)

Staff identified several sections within Article 40 that must be amended due to the dissolution of the HPC. The amendments address the aforementioned main responsibilities of the HPC, and a table illustrating the existing processes, as well as proposed processes, is shown on page 5 of the attached City Council staff report (see Attachment 1 of this report).

Under the proposed Zone Text Amendment, items 1, 4, and 9, as shown above, are of utmost significance because the HPC acts on these types of applications more than the other listed items.

Item 1 - Designating Local Register or Landmarks

Under the proposed changes, City staff recommend empowering the Zoning Administrator to maintain, place, and remove historic resources from the City’s Local Register of Historic Places (“Local Register”). Staff researched historic preservation regulations of surrounding cities, and recommend a formal body (e.g., zoning administrator, planning commission, city council) as the appropriate decision maker for such requests. Pursuant to Division 9 (Zoning Administrator) of Article 61 (Administration and Enforcement) the Director of Development Services or their designee acts in the capacity as the Zoning Administrator, and would continue the existing local register process, including the decision being made at a public meeting.

Item 4 - Certificate of Appropriateness (stand-alone Major Projects)

Under the proposed changes, staff recommend the Planning Commission conduct design review on Certificates of Appropriateness for projects that are considered “Major Projects” under Article 40. As illustrated in Attachment 2, the HPC is responsible for advising, not approving, staff on project design review for issuance of a Certificate of Appropriateness – Major Projects. Article 40 defines “Major Projects” as: all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, change to the site, (grading, parking lots, paving), public right-of-way improvements (curb and, gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

The proposed change would identify the Planning Commission as the responsible commission for design review in instances where properties are located within the Old Escondido Neighborhood District (OEN) and identified on the Local Register. Table 1 illustrates the existing and proposed process for “Major Projects”.

Table 1: Review Processes

Historical Status	Existing Review Process	Proposed Review Process
On the Local Register <u>and</u> within the OEN	Design Review by the HPC	Design Review by the Planning Commission
On the Local Register <u>outside</u> of the OEN	Design Review by the HPC	Staff design review approval with an option to elevate to Planning Commission



CITY of ESCONDIDO

STAFF REPORT

Identified on the 2001 Historic Resource Inventory <u>and</u> within the OEN	Design Review by the HPC	Staff design review approval with an option to elevate to Planning Commission
<u>Not</u> identified on the 2001 survey <u>or</u> on the Local Register, <u>but</u> within the OEN	Design Review by the HPC	Staff design review approval with an option to elevate to the Planning Commission
On the 2001 survey <u>outside</u> of the OEN	Staff level review	No changes.

In evaluating these changes, staff considered the most significant resources under Article 40 in conjunction with the goal of streamlining development proposals. Resources identified on the Local Register *and* within the Old Escondido Neighborhood district warrant additional review in order to ensure compatibility with the neighborhood. Resources that fall into this category are considered the most significant resources as they are individually significant and contribute to the significance of the overall district. The proposed amendment authorizes the Director to approve Certificates of Appropriateness for all other properties within the OEN (i.e., properties not on the register but in the OEN); however, the Director may elevate those items to the Planning Commission for design review, if a project does not conform to the *Design Guidelines for Homeowners of Historic Resources* (Attachment 3).

Both the Downtown Specific Plan and the South Centre City Specific Plan require Certificates of Appropriateness for projects within those specific plan areas, and would be subject to the newly revised Article 40. It is unlikely that projects within these specific plans would require design review by the Planning Commission; however, the option to elevate the project to the Planning Commission would still be available.

Item 9 - Historic incentive programs

Under the proposed changes, the Director assumes HPC's role of identifying, maintaining, and executing incentives for preserving historical resources. At this time, the only ongoing incentive that exists for historic preservation is the execution of Historic Preservation Property Agreements (also known as Mills Act Contracts). The HPC's role entailed advising the City Council on the contents of the Mills Act Contracts, with the City Council as the final authority on the execution of the contract. The Boards and Commissions Subcommittee directed staff to delegate Mills Act Contracts to lower bodies for approval and execution. Due to language in Government Code Section 50280, the legislative body of the City (i.e. City Council) must approve the agreement; however, the Zone Text Amendment delegates the approval and signature authority to the Planning Commission and City Manager or their designee, respectively. The proposed revisions identify the Planning Commission as the authority responsible for review and approval of Mills Act Contracts as current business (non-public hearing item), and provides authority to the City Manager to sign on behalf of the City for contract execution. This delegation of authority is consistent with the direction from the subcommittee and the aforementioned Government Code section.

Article 61 (Administration and Enforcement)

Prior to dissolution, the HPC retained authority to remove and add properties to the Local Register of Historic Places. City staff researched surrounding cities, and consulted with the City's contract planner who is a qualified



CITY of ESCONDIDO

STAFF REPORT

professional under the Secretary of the Interior's Guidelines for Historic Preservation, on how best to maintain the Local Register. Based on the research conducted by staff, the proposed changes grant authority to the Zoning Administrator for the removal and addition of properties to the Local Register, whose authority and powers are outlined in Division 9 of Article 61. The Zone Text Amendment would empower the Zoning Administrator to maintain and place historical resources on the Local Register, and remain consistent with the current procedures under Article 40 for listing.

Article 64 (Design Review)

The HPC's primary role, in addition to maintaining the local register, was to advise staff on the issuance of a Certificate of Appropriateness for projects considered "Major Projects" as defined in Article 40.

Staff recognizes the significance of the Old Escondido Neighborhood District and potential impacts from projects that may warrant additional scrutiny and review by the appropriate body. The proposed Zone Text Amendment assigns design review responsibility to the Planning Commission for properties within the OEN and on the Local Register. The amendment to Article 64 assigns the Planning Commission as the reviewing body for design review applications when required, and provides the Director with the authority to elevate the review process, if necessary.

Article 65 (Old Escondido Neighborhood)

The proposed changes to Article 65 clarify appeals of staff decisions for consistency with the aforementioned proposed modifications. Specifically, it clarifies appeals would be heard by the Planning Commission, where previously appeals of staff decisions went to the Historic Preservation Commission. Under the current text, Planning Commission decision may be appealed to the City Council.

General Plan Conformance:

The proposed changes will amend several articles of the Escondido Zoning Code to create consistency due to the dissolution of the Historic Preservation Commission. The dissolution of the HPC would not affect existing historic preservation programs including but not limited to: Certificate of Appropriateness permits for modifications to historical resources, historic incentive programs (e.g., Mills Act Contracts, parking reductions), and maintenance of the Local Register because the proposed changes retain all functions of the HPC and only delegate authority to existing decision makers. The proposed amendments conform to several of the City's 2012 General Plan policies as described below:

Land Use Zoning Policy 2.1: Update and revise City ordinances to reflect the goals, objectives, and policies in the adopted General Plan

There are several policies within the Land Use and Community Form, and Economic Prosperity Element that encourage streamlining development processes in order to facilitate orderly development within the City. The proposed Zone Text Amendments streamline the development process for properties with historic resources while continuing to protect historic resources as discussed in the Resource Conservation element. Furthermore, the revision to the City's ordinances would bring the Escondido Zoning Code into alignment with the City's recently adopted CEDS. The CEDS identified the pace of housing permitting within the City as a detriment to the City's economy; furthermore, it represents an unnecessary drag on the construction industry. Through this Zone Text Amendment, the development process would be streamlined by removing



CITY of ESCONDIDO

STAFF REPORT

an additional review body, and allowing the Planning Commission to render a decision on an application while still taking into consideration the historic nature of the project.

Cultural Resources Policy 5.2: Preserve significant cultural and paleontological resources listed on the national, State, or Local register through: maintenance or development of appropriate ordinances that protect, enhance, and perpetuate resource; incentive programs; and/or the development review process

Cultural Resources Policy 5.8: Consider providing financial incentives, and educational information on existing incentives provided by the federal government to private owners and development in order to maintain, rehabilitate, and preserve historic resources.

The proposed Zone Text Amendment does not impact the City's ability to preserve historical resources, and City staff would continue to administer existing historic preservation programs as identified in these General Plan policies. The Zone Text Amendment would streamline the process for which homeowners may apply for a Mills Act Contract by requiring review and approval by the Planning Commission, instead of the City Council.

FISCAL ANALYSIS

There will be no fiscal impacts to the City of Escondido as a result of these amendments.

ENVIRONMENTAL ANALYSIS

The proposed amendments to the Escondido Zoning Code including Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) qualify for an exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) ("Common Sense Exemption") and Section 33-922 (c)(1) of the Article 47 (Environmental Quality) of the Escondido Zoning Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a significant effect on the environment. The proposed changes are nominal in nature as no programs or development standards or requirements would be modified. The proposed changes would entail changes to review and decision-making authority for the purposes of dissolving an advisory commission on historic preservation. The City would continue to implement such historic preservation regulations and requirements outlined within Article 40 of the Escondido Zoning Code, consistent with the City's General Plan.

PUBLIC INPUT

The proposed Zone Text Amendment was noticed in accordance with Article 61, Division 6 of the Escondido Zoning Code. A public notice was published in the Escondido Times Advocate at least 10 calendars prior to this public hearing. Additionally, the City Clerk's office notified various stakeholder groups regarding the dissolution of the Historic Preservation Commission, and staff is not aware of any comments received as a result of those notifications.

CONCLUSION AND RECOMMENDATION

The proposed amendments to the Escondido Zoning Code would streamline the review of historic resources, and bring Article 40 in alignment with the CEDS while also maintaining protections for historic resources. Furthermore, the amendments would ensure consistency with other articles of the Escondido Zoning Code.



CITY of ESCONDIDO

STAFF REPORT

Based on the analysis contained in this staff report, and the presentation by staff, staff recommends that the Planning Commission adopt Resolution No. 2024-05 recommending approval of the proposed Escondido Zoning Code Amendments to the City Council.

ATTACHMENTS

- ~~1. City Council staff report and attachments (dated February 21, 2024)~~
2. Strikethrough and underline of proposed changes
- ~~3. Design Guidelines Homeowners of Historic Resources~~
4. Draft Planning Commission Resolution No. 2024-05 including Exhibits A (Findings) and B (Clean copy of proposed changes)



CITY of ESCONDIDO

STAFF REPORT

ATTACHMENT 2

Chapter 33 Article 40 (Historical Resources)

Section 33-790 - Purposes and definitions.

Update to definitions to address dissolution of HPC, and clarification of existing definitions

"Certificate of appropriateness" means a certificate issued by the ~~e~~Director of ~~community~~ ~~e~~Development Services approving alteration, restoration, construction, removal, relocation in whole or in part, consistent with the Secretary of Interior Standards, of or to a property on the local register or to an improvement within an historical district.

"Certificate of Appropriateness (Major)" means a major project that undergoes design review by Planning Commission or City staff, prior to issuance of the Certificate of Appropriateness.

"Certificate of Appropriateness (Minor)" means a minor project that undergoes planning administrative review, prior to issuance of the Certificate of Appropriateness.

~~"HPC" means historic preservation commission consisting of appointed members by the city council.~~

~~"Mature tree" means as defined in the Escondido Zoning Code Article 62, Landscape standards~~Article 55, Grading and Erosion Control.

"Planning Commission" means the Planning Commission of the City of Escondido as established by Chapter 20 of the Escondido Municipal Code.

"Secretary of the Interior's Standards" means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, 1983~~1995~~ edition, or such later edition as adopted by the City Council.

"Survey" means the Escondido historic sites survey consisting of an historical resources inventory compiled and maintained by the ~~historic preservation commission~~Zoning Administrator that documents structures, uses, sites, and artifacts that are related to the area's history including all areas within the corporate limits. Resources on the list must be 50 years or older unless the ~~historic preservation commission~~Zoning Administrator deems a younger, exceptional resource worthy of documentation. The inventory was originally completed in March 1984 and is updated as needed. The survey may also include an inventory of archaeological resources. Certain records of archaeological resources may not be subject to public review in the interest of protecting these resources from tampering. Resources listed in the survey are eligible for nomination to the Escondido local register of historical places.

"Zoning Administrator" means the Director of Development Services ("Director"), or designee, as provided for in Title 7, Chapter 4, Article III (Section 65901) of the Government Code.



CITY of ESCONDIDO

STAFF REPORT

Section 33-794, subsections (b)(2) and (3) and (c) - Procedure and criteria for local register listing or local landmark designation.

Replace the HPC for the Zoning Administrator

(b) Review process.

(b)(2) Requests for local register listing or local landmark designation of resources owned by the City of Escondido shall be brought to the city council prior to the HPC's **Zoning Administrator's** decision to list or designate such resource.

(b)(3) The HPC **Zoning Administrator** shall hold a public meeting. In their review of the request for local register listing or local landmark designation, the HPC **Zoning Administrator** shall consider the criteria listed in this section.

(c) Criteria. Prior to granting a resource local register or historical landmark status, the HPC **Zoning Administrator** shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one or more of the criteria listed in this section. A structural resource proposed for the local register shall be evaluated against criteria number one through seven and must meet at least two of the criteria. Signs proposed for the local register shall meet at least one of the criteria numbered eight through 10. Landscape features proposed for the local register shall meet criterion number 11. Archaeological resources shall meet criterion number 12. Local register resources proposed for local landmark designation shall be evaluated against criterion number 13. The criteria are as follows:

Section 33-795, subsection (b) - Procedure and criteria for rescinding local register or landmark status.

(b) Review. The HPC **Zoning Administrator** shall hold a public meeting. In their review of the request to remove a local register or landmark designation, the HPC **Zoning Administrator** shall consider the criteria listed in this section. Upon rescission, any associated Historic Property Preservation Agreement (Mills Act agreement) will be cancelled.

Section 33-797, subsections (a), (b)(1), (b)(2)(B), and (b)(2)(C) – Procedure and findings for designating an historical district.

Replace the HPC for the Zoning Administrator and Planning Commission



CITY of ESCONDIDO

STAFF REPORT

(a) Submittal. Any person may request the ~~historic preservation commission~~**Planning Commission** to designate an historical district. The request for designation shall be filed with the planning division on forms provided by the ~~e~~**C**ity.

(b) Review process.

(1) Initiation process. Upon receipt of a recommendation from the ~~historic preservation commission~~**Planning Commission**, the city council shall determine whether or not to initiate the designation process.

(2) Designation process. Upon city council initiation:

(B) Following the appropriate neighborhood meetings and the completion of research for the district, the ~~historic preservation commission~~**Planning Commission** shall hold a duly noticed public hearing and shall forward its recommendation to the ~~planning commission and city council~~, **who shall hold a duly noticed public hearing on the matter**. Should the **Planning Commission** recommend that the area be designated an historical district; the report shall contain the following information:

(C) ~~The HPC and city council shall each hold a duly noticed public hearing.~~ In their review of the request to designate a historical district, the ~~HPC~~**Planning Commission** and the city council shall consider the criteria listed in this section.

Section 33-798, subsection (b), (e)(1)(b), (e)(2), (e)(3), and (h) – Permits and permit procedures.

Streamlining of review process for historic resources and delegating responsibilities to the Planning Commission and/or City staff

(b) Unless otherwise exempted in this article, a certificate of appropriateness is required for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within an historical overlay district, including back and sides, as well as street façade, even when a building permit is not otherwise required. Other permits, and/or review by the ~~p~~**Planning e**Commission, may be required as prescribed in this article. ~~Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside an historical overlay district shall be subject to staff administrative review to ensure said improvements and alterations do not preclude future listing on the city's local register.~~

(e) Review processes. Following the planning division's receipt of a complete application, the director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff review. Minor projects include:



CITY of ESCONDIDO

STAFF REPORT

(A) Placement or removal of exterior objects and the restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, and any modifications to historical signs; and painting of exterior surfaces, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows, skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.

(B) ~~The following projects involving historic resources listed on the local register and property located within an historical overlay district: painting of exterior surfaces, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows, skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.~~ Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside a historical overlay district shall be subject to staff administrative review to ensure said improvements to not affect the project's integrity such that they will maintain eligibility their ability to be placed on the local register.

(2) Major projects. Major projects shall be subject to historic preservation commission design review prior to staff determination by the Director of Development Services, or their designee, unless otherwise noted below. Major projects include all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, changes to the site, (grading, parking lots, paving), public right-of-way improvements (curb and, gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

(A) Major projects for properties located within a historical overlay district and on the local register shall be subject to design review by the Planning Commission.

(B) Notwithstanding subsection (A) above, major projects for all other properties located within a historical overlay district shall be subject to staff design review prior to a decision by the Director of Development Services, unless it is determined by the Director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the Planning Commission.



CITY of ESCONDIDO

STAFF REPORT

(C) Major projects for properties located outside a historical overlay district but identified on the local register, shall be subject to staff design review prior to a decision by the Director of Development Services, unless it is determined by the Director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the Planning Commission.

(D) Major projects for properties listed on the Escondido Historic Sites Survey but outside a historic overlay district and not on the local register, shall be subject to staff administrative review to ensure said improvements do not affect a property's integrity such that they would be ineligible for inclusion on the local register at a future time.

(3) Discretionary projects requiring a public hearing. Discretionary projects requiring a public hearing shall be subject to review by the historic preservation commission prior to planning commission determination **acted on by the ultimate decision maker of the discretionary application.**

(h) Findings. A certificate of appropriateness may be issued if planning division, ~~historic preservation commission,~~ Planning Commission, or the city council makes the following findings:

Section 33-799, subsection (a) and (d) - Incentives for preserving historical resources.

Replacing HPC for Director and Zoning Administrator

(a) Historic register incentives program. To support the preservation, maintenance and appropriate rehabilitation of historical resources and thus carry out the purposes of this article, the ~~HPC~~ **Director of Development Services** may develop and recommend incentives for city council adoption. The type and availability of incentives vary from time to time.

(d) Repayment required. Monies granted as an incentive to preserve an historical resource pursuant to this article shall be repaid to the city following the ~~HPC's~~ **Zoning Administrator's** approval to remove the historical designation of said historical resource or the HPC's approval of its demolition.

(e) Authority. City Manager or their designee has authority to execute agreements and/or contracts necessary for the historic register incentive programs.

Section 33-801, subsection (b) – Demolishing an historical resource

(b) Status of historical significance designation. In all cases, demolishing a local register resource shall automatically remove the local register and landmark designation, unless



CITY of ESCONDIDO

STAFF REPORT

~~historic preservation commission~~ **Planning Commission determines that the site should be retained for potential monumentation.**

Section 33-802, subsection (b) - Procedure for obtaining an emergency demolition permit.

Replacing HPC for City staff for issuance of emergency demolition permit

(b) Review. On a case-by-case evaluation and upon consultation with a minimum of two ~~historic preservation commissioners and an architect or engineer, the director of community development~~ **City staff members, comprised of the Chief Building Official, Fire Marshal, and/or City Planner, the Director of Development Services** may, without a public hearing, issue a permit for a complete or partial demolition of an historical resource if it is determined that the catastrophic event has rendered said resource immediately hazardous and dangerous and/or detrimental to the public health and/or safety as defined in the latest adopted California Building Code or California Housing Law.

Section 33-803, subsection (b) - Procedure and findings for obtaining a nonemergency demolition permit.

Replacing HPC for Planning Commission

(b) Review. The ~~HPC~~ **Planning Commission** and city council shall each hold a duly noticed public hearing prior to the demolition of a significant historic resource. The applicant shall provide, at a minimum, the following items to the satisfaction of the ~~e~~ **Director of Development Services** or designee:

Chapter 33 Article 61 (Administration and Enforcement)

Section 33-1319, subsection (a)(9) - Powers and duties and procedure.

Empower the Zoning Administrator to list and removal historical resources

(9) Listing and removal of historical resources on the City of Escondido Local Register of Historical Places pursuant to section 33-794 of Article 40.

Chapter 33 Article 64 (Design Review)

Section 33-1370 - Design Review in Historic Overlay Districts.

Empower Planning staff and Planning Commission to conduct Design Review for projects that are considered "Major"

Any and all references to the design review process in any adopted historic overlay district shall be reviewed by the planning commission or city staff, and shall be subject to rules and procedures outlined in Article 40, historical resources.



CITY of ESCONDIDO

STAFF REPORT

Chapter 33 Article 65 (Old Escondido Neighborhood)

Section 33-1381 – Appeal.

Clarify appeal process for projects denied by staff

Staff review decisions may be appealed to the ~~historic preservation commission (HPC)~~. ~~HPC decisions may be appealed to the planning commission~~ **Planning Commission**. Planning ~~e~~Commission decisions may be appealed to city council pursuant to section 33-1303 of this zoning code.

Planning Commission
Hearing Date: March 26, 2024
Effective Date: March 26, 2024

PLANNING COMMISSION RESOLUTION NO. 2024-05

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
RECOMMENDING APPROVAL TO AMEND VARIOUS
ARTICLES OF THE ESCONDIDO ZONING CODE

APPLICANT: City of Escondido

CASE NO: PL24-0017

WHEREAS, on February 7, 2024, the City Council voted 5-0 to approve the Boards and Commissions Subcommittee recommendation to align with the Comprehensive Economic Development Strategy and City Council Priorities by dissolving the Historic Preservation Commission (HPC) and assigning HPC responsibilities to the Planning Commission, Zoning Administrator, and City Staff with criteria for Certificates of Appropriateness on Major Projects;

WHEREAS, on February 21, 2024, the City Clerk's Office presented City Council with ordinance 2024-03 to amend Chapter 33 (Escondido Zoning Code), Article 40 (Historical Resources), Section 33-791 of the Escondido Municipal Code in an effort to dissolve the HPC;

WHEREAS, on February 21, 2024, the City Council voted 4-0 to adopt Ordinance No. 2024-03, amending the Escondido Zoning Code to dissolve the HPC; and

WHEREAS, the Planning Division staff identified the need to amend Article 40 (Historical Resources) of the Escondido Zoning Code to address the dissolution of the

HPC and assign HPC responsibilities to the Planning Commission, Zoning Administrator, and/or City as well as the need for related amendments to Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) (collectively referred to as the "Project");

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

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

WHEREAS, on March 26, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including written and graphical information, and other material;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated March 26, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.

2. The proposed amendments to the Escondido Zoning Code are categorically exempt from further review pursuant to various sections of the California Environmental Quality Act and Article 47 (Environmental Quality) of the Escondido Zoning Code, including but not limited to section 15061(b)(3) also known as the common-sense exemption. The proposed Zone Text Amendments would not, in and of themselves, result in development or any other material change to the environments. Projects seeking to implement the amended provisions would be subject to separate review under the California Environmental Quality Act.

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the substantive findings and determinations attached hereto as Exhibit "A," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby recommends that the City Council approve the Zone Text Amendment identified herein, and reflected in Exhibit "B" attached hereto.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 26th day of March, 2024, by the following vote, to wit:

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

Rick Paul, Chair
Escondido Planning Commission

ATTEST:

Veronica Morones, Secretary of the
Escondido Planning Commission

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

Alexander Rangel, Minutes Clerk
Escondido Planning Commission

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

Exhibit "A"**PLANNING CASE No. PL24-0017****FACTORS TO BE CONSIDERED / FINDINGS OF FACT****Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines Section 15061 (b) ("Common Sense Exemption") and Section 33-922 (c)(1) of Article 47 (Environmental Quality) of the Escondido Zoning Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a significant effect on the environment.

The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines Section 15300.2.

3. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the March 26, 2024, Planning Commission staff report, testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment and all of the requirements of CEQA have been met.

Zone Text Amendment Determinations (Escondido Zoning Code Section 33-1263)

1. *That the public health, safety and welfare will not be adversely affected by the proposed change;*

The proposed Zone Text Amendment addresses the dissolution of the Historic Preservation Commission, and assigns historic preservation responsibilities to the Planning Commission, Zoning Administrator, and/or City staff. The proposed Zone Text Amendment is consistent with the objectives, policies, and programs within the City's 2012 General Plan, including consistent with Land Use Zoning Policy 2.1, and Cultural Resources Policies 5.2 and 5.8 in that the proposed Zone Text Amendment streamlines the development process for properties with historic resources while continuing to protect

historic resources as discussed in the Resource Conservation element. Furthermore, the dissolution of the Historic Preservation Commission aligns land development reviews with the City's newly adopted Comprehensive Economic Development Study (CEDS). By transferring historic preservation responsibilities to the Planning Commission, Zoning Administrator and staff, it should lead to a more expeditious approval process. This also aligns with City Council priority to Encourage Housing Development. Therefore, the public health, safety and welfare will not be adversely impacted by the proposed changes.

2. That the property involved is suitable for the uses permitted by the proposed zone;

The proposed Zone Text Amendment does not expand or permit additional uses other than what is already permitted on properties with historic resources. The Zone Text Amendment streamlines, and assign historic preservation responsibilities to Planning Commission, Zoning Administrator, and/or City staff; furthermore, the amendment includes minor text updates to other articles for consistency purposes.

3. That the uses permitted by the proposed zone would not be detrimental to surrounding properties

The proposed Zone Text Amendment does not include the addition of uses that are already permitted under the zoning code.

4. That the proposed change is consistent with the adopted general plan;

As discussed in the Planning Commission staff report (dated March 26, 2024), the proposed Zone Text Amendment would be consistent with the City's 2012 General Plan. The amendment does not impact the existing historic preservation program administered by the City, and the City will continue to maintain the City's Local Register of Historical Places in conformance with General Plan policies. The amendment would continue to protect, rehabilitate, preserve, and maintain historical resources in the City while also aligning the zoning code with the City Council's adopted Comprehensive Economic Development Study (CEDS).

5. That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;

The proposed Zone Text Amendment does not include change of zones that would establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 in that the amendment does not involve any change of zone. The proposed Zone Text Amendment does not expand or permit additional uses other than what is already permitted on properties with historic resources. The Zone Text Amendment streamlines, and assign historic preservation responsibilities

to Planning Commission, Zoning Administrator, and/or City staff; furthermore, the amendment includes minor text updates to other articles for consistency purposes.

6. That the relation of the proposed change is applicable to specific plans.

The proposed Zone Text Amendment would only be applicable to the Downtown Specific Plan (DSP) and the South Centre City Specific Plan (SCCP) as those are the only specific plans that contain language regarding Certificates of Appropriateness. The review processes established by the specific plans supersede the requirements of the Escondido Zoning Code; however, those processes would continue to be consistent with the newly established processes through the proposed Zone Text Amendment.

Exhibit "B"**PLANNING CASE No. PL24-0017****ZONE TEXT AMENDMENT**

Article 40 (Historical Resources) of Chapter 33 (Escondido Zoning Code) of the Escondido Municipal Code is hereby repealed in its entirety and replaced as follows:

Article 40 HISTORICAL RESOURCES**§ 33-790 Purpose and definitions.**

(a) Purpose. It is the purpose and intent of this article to:

- (1) Protect, enhance and perpetuate historical resources, sites, and districts that represent or reflect elements of the city's cultural, social, economic, political, and architectural history for the public health, safety, and welfare of the people of the city;
- (2) Safeguard the city's historical heritage as embodied and reflected in its historical resources, sites, and historical districts;
- (3) Stabilize and improve property values;
- (4) Foster civic pride in the character and accomplishments of the past;
- (5) Strengthen the city's economy by protecting and enhancing the city's attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;
- (6) Enhance the visual character of the city by encouraging the preservation of unique and established architectural traditions;
- (7) Promote the use of historical landmarks and districts for the education, pleasure, and welfare of the people of the city;
- (8) Permit historical and archaeological sites to be identified, documented, and recorded by written and photographic means and allow an opportunity for preservation of historical and archaeological sites.

(b) Definitions. Whenever the following terms are used in this article, they shall have the meaning established by this section.

"Alteration" means any exterior change or modification through public or private action of any historical property or resource on the Escondido Historic Sites Survey, local register or located within an historical district, affecting the exterior visual qualities of the property or resource excluding routine maintenance (masonry tuckpointing, cleaning), temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees. Alteration also includes removal of historical resources such as mature trees and other landscape features identified on the Escondido historic sites survey as well as disturbances of archaeological sites.

"Archaeological site" means an area where remains of man or his and her activities prior to keeping of history are still evident.

"California Register of Historical Resources/California Register" means a state authoritative and comprehensive listing and guide to California's significant historical resources. The California Register is used by state and local agencies, private groups and citizens to identify, evaluate, register and protect California's historical resources. The California Register is administered by the State Historic Resources Commission, and the Office of Historic Preservation.

"Catastrophic event" means an event, such as fire, earthquake or flooding, that is beyond the property owner's ability to control and renders historical resources hazardous. Catastrophic event shall not include improper/insufficient owner maintenance or corrections that can be accomplished through reasonable measures.

"Certificate of appropriateness" means a certificate issued by the Director of Development Services approving alteration, restoration, construction, removal, relocation in whole or in part, consistent with the Secretary of Interior Standards, of or to a property on the local register or to an improvement within an historical district.

"Certificate of Appropriateness (Major)" means a major project that undergoes design review by Planning Commission or city staff prior to issuance of the Certificate of Appropriateness.

"Certificate of Appropriateness (Minor)" means a minor project that undergoes planning administrative review, prior to issuance of the Certificate of Appropriateness.

"Demolition" means any act that destroys in whole or in part an historical resource on the local register or an improvement within an historical district.

"Design Guidelines for Historic Resources" means the guideline/manual adopted by city council Ordinance 91-57 and any subsequent amendments, applicable to any historical resource or any property within an historical district, intended for property owners, design professionals, and city boards and commissions as a design resource, regulatory tool and policy guide.

Escondido Historic Sites Survey. See Survey.

"Façade" means the exterior face of a building that is the architectural front, sometimes distinguished from other faces by elaboration of architectural or ornamental details.

"Fixture" means a decorative or functional device permanently affixed to a site or the exterior of a structure and contributing to its ability to meet historical designation criteria. Permanently affixed shall include, but not be limited to, attachment by screws, bolts, pegs, nails or glue, and may include such attachment methods as rope, glass or leather if such material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, moldings, leaded glass or other decorative windows and decorative hardware.

"Historical resources" means and includes, but is not limited to, any object, building, structure, site, area, place, sign, outdoor work of public art, landscape feature, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Escondido and listed on the Escondido historic sites survey.

"Historical district" means any area that contains a number of structures or landscape features having a similar character of historic, archaeological, cultural, architectural, community or aesthetic value as part of the heritage of the city, region, state, or nation, and that has been designated pursuant to this article.

"Historic Register Incentives Program" means a program adopted by city council resolution of various incentives intended to encourage and facilitate the preservation, maintenance and appropriate rehabilitation of significant historical resources. The availability of incentives may vary from time to time.

"Historic sign" means a sign that possesses historical, cultural, architectural, or community interest or value associated with the development, heritage or history of the city and that is listed on the Escondido historic sites survey or designated on the local register of historic places.

"Historical site" means any parcel or portion of real property that has special character related to its special historical, cultural, or archaeological feature.

"Historic street markings list" means the list adopted by city council Ordinance 88-57, and any subsequent amendments, identifying the location and name of the historical markings.

"Improvement" means any place, building, structure, landscape feature or object constituting a physical addition to real property or a structure on real property, or any part of such addition or façade excluding routine maintenance such as masonry tuckpointing, cleaning, awnings, signs, plaques, light fixtures, steps, spas, plantings, nonmature tree and landscaping accessories.

"Landscape feature" means any tree or plant life that has been placed, planted or manipulated by man for cultural purposes.

"Local historical landmark" means any historical resource that has been registered as a local historical landmark pursuant to this article because of its outstanding historic, cultural, architectural, archaeological, or community interest or value as part of the development, the heritage or history of the city.

"Local register of historical places" means a local list established by the city council of districts, sites, buildings, uses, landscape features, signs, structures and objects of local, state or national importance that are significant and warrant protection because of their historic, architectural, archaeological, or cultural values. The local register includes local historical landmarks and districts.

"Mature tree" means as defined in Escondido Zoning Code Article 55, Grading and Erosion Control.

"National Register of Historic Places" means a national list of districts, sites, buildings, structures and objects of local, state or national importance that are significant for their historical, architectural, archaeological or cultural values. Properties less than 50 years old ordinarily are not eligible for the Register unless they are of exceptional importance. The Register is administered by the Keeper of the Register, U.S. Department of the Interior, and is the nation's official list of cultural resources worthy of preservation.

"Owner" means the person appearing on the last equalized assessment roll of the County of San Diego.

"Person" means any individual, association, partnership, firm, corporation, public agency or political subdivision.

"Planning Commission" means the planning commission of the City of Escondido as established by Chapter 20 of the Escondido Municipal Code.

"Secretary of the Interior's Standards" means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, 1995 Edition, or such later edition as adopted by the city council.

"Street markings" means any street name or stamp in concrete or curbs that denotes the original name of the street or contractor. This definition also includes any historical feature such as horse rings or lamp posts as identified in the Escondido historic survey, and all items identified in the historic street markings list.

"Survey" means the Escondido historic sites survey consisting of an historical resources inventory compiled and maintained by the Zoning Administrator that documents structures, uses, sites, and artifacts that are related to the area's history including all areas within the corporate limits. Resources on the list must be 50 years or older unless the Zoning Administrator deems a younger, exceptional resource worthy of documentation. The inventory was originally completed in March 1984 and is updated as needed. The survey may also include an inventory of archaeological resources. Certain records of archaeological resources may not be subject to public review in the interest of protecting these resources from tampering. Resources listed in the survey are eligible for nomination to the Escondido local register of historical places.

"Zoning Administrator" means the Director of Development Services (Director), or designee, as provided for in Title 7, Chapter 4, Article III (section 65901) of the Government Code.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08; Ord. No. 2018-07R, § 7, 4-18-18)
(Ord. No. 2021-14R, § 4, 3-2-22)

§ 33-792 Establishment of a local register of historical places.

(a) Purpose. The purpose of the local register is to provide a means to preserve, protect and enhance the most significant historical resources within the community, including structures, sites, buildings, uses, and landscape features.

(b) Eligibility. Resources listed on the Escondido historic sites survey are eligible for nomination to the Escondido local register of historical places.

(c) Identification. Local register resources may be identified on-site with an exterior marker displaying pertinent information about the resource. A record of resources on the local register will be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-793 Designation of a local historical landmark.

(a) Purpose. The purpose of designating historical landmarks is to provide distinctive recognition of structures, sites, buildings, uses, and landscape features that have outstanding character or historical, archaeological or aesthetic interest or importance as part of the development, heritage, or cultural characteristics of the city.

(b) Eligibility. Resources listed on the local register are eligible for local historical landmark nomination.

(c) Identification. Landmark resources would be identified on-site with an exterior marker displaying pertinent information about the landmark. A record of the landmark resource would also be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-794 Procedure and criteria for local register listing or local landmark designation.

(a) Initiation. Any person may nominate an historical resource to the local register or landmark designation. The application shall be made to the planning division on forms provided by the city. Requests for local landmark designation shall include a letter signed by the property owner consenting to the initiation.

(b) Review process.

(1) Upon receipt of an application for local register listing or local landmark designation, the planning division shall notify the property owner and building department of the pending request. No building or demolition permits shall be issued for any alteration to any improvement, fixture, or façade located on a site subject to a request for local register listing or local landmark designation while the matter is pending final decision.

(2) Requests for local register listing or local landmark designation of resources owned by the City of Escondido shall be brought to the city council prior to the Zoning Administrator's decision to list or designate such resource.

(3) The Zoning Administrator shall hold a public meeting. In their review of the request for local register listing or local landmark designation, the Zoning Administrator shall consider the criteria listed in this section.

(c) Criteria. Prior to granting a resource local register or historical landmark status, the Zoning Administrator shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one or more of the criteria listed in this section. A structural resource proposed for the local register shall be evaluated against criteria number one through seven and must meet at least two of the criteria. Signs proposed for the local register shall meet at least one of the criteria numbered eight through 10. Landscape features proposed for the local register shall meet criterion number 11. Archaeological resources shall meet criterion number 12. Local register resources proposed for local landmark designation shall be evaluated against criterion number 13. The criteria are as follows:

(1) Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation;

(2) Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered;

(3) Escondido historical resources that are connected with a business or use that was once common but is now rare;

(4) Escondido historical resources that are the sites of significant historic events;

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

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

(7) Escondido historical building that is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type;

(8) Sign that is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historical sign materials and is not significantly altered;

(9) Sign that is integrated into the architecture of the building, such as the sign pylons on buildings constructed in the Modern style and later styles;

(10) Sign that demonstrates extraordinary aesthetic quality, creativity, or innovation;

(11) Escondido landscape feature that is associated with an event or person of historical significance to the community or warrants special recognition due to size, condition, uniqueness or aesthetic qualities;

(12) Escondido archaeological site that has yielded, or may be likely to yield, information important in prehistory;

(13) Escondido significant historical resource that has an outstanding rating of the criteria used to evaluate local register requests.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-795 Procedure and criteria for rescinding local register or landmark status.

(a) Submittal. Any person may submit a written request to the planning division to remove his or her resource from the local register or to rescind a local landmark designation. The application shall be made on forms provided by the city.

(b) Review. The Zoning Administrator shall hold a public meeting. In their review of the request to remove a local register or landmark designation, the Zoning Administrator shall consider the criteria listed in this section. Upon rescission, any associated Historic Property Preservation Agreement (Mills Act agreement) will be cancelled.

(c) Criteria. The criteria listed in this section shall be used to determine whether to remove a resource from the local register or to rescind its local landmark designation.

(1) New documentation has been presented disproving the properties association with a significant person, event, or pattern of history or any other information upon which the resource was placed on the local register or given landmark status;

(2) Evidence has been presented that the property no longer retains its integrity, meaning that modifications and alterations to the resource have affected its location, design, setting, materials, workmanship, feeling or association that warranted its placement on the local register or its designation as a local landmark.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-796 Historical districts.

(a) Purpose. The purpose of designating historical districts is to provide recognition to an area or site that has several individual structures and improvements that contribute to a special aesthetic, cultural, architectural or engineering interest or value of an historical or archaeological nature.

(b) Eligibility. Any geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development is eligible for historical district designation.

(c) Zoning applicability. An historical district designation may be combined with any zoning district provided for in this title as an overlay to be shown on the zoning map. Development within an historical district overlay shall be subject to historical preservation provisions as set forth in this article, as well as to the regulations of the underlying zone. Where conflict occurs, the regulations set forth in this article shall apply.

(d) Identification. Markers displaying pertinent information about the district may be placed at various vehicular and pedestrian gateways into the historical district. The boundaries of an historical district may be shown on a zoning map as an overlay zone. A record of historical districts would be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-797 Procedure and findings for designating an historical district.

(a) Submittal. Any person may request the Planning Commission to designate a historical district. The request for designation shall be filed with the planning division on forms provided by the City.

(b) Review process.

(1) Initiation process. Upon receipt of a recommendation from the Planning Commission, the city council shall determine whether or not to initiate the designation process.

(2) Designation process. Upon city council initiation:

(A) A minimum of one public neighborhood meeting shall be held during the designation process.

(B) Following the appropriate neighborhood meetings and the completion of research for the district, the Planning Commission shall hold a duly noticed public hearing and shall forward its recommendation to the city council, who shall hold a duly noticed public hearing on the matter. Should the Planning Commission recommend that the area be designated an historical district; the report shall contain the following information:

(i) A map showing the proposed boundaries of the historical district and identifying all structures within the boundaries, contributing or noncontributing;

(ii) An explanation of the significance of the proposed district and description of the historical resources within the proposed boundaries;

(iii) Statements showing how the proposed historical district meets the findings set forth in this section.

(C) In their review of the request to designate a historical district, the Planning Commission and the city council shall consider the criteria listed in this section.

(c) Criteria. The city council may designate an area as an historical district if it finds that the proposed historical district meets all of the following criteria:

(1) The proposed historical district is a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development;

(2) The collective historical value of the proposed historical district may be is greater than that of each individual resource;

(3) The proposed designation is in conformance with the purpose of the city's historic preservation provisions set forth in this article and the city's general plan.

(d) Notification of action. No later than five working days after city council action, the city council's decision shall be filed with the city clerk. A notice thereof shall be mailed to the applicant at the address shown on the application and to the owners of properties located within the proposed historical district.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-798 Permits and permit procedures.

(a) It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any historical resource or any portion thereof that has been listed on the Escondido Historic Sites Survey, local register, designated a local landmark, or located within an historical overlay district or to alter in any manner any feature of such designated resource without first obtaining a permit in the manner provided in this article. All repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for Rehabilitation.

(b) Unless otherwise exempted in this article, a certificate of appropriateness is required for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within an historical overlay district, including back and sides, as well as street façade, even when a building permit is not otherwise required. Other permits, and/or review by the Planning Commission, may be required as prescribed in this article.

(c) Exemptions. A certificate of appropriateness is not required for routine maintenance (masonry tuck-pointing, and cleaning), installation of temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition or removal of any improvement when the city has been satisfied that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the State Historical Building Code.

(d) Submittal requirements for certificate of appropriateness. An application for certificate of appropriateness shall be filed with the planning division on a form provided by the city.

(e) Review processes. Following the planning division's receipt of a complete application, the director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff administrative review. Minor projects include:

(A) Placement or removal of exterior objects and the restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, any modifications to historical signs, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows, skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.

(B) Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside a historical overlay district shall be subject to staff administrative review to ensure said improvements do

not affect the project's integrity such that they will maintain eligibility their ability to be placed on the local register.

(2) Major projects. Major project shall be subject to design review by the Director of Development Services, or their designee, unless otherwise noted below. Major projects include all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, changes to the site (grading, parking lots, paving), public right-of-way improvements (curb and gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

(A) Major projects for properties located within a historical overlay district, and on the local register are subject to design review by the Planning Commission.

(B) Notwithstanding subsection (A) above, major projects for all other properties within a historical overlay district shall be subject to staff design review prior to a decision by the Director of Development Services, unless it is determined by the Director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the Planning Commission.

(C) Major projects for properties outside a historical overlay district but identified on the local register, shall be subject to staff design review prior to a decision by the Director of Development Services, unless it is determined by the Director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the Planning Commission.

(D) Major projects for properties listed on the Escondido Historic Sites Survey but outside a historic overlay district and not on the local register, shall be subject to staff administrative review to ensure said improvements do not affect a property's integrity such that they would be ineligible for inclusion on the local register at a future time.

(3) Discretionary projects requiring a public hearing. Discretionary projects requiring a public hearing shall be acted on by the ultimate decision maker of the discretionary application.

(f) Notification of action. The determination by planning division staff shall be documented by the issuance of a certificate of appropriateness that outlines the approved work, or a written statement giving the reasons for disapproval.

(g) Appeal. The director's decision may be appealed to the planning commission. Appeals shall be filed within 10 days of notification of action and noticed in accordance with section 33-1303 of this title.

(h) Findings. A certificate of appropriateness may be issued if planning division staff, Planning Commission, or the city council makes the following findings:

(1) All of the following:

(A) The proposed alteration or improvement is consistent with the design guidelines for historic resources,

(B) The action proposed is consistent with the purposes of historical preservation as set forth in this article and with the general plan,

(C) The action proposed retains the historical and/or architectural value and significance of the landmark, historical building, or historical district,

(D) The action proposed retains the texture and material of the building and structure in question or its

appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district,

(E) The proposed project is compatible in its location of buildings and structures with the location of the street or public way and the location and arrangement of other buildings and structures in the neighborhood,

(F) If located within an historical district, the proposed project conforms to the design guidelines established for the district; or

(2) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-799 Incentives for preserving historical resources.

(a) Historic register incentives program. To support the preservation, maintenance and appropriate rehabilitation of historical resources and thus carry out the purposes of this article, the Director of Development Services may develop and recommend incentives for city council adoption. The type and availability of incentives vary from time to time.

(b) Eligible resources. Resources listed on the local register of historical places, including local historical landmarks and properties located within an historical district, may be eligible for incentives.

(c) Submittal requirement. Requests for an incentive shall be filed in writing with the planning division. The request shall include the consent of the owner of the historical resource and information needed to determine whether the resource qualifies for the requested incentive.

(d) Repayment required. Monies granted as an incentive to preserve an historical resource pursuant to this article shall be repaid to the city following the Zoning Administrator's approval to remove the historical designation of said historical resource or the HPC's approval of its demolition.

(e) Authority. City Manager and/or their designee has authority to execute agreements and/or contracts necessary for the historic register incentive programs.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-800 Duty to keep in good repair.

(a) Maintenance regulations. The owner, lessee, or other person legally in possession of an historical resource on the local register or on the survey within an historical district shall comply with all applicable codes, laws and regulations governing the maintenance of property and shall secure the property against trespassers. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect, the exterior features of buildings on the local register or on the survey within an historical district, and the interior portions thereof when such maintenance is necessary to prevent desecration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

(1) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

(2) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration;

(3) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

(4) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;

(5) Any fault or defect in the building that renders it not properly watertight or structurally unsafe.
(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-801 Demolishing an historical resource.

(a) Demolition permit required. No historical resource shall be demolished prior to obtaining a demolition permit issued pursuant to section 33-802 or 33-803, pertaining to emergency or non-emergency removal of historical resources, respectively.

(b) Status of historical significance designation. In all cases, demolishing a local register resource shall automatically remove the local register and landmark designation unless the Planning Commission determines that the site should be retained for potential monumentation.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-802 Procedure for obtaining an emergency demolition permit.

(a) Submittal. A request for a demolition permit involving an historic resource that has been subject to a catastrophic event, as defined in this article, shall be submitted in writing to the planning division and shall include the property owner's authorization for submittal.

(b) Review. On a case-by-case evaluation and upon consultation with a minimum of two City staff members, comprised of either the Chief Building Official, Fire Marshal, and/or City Planner, the Director of Development Services may, without a public hearing, issue a permit for a complete or partial demolition of an historical resource if it is determined that the catastrophic event has rendered said resource immediately hazardous and dangerous and/or detrimental to the public health and/or safety as defined in the latest adopted California Building Code or California Housing Law. The Director may request additional documentation from the applicant for evaluation of the historical resource.

(c) Considerations for demolition. In determining the appropriateness of demolishing a resource under this emergency provision, the director of development services shall give consideration to demolishing only those portions of a resource that are immediately hazardous, thereby allowing for the preservation/reconstruction of non-hazardous portions. The director shall also consider whether the damage to the resource is so substantial that it alters the historic character of the resource.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-803 Procedure and findings for obtaining a nonemergency demolition permit.

(a) Submittal. When staff receives a request for non-emergency demolition of an historic resource, staff shall perform a preliminary assessment to determine if the resource is significant in concert with the city's Environmental Quality Regulations. Staff may employ a registered historian to help make this determination. If the site is determined not to be significant, the demolition permit will be considered at staff level after appropriate environmental review has been publicly noticed and issued and photo documentation to the city's satisfaction has been performed. If the historic resource is determined to be significant or if staff's decision to approve the demolition permit is appealed, an application for a nonemergency demolition permit shall be submitted in writing to the planning division using forms provided by the city.

(b) Review. The Planning Commission and city council shall each hold a duly noticed public hearing prior to the demolition of a significant historic resource. The applicant shall provide, at a minimum, the following items to the satisfaction of the Director of Development Services or designee:

(1) Advertisement of the resource's availability in at least one local newspaper and the San Diego Daily Transcript, published for a minimum period of two weeks prior to the Planning Commission public hearing and/or City Council public hearing;

(2) Research into the feasibility of relocating a significant resource within the community including a licensed contractor's bid for the cost of moving the resource. For structures the research shall include cost of improving the structure to meet relevant building code standards;

(A) In the case of a demolition application involving an income-producing property, whether the owner can obtain a reasonable return from the property without the granting of a demolition permit.

(c) Findings. The city council may approve a demolition request upon making finding number 1, 4, and 5, and either number 2 or 3:

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

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

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

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

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

(d) Notification of action. No later than five working days following the city council action, the decision of the city council shall be filed with the city clerk and a notice thereof shall be mailed to the applicant at the address shown on the application.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2003-35, § 4, 12-3-03; Ord. No. 2008-16, § 4, 7-16-08; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-804 Enforcement and penalties.

(a) Abatement. The procedures set forth in Chapter 6, Article 7 of the Escondido Municipal Code governing unsafe, dangerous or substandard buildings, whether in commercial or residential use, shall be applicable to any violations of sections 33-800 and 33-801.

(b) Misdemeanor. It is unlawful for any person or entity to maintain any building or demolish a historical resource listed on the local register or on the survey within an historical district in violation of sections 33-800 and 33-801, respectively. Any such violation constitutes a misdemeanor punishable as set forth in Section 1-13 of the Escondido Municipal Code. Each day of violation constitutes a separate offense and may be separately punished. The chief building official and code enforcement officer are authorized to

exercise the authority in California Penal Code Section 836.5 and to issue citations for violation of this section.

(c) Additional remedies.

(1) In addition to any other remedies provided herein, any violation of this chapter may be enforced by civil action brought by the city. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, one or both of the following remedies:

(A) A temporary or permanent injunction, or both;

(B) Assessment of the violator for the costs or any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and

(2) In addition to any other remedies provided herein, in the event an historic resource is completely demolished in violation of this chapter, a penalty may be imposed in which no building or construction related permits shall be issued for the property upon which the demolition took place, for a period of three years from the date of demolition. Said penalty shall be enforced by civil action filed by the city attorney and adjudicated by a court of competent jurisdiction. A demolition shall be presumed to have occurred on the date that the city had actual knowledge of the demolition.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-805 Historic Street markings.

(a) In order to preserve the integrity of historic street markings throughout the City of Escondido, the following procedures shall be followed:

(1) The current and proposed locations of the existing historic street marking shall be clearly noted on the improvement plan. If neither improvement plans nor a site development review plan is required for the development, the applicant shall submit a letter and location map to the planning division 10 days prior to the construction of any new improvements. The planning division shall review the request and inform the appropriate departments of the restrictions.

(2) In addition, a one-thousand-dollar (\$1,000.00) security bond shall be submitted to the engineering division prior to building permit issuance to ensure that the street marking is properly preserved.

(3) Efforts shall be made to preserve a marking in its original location. However, if the director of community development concurs that no other alternative exists but to relocate the marking, the applicant shall:

(A) Saw-cut the entire street marking out in one piece and reinstall it as part of the new walk as close as possible and within context of its original location; or

(B) Saw-cut the entire street marking out in one piece and reinstall it adjacent to the new walk as close as possible and within context of its original location.

(4) The planning division shall review the request and inform the appropriate departments of the restrictions. The public works department will ensure that the work is correctly done during reconstruction of the curb, gutter, sidewalk and sidewalk pattern.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-806 Public notification.

Unless otherwise specified in this article, notices of public hearings held pursuant to this article shall be published and mailed in accordance with section 33-1300(a) and (c) of this title.

(Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

§ 33-807 through § 33-809. (Reserved)

Article 61 (Administration and Enforcement)

Section 33-1319 (Powers and duties and procedure) of Division 9 of Article 61 of Chapter 33 of the Escondido Municipal Code is hereby amended and a new subsection, (a)(9), is hereby added as follows:

33-1319 Powers and duties and procedure.

(a) The zoning administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include, but are not limited to:

- (1) Minor conditional use permits as defined in Division 1 of this article;
 - (2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;
 - (3) Variances as defined in Division 2 of this article;
 - (4) Reasonable accommodation as provided in Division 5 of this article;
 - (5) Grading exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;
 - (6) Proposed modifications to an approved precise development plan pursuant to section 33-411 of Article 19;
 - (7) Time extensions for maps and permits, except those maps and permits initially approved by the director as specified in this article and Chapter 32, upon submittal of a written request for an extension request, justification statement, and payment of all required application fees;
 - (8) Comprehensive sign programs as specified in section 33-1392(c) of Article 66;
 - (9) Listing and removal of historical resources on the City of Escondido Local Register of Historical Places pursuant to section 33-794 of Article 40.
- (b) The zoning administrator is authorized to consider and adopt a negative declaration or mitigated negative declaration, prepared pursuant to CEQA and Article 47 of this chapter, upon completion of the CEQA public review period, for administrative projects that do not require a public hearing.
- (c) The zoning administrator shall have the power to adopt all rules and procedures necessary for the conduct of the administrator's business.
- (1) The zoning administrator shall schedule public hearings as needed.
 - (2) The zoning administrator shall hold a hearing, issue a notice of intended decision, or take an administrative action on an application as required pursuant to this chapter for the specific type of request.
 - (3) The decisions of the zoning administrator shall be filed in the planning division and a copy provided to the applicant at the address shown on the application.
 - (4) Actions of the zoning administrator may be appealed to the planning commission

Article 64 (Design Review)

Article 64 of Chapter 33 of the Escondido Municipal code is hereby amended and a new Section, 33-1370, is hereby added as follows:

Section 33-1370 Design review in Historic Overlay districts

Any and all references to the design review process in any adopted historic overlay district shall be reviewed by the planning commission or city staff, and shall be subject to rules and procedures outlined in Article 40, Historical Resources.

Article 65 (Old Escondido Neighborhood)

Section 33-1381 (Appeal) of Article 65 of Chapter 33 of the Escondido Municipal code is hereby repealed in its entirety and replaced as follows:

§ 33-1381 Appeal.

Staff review decisions may be appealed to the Planning Commission. Planning Commission decisions may be appealed to city council pursuant to section 33-1303 of this zoning code.

(Ord. No. 91-58, § 1, 12-18-91; Ord. No. 2011-19R, § 5, 1-11-12)



STAFF REPORT

February 21, 2024
File Number 0810-20

SUBJECT

REPEAL OF ESCONDIDO MUNICIPAL CODE CHAPTER 33, ARTICLE 40, SECTION 33-791, HISTORIC PRESERVATION COMMISSION

DEPARTMENT

City Clerk's Office

RECOMMENDATION

Request the City Council introduce Ordinance No. 2024-03 to repeal Escondido Municipal Code Chapter 33, Article 40, Section 33-791, Historic Preservation Commission.

Staff Recommendation: Approval (City Clerk: Zack Beck)

Presenter: Zack Beck, City Clerk

ESSENTIAL SERVICE – Yes, Land Use/Development

COUNCIL PRIORITY – Encourage Housing Development

PREVIOUS ACTION

On February 7, 2024, the City Council voted 5-0 to approve the Boards and Commissions Subcommittee recommendation to align with the Comprehensive Economic Development Strategy and Council Priorities by dissolving the Historic Preservation Commission and transferring their responsibilities to the Planning Commission, Zoning Administrator and Staff with criteria for Certificates of Appropriateness on Major Projects.

BACKGROUND

On August 19, 2020, the City Council formed a Boards and Commissions Subcommittee and assigned then Mayor Paul McNamara and Councilmember Consuelo Martinez to serve on it. The Subcommittee was tasked with reviewing the function of the City's Boards and Commissions in order to provide recommendations to make the commissions more efficient and effective to the full Council as needed.

On December 15, 2021, the City Council approved the following Boards and Commissions Subcommittee recommendations: 2-year terms for all commissions, uniform bylaws for all commissions, expansion to seven members for all commissions and an annual meeting between City Council and Commissioners. The



CITY of ESCONDIDO

STAFF REPORT

2-year terms, uniform bylaws and expansion to seven members were not applicable to the Planning Commission and Library Board of Trustees, as they are both governed by State Law.

On April 12, 2022, Development Services Staff presented the concept of dissolving the Historic Preservation Commission (HPC) to the Boards and Commissions Subcommittee. Staff noted that the HPC experienced challenges with recruiting qualified candidates and making quorum for meetings which resulted in certain projects being delayed. The Subcommittee decided to observe the HPC for a bit longer before making a dissolution recommendation to the full Council.

After the 2022 Election, Mayor White replaced former Mayor Paul McNamara on the Boards and Commissions Subcommittee. The Subcommittee met throughout 2023 and specifically reviewed the HPC. The Subcommittee reached a conclusion that they would recommend dissolving the HPC and transfer certain historic preservation responsibilities to the Planning Commission and other responsibilities to staff (Attachment "1").

The primary purpose for dissolving the HPC is to bring the City into better alignment with the *Comprehensive Economic Development Study (CEDS)*. The CEDS identified that the City of Escondido's process for permitting housing is slow as stated below:

"Slow Housing Permitting In a region with strong housing demand, the pace of housing permitting in Escondido is slow, relative to its peers. In terms of economic or demographic fundamentals, the City does not face any significant barriers to permitting new housing. Even Measure S, which is sometimes linked to the City's land use status quo, cannot obviously be linked to slow permitting. Interviews with planning officials and other city leaders indicate that there is widespread commitment towards increasing the number of housing units on the market. Indeed, since 2017 there has been a marked improvement in permits issued. However, neighboring cities still do better in this regard, especially in the multi-family category. Slow permitting has two major effects on the Escondido economy. First, it makes the City more expensive and therefore less attractive to younger working families who might otherwise bring incomes and the 'workforce of tomorrow' into the City. The City will be less attractive to families if it continues to lock them out of home ownership. Second, it represents an unnecessary drag on the construction industry. Construction added more jobs than any other sector between 2016 and 2021, but it would have added even more if Escondido permitted more housing. Slow permitting is also somewhat related to the ability of Escondido to provide adequate housing to its residents. Community respondents, especially from the business sector, reported concerns about public homelessness. A small part of this problem can be connected to barriers (in Escondido and across California) to the construction of new housing units."

By transferring historic preservation responsibilities to the Planning Commission and staff, it should lead to a more expeditious approval process. This also aligns with City Council priority to *Encourage Housing Development*.



CITY of ESCONDIDO

STAFF REPORT

There are unique qualifications for the HPC as listed here: [Boards & Commissions - City of Escondido](#) and fortunately, we have recently been able to fill the seats with qualified candidates. The current Historic Preservation Commissioners are actively engaged and doing their best with limited resources, staff liaison turnovers and bi-monthly meetings. The recommendation of the Subcommittee to dissolve the HPC is not a reflection of its displeasure with the current commissioners, rather it is intended to make the City more efficient by aligning processes and polices with the Comprehensive Economic Development Study and Council Priorities.

At the request of the Subcommittee, the City Clerk informed the Historic Preservation Commissioners about the possibility of dissolution at the November 16, 2023 meeting. In addition, the City Clerk provided background information about the possible HPC dissolution to the Old Escondido Neighborhood Group as well as the Planning Commission. Planning Commission discussed the potential dissolution of the Historic Preservation Commission ("HPC") during their January 9th and January 23rd regularly scheduled meetings. During these discussions, the commission discussed the benefits of historic preservation within the City, potential issues associated with the dissolution of the HPC, and what obstacles the HPC may present to residential development within the City. The Planning Commission did not vote on a formal recommendation regarding the HPC.

The Subcommittee is committed to historic preservation which is why they propose transferring HPC responsibilities to the Planning Commission. This will encourage the Planning Commission to view projects through a historical lens, with the goal being a more cohesive vision for development that reflects Escondido's vibrant community.

ORDINANCES

- a. Ordinance No. 2024-03

ATTACHMENTS

- a. Attachment "1" – Delegation of HPC Responsibilities

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REPEALING ESCONDIDO MUNICIPAL CODE CHAPTER 33, ARTICLE 40, SECTION 33-791, HISTORIC PRESERVATION COMMISSION

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) That Escondido Municipal Code Chapter 33, Article 40, Section 33-791, Historic Preservation Commission is hereby repealed.

SECTION 2. SEVERABILITY. 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 3. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. 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 for the City of Escondido.

PROPOSED DELEGATION OF HISTORIC PRESERVATION RESPONSIBILITIES

Action/Task	Current Final Authority on Action	Proposed Final Authority on Action
Designating Local Register or Local Landmark	Historic Preservation Commission, with planning staff recommendation	Zoning Administrator (ZA), with planning staff recommendation
Rescinding Local Register or Landmark Status	Historic Preservation Commission	Zoning Administrator with planning staff recommendation
Designation of a Historic District	City Council with Historic Preservation Commission recommendation	City Council with Planning Commission recommendation
Certificate of Appropriateness (Major Projects)	Director with Historic Preservation Commission recommendation	Director, with criteria to elevate to PC for Design Review
Certificate of Appropriateness w/ discretionary action	Final decision maker authority (based on discretionary action) with Historic Preservation Commission recommendation	Final decision maker
Emergency Demolition Permit	Two HPC commissioners, architect/engineer, and the Director	Chief Building Official, City Planner, Fire Marshall, and the Director
Non-emergency demolition permit for non-significant structure	Planning staff	Planning staff
Non-emergency demolition for significant resource	City Council with Historic Preservation Commission recommendation	City Council with Planning Commission recommendation
Mills Act Contracts	City Council with Historic Preservation Commission recommendation	City Manager and/or their designee with planning staff recommendation



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

Notice of Exemption

To: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Hwy, Room 260
San Diego, CA 92101
MS: A-33

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

Project Title/Case No: Zone Text Amendment (Article 40 Revisions)/PL24-0017

Project Location - Specific: Citywide

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

Description of Project: A request for approval of amendments to the Escondido Zoning Code including Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood). Such text updates are related to dissolution of the Historic Preservation Commission, reassignment of historic preservation responsibilities to the Planning Commission, Zoning Administrator, and/or City staff, permitting the Zoning Administrator to list properties on the Local Register of Historical Places, permitting the Planning Commission to conduct design review on specific projects, and clarifying the appeal process for staff approvals of projects, respectively.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: City of Escondido, Development Services Department/Planning Division

Address: 201 N. Broadway, Escondido, CA 92025

Telephone: 760-839-4529

Private entity School district Local Public Agency State agency Other special district

Exempt Status: The project is categorically exempt pursuant to CEQA Guidelines section 15061 (Common Sense Exemption) and Section 33-922(c)(1) of Article 47 (Environmental Quality) of the Escondido Zoning Code.

Reasons why project is exempt: The proposed amendments to the Escondido Zoning Code including Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) qualify for an exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) ("Common Sense Exemption") and Section 33-922 (c)(1) of the Article 47 (Environmental Quality) of the Escondido Zoning Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a significant effect on the environment. The proposed changes are nominal in nature as no programs or development standards or requirements would be modified. The proposed changes would entail changes to review- and decision-making authority for the purposes of dissolving an advisory commission on historic preservation. The City would continue to implement such historic preservation regulations and requirements outlined within Article 40 of the Escondido Zoning Code, consistent with the City's General Plan.

Lead Agency Contact Person: Ivan Flores

Area Code/Telephone/Extension: 760-839-4529

Signature: _____

Ivan Flores, AICP
Senior Planner

Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant



STAFF REPORT

April 17, 2024
File Number 0110-10

SUBJECT

APPROVAL OF THE ESCONDIDO POLICE DEPARTMENT MILITARY EQUIPMENT REPORT AND ADOPTION OF ORDINANCE NO. 2024-04

DEPARTMENT

Police

RECOMMENDATION

It is requested that the City Council adopt Ordinance No. 2024-04 approving the Escondido Police Department Annual Military Equipment Report in accordance with state law requirements as set forth in Assembly Bill No. 481 (“AB 481”).

Staff Recommendation: Approval (Chief of Police: Edward Varso)

Presenters: Edward Varso, Chief of Police, Erik Witholt, Police Captain, and Lisa Rodelo, Assistant Director Of Police Support Services

ESSENTIAL SERVICE – Yes, Police Services

COUNCIL PRIORITY –Improve Public Safety

FISCAL ANALYSIS

There are no additional costs associated with this new state requirement.

PREVIOUS ACTION

Ordinance No. 2022-07 was reviewed, adopted and approved by the City Council on April 20, 2022. Ordinance No. 2022-07 was then renewed by City Council on May 10, 2023.

BACKGROUND

Establishment of AB 481

On September 30, 2021, Governor Newsom approved AB 481 to require, beginning May 1, 2022, a law enforcement agency to seek approval to fund, acquire, and use military equipment as defined in the new law.



CITY of ESCONDIDO

STAFF REPORT

Assembly Bill 481 added three sections to the California Government Code statutes to address the use of military equipment by a local police force. Cal. Govt. Code section 7070 broadly defines military equipment to include items that are commercially available products. The military equipment used by the Department is commonly used by other law enforcement agencies, may be available for sale to the general public, and helps the Department keep the community safe.

California Govt. Code section 7071 provides the requirements for a military use policy and an annual review by the City Council. The City Council must determine a military use policy demonstrates that:

- a. The equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- b. The policy will safeguard the public’s welfare, safety, civil rights and civil liberties.
- c. If purchasing the equipment, it must be reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- d. Prior military equipment use complies with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military use policy, corrective action taken to remedy the nonconforming uses and ensure the future compliance.

The Escondido Police Department is committed to using the most up-to-date tools and equipment to safeguard the community. Equipment now defined as “military equipment” has been used by the Department and other law enforcement agencies across the country on a daily basis. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to a higher level of force including a lethal force encounter. To that end, the items at issue in this report, and accompanying military equipment use policy, also provide the Department’s peace officers with vital tools that facilitate compliance with the Department’s stringent use of force policy. For example, Escondido Police officers have faced gun fire from suspects for prolonged incidents which required the use of armored/ballistic vehicles to protect the officers and community members. The protection with ballistic equipment allows for more time and opportunity to attempt to de-escalate situations and provide for safer tactics to resolve life threatening events in the safest way possible to both officers and community members.

California Govt. Code section 7072 requires an annual military equipment report. In an effort to promote community engagement, the Department posted the Military Equipment Use Policy on its internet website on March 14, 2024, and conducted a public meeting on April 9, 2024, in the Mitchell Room at City Hall; however, no members of the public attended the meeting.



CITY of ESCONDIDO

STAFF REPORT

How the Police Department Uses AB 481 Equipment to Help the Community

- The Escondido Police Department utilizes military equipment in its mission to protect the community through exceptional police service.
- This equipment is acquired with careful consideration and intention.
- It is acquired and authorized when there is no reasonable alternative that can achieve officer and civilian safety.
- AB 481 provides important public information and input regarding how military equipment is funded, acquired, and used.

Escondido Police Department (EPD) Military Equipment Includes:

EPD has the following items:	EPD does NOT have the following items
<ul style="list-style-type: none"> • Drones • Robotic Platform • Incident Command Vehicles • Armored Personnel Carriers • Breaching Equipment • Patrol and SWAT Rifles • Flashbangs • Long Range Acoustic Device • 40mm Launchers 	<ul style="list-style-type: none"> • Mine-resistant ambush-protected vehicles (MRAP Vehicles) • Humvees • Tracked armored vehicles • Weaponized aircraft, vessels, or vehicles • Firearms or ammunition of .50 caliber or greater • Firearm designed to launch explosive projectiles

Escondido Police Department’s Commitment to the Community

The Escondido Police Department has received no complaints regarding the acquisition and use of military equipment since Ordinance No. 2022-07 was renewed by Council last year.

All military equipment will be used in accordance with general and, when appropriate specific, Department Instructions. The Department Instruction on Use of Force provides overarching guidance and specific orders for all Department police officers including:

Law enforcement officers shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the



CITY *of* ESCONDIDO

STAFF REPORT

situation safely. The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone. Every person has a right to be free from excessive use of force by officers acting under color of law.

The acquisition and use of military equipment is intended to avoid the use of force whenever possible and when authorized, to use the least amount of force necessary.

Your action today, to adopt Ordinance No. 2024-04 and approve the Escondido Police Department Annual Military Equipment Report in accordance with state law requirements as set forth in AB 481, will allow the Police Department to continue using this vital equipment in its mission to protect the community.

ORDINANCES

- A. Ordinance No. 2024-04
- B. Ordinance No. 2024-04 Exhibit "A" Escondido Police Department Instruction 1.55, Military Equipment Use policy; including Appendix A and Exhibit 1 (Revised March, 2024).

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING AND ADOPTING
THE ESCONDIDO POLICE DEPARTMENT MILITARY
EQUIPMENT USE POLICY

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 to regulate the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill 481, codified at California Government Code section 7070 et seq., requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a military equipment use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment; and

WHEREAS, California Government Code section 7070 defines the terms “military equipment” and establishes the minimum requirements for a “military equipment use policy”; and

WHEREAS, California Government Code section 7071 requires the governing body determine, prior to approving a military equipment use policy, the following:

a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

b. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

c. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

d. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance; and

WHEREAS, California Government Code section 7071 also requires a law enforcement agency make the proposed policy available on the agency's internet website 30 days prior to a public hearing concerning military equipment and shall commence the governing body approval process by May 1, 2022; and

WHEREAS, the Escondido Police Department ("Department") published the initial Department Instruction 1.55, Military Equipment Use Policy, on the Department's internet website on March 14, 2022; and

WHEREAS, the Escondido Police Department, consistent with Government Code section 7072, posted the proposed renewed Military Equipment Use Policy, attached and incorporated herein as Exhibit "A", on its internet website on March 14, 2024, and conducted a public meeting event on the proposed renewed policy in the Mitchell Room at City Hall on April 9, 2024.

NOW, THEREFORE, the City Council of the City of Escondido hereby ordains as follows:

SECTION 1. That the recitals set forth above are true and correct and are incorporated as though fully set forth herein.

SECTION 2. That proper notices of a public hearing have been given and public hearings have been held before the City Council on this issue.

SECTION 3. The City Council has duly reviewed and considered all evidence submitted at

said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The current staff report dated April 17, 2024, which along with their attachments are incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 4. The City Council makes the following specific findings:

a. The City Council acknowledges the Department's Use of Force Policy affirms, "The highest priority of California Law Enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone."

b. The equipment included in the Department's Military Equipment Use Policy are commonly used by Law Enforcement Agencies throughout the country to protect and serve the community as safely and efficiently as possible.

c. The equipment identified in the proposed Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

d. The proposed Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

e. The military equipment identified in the proposed Military Equipment Use Policy

is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

f. Prior military equipment used by the Department complied with the military equipment use policy that was in effect at the time.

g. The Department shall, within budgetary constraints, acquire, fund, and use replacement consumable supplies at levels listed as Authorized quantities in the proposed Military Equipment Use Policy to allow timely and cost-effective resupply of necessary equipment and supplies.

h. The Department shall, within budgetary constraints, replace old, broken, obsolete, worn, or damaged equipment, one for one, so long as the replacement equipment provides similar uses, characteristics and capabilities, and will not significantly change or impact the public's welfare, safety, civil rights or civil liberties.

i. The Department shall seek and apply for local, state, or federal funding, typically grants, and shall continue the traditional practice of notifying the City Council when the Department succeeds in obtaining additional funding through the budget adjustment process.

j. The Department's Military Equipment Use Policy is approved.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

SECTION 8. This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 02-23-23	NO: 1.55 ADMINISTRATIVE
TO: ALL PERSONNEL	SUBJECT: MILITARY EQUIPMENT USE POLICY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.55, dated May 1, 2022.

I. PURPOSE

This policy establishes guidelines for the acquisition, funding, use and reporting of “military equipment,” as the term is defined in Government Code section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 (“AB 481”). These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

II. OVERVIEW

The Escondido Police Department utilizes military equipment in its mission to protect the community through exceptional police service. This equipment is acquired with careful consideration and intention. Military equipment is acquired and authorized when there is no reasonable alternative that can achieve officer and civilian safety. AB 481 provides important public information and input regarding how military equipment is funded, acquired, and used.

III. POLICY

It is the policy of the Escondido Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

IV. DEFINITIONS

A. California Government Code section 7070 defines “Military Equipment” as:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or

wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a City Council or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

- B. California Government Code section 7070 states “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement that addresses, at a minimum, all of the following:
1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
 3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. The legal and procedural rules that govern each authorized use.
 5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
 6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
 7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

V. GENERAL

- A. In accordance with California Government Code section 7071, the Department shall obtain approval of the City Council annually, by ordinance, at a regularly meeting, prior to engaging in any of the following activities:
1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 2. Seeking funds for military equipment including, but not limited to: grant funds; private, local, state, or federal funds; in-kind donations; or other

donations or transfers.

3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the City Council.
 5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to general order.
 6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
 7. Acquiring military equipment through any means not provided in California Government Code section 7071.
- B. In seeking the approval of the City Council, the Escondido Police Department shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

VI. MILITARY EQUIPMENT REPORTING

- A. The Department shall submit an annual military equipment report to City Council that addresses each type of military equipment possessed by the Department.
1. The Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
 2. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

- d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- e. The quantity possessed for each type of military equipment.
- f. If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

3. Within 30 days of submitting and publicly releasing an annual military equipment report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the Department's funding, acquisition, or use of military equipment.

B. The Department's annual report is attached as Appendix A.

VII. CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the Escondido Police Department shall be cataloged in a way which addresses each of the following requirements:

1. The manufacturer's description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Department proposes to use the equipment.
4. The expected lifespan of the equipment.
5. The fiscal impact of the equipment, both initially and for on-going maintenance.
6. The quantity of the equipment, whether maintained or sought.

VIII. COMPLIANCE

- A. The use of military equipment is subject to individual Department Instructions, and is restricted for use only in certain instances and in some cases, only by certain units. It is incumbent upon incident commanders, supervisors, and individual officers to recognize the specific circumstances wherein military equipment should be employed to enhance the safety of the public and officers and to bring a critical incident to a safe resolution.

- B. Department members are bound to adhere to Department Instructions, in addition to state and local laws and ordinances when employing the use of military equipment at any time. Violations of the law or Department Instructions may result in criminal or administrative investigations and/or actions.
- C. Administrative Investigations concerning complaints related to military equipment will be conducted in accordance with Department Instruction 1.12 – Civilian Complaint Reception and Investigation Procedure. These investigations will be reviewed by the Chief of Police to ensure that compliance with this military equipment procedure is maintained.
- D. Any corrective action or discipline imposed as a result of a violation of this Department Policy will be administered in accordance with Department Instruction 1.12, relevant labor agreements, City Personnel Rules, and state law.
- E. The Chief of Police is responsible for the use of military equipment. He is directly supervised by the City Manager who has independent oversight authority. The City Council appoints the City Manager who holds office at and during the pleasure of the council. The City Attorney also serves at the pleasure of the City Council and provides independent legal advice to the Chief of Police, the City Manager, and the City Council.

X. COMPLAINTS, INQUIRIES, QUESTIONS

- A. In some instances, the application and use of military equipment can cause questions and/or concerns for members of the community. It is of vital importance that community members' questions regarding the application and use of military equipment are addressed. The Escondido Police Department is committed to full and fair investigation of citizen complaints. As such, the Department has sound internal procedures for thorough and impartial investigations of citizen complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department.
- B. Complaints directly related to the application or use of military equipment shall be handled in accordance with Department Instruction 1.12 – Civilian Complaint Reception and Investigation Procedure.
 - 1. Members of the public may make complaints in any form; including use of the department's online complaint form (<https://www.police.escondido.org/file-a-complaint.aspx>), in person, in writing, by email or by phone.
 - 2. The Internal Affairs Unit will maintain statistical data concerning the number and types of complaints regarding military equipment.
- C. The Escondido Police Department values open communication and transparency.

Community questions and/or concerns regarding the application and use of specified military equipment should be addressed in the following manner:

1. Via the Department internet website where the public can email specific military equipment related questions to the Department.
2. At pre-determined Community Engagement Meetings related to military equipment.
3. At City Council Meetings related to military equipment.
4. In all other circumstances, the public should be directed to the Department's Military Equipment Use Policy available on the Department's internet website.

X. FUNDING

The Department shall seek City Council approval for military equipment funding, including, but not limited to: grant funds; private, local, state, or federal funds; in-kind donations; or other donations or transfers.

XI. USE OF MILITARY EQUIPMENT WHEN COLLABORATING WITH OUTSIDE AGENCIES

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

1. Department members are required to adhere to the Department's Military Equipment Use Policy and all policies and procedures outlined within the Escondido Police Department Instructions, regardless of operational jurisdiction.
2. Should the Escondido Police Department request mutual aid from another law enforcement agency and military equipment is required during the course of the response, the following shall apply:
 - a. The Escondido Police Department shall remain in charge of the overall incident command.
 - b. The Incident Commander or designee shall brief the supervisor from the assisting agency and inform them of the mission, enforcement posture, and any pertinent information related to the incident.
 - c. The assisting agency will be expected to adhere to their respective policies and procedures, particularly those governing the use of military equipment.

- d. If the Incident Commander or their designee is informed of or witnesses the utilization of military equipment by an assisting agency inconsistent with the guidelines set forth in this procedure, the Incident Commander may elect to cancel the request for mutual aid or re- assign the assisting agency to a different support mission.

Appendix A

Escondido Police Department Annual Military Equipment Report

Calendar Year 2023

Assembly Bill 481 added three section to the California Government Code statutes to address the use of “military equipment” by a local police force. Cal. Govt. Code section 7070 defines both “military equipment” and “military equipment use policy.” Cal. Govt. Code section 7071 provides the requirements for a military use policy and an annual review by the City Council. Cal. Govt. Code section 7072 requires an annual military equipment report and a community engagement meeting prior to the City Council’s approval of the report. Each law addresses the subject from a slightly different perspective. This report seeks to address all the requirements required by AB 481. The report is organized into sections that correspond to the Cal. Govt. Code section 7072 requirements.

I. Summary of how the military equipment was used and the purpose of its use.

- a. Items deemed to be “military equipment” by AB 481 are used as a component of overall best practices for Law Enforcement Agencies (LEAs) throughout the country. These tools have been tested in the field, and are used by LEAs to enhance community and officer safety. Loss of these items would jeopardize the safety and welfare of peace officers and make communities less safe. The term “military equipment,” as used in AB 481, in fact does not necessarily indicate equipment that has been used by the military. In fact, federal law requires that any equipment actually provided by the Department of Defense be demilitarized prior to transfer to a civilian law enforcement agency. The Department does have two vehicles previously owned by federal agencies, one from the Department of Defense and one from the Department of Homeland Security. But, for the most part, the equipment acquired by the City and now deemed to be “military equipment” under state law are commercially available products that are readily available to the general public or in some cases restricted for sale to a law enforcement agency.
- b. The Escondido Police Department is committed to using the most up to date tools and equipment to safeguard the community. Equipment now defined as “military equipment” have been used by the Department and other law enforcement agencies across the country on a daily basis. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to a higher level of force including a lethal force encounter. To that end, the items at issue in this report, and accompanying Military Equipment Use Policy, also provide the Department’s peace officers with vital tools that facilitate compliance with the Department’s stringent use of force policy. For example, Escondido Police officers have faced gun fire from suspects for prolonged incidents which required the use of armored/ballistic vehicles to protect the officers and community. The protection with ballistic equipment allows for more time and opportunity to attempt to de-escalate situations and provide for safer tactics to resolve life threatening events in the safest way possible to both officers and community members.

- c. All military equipment will be used in accordance with general and, when appropriate specific, Department Instructions. The Department Instruction on Use of Force provides overarching guidance and specific orders for all Department police officers including:
 - i. Law enforcement officers shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely. The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone. Every person has a right to be free from excessive use of force by officers acting under color of law.
- d. Often, the acquisition and use of military equipment is designed to avoid the use of force and when authorized, to use the least amount of force necessary.

II. Summary of complaints or concerns received concerning the use of military equipment.

- a. The Department has received no complaints or concerns related to the use of military equipment.

III. Results of internal audits, any information about violations of military equipment use policy, and any actions taken in response.

- a. The Department has not conducted an internal audit regarding military equipment. However, in compiling this report the Department found no violations of the proposed military use policy. Further, the internal affairs unit did review their investigative files and found no violation of department policy that could be associated with the use of military equipment.

IV. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

- a. Please see the Responses provided in Exhibit 1 to this Appendix.

V. The quantity possessed for each type of military equipment.

- a. The Escondido Police Department seeks approval for the continued use of the following military equipment. The Department has organized the response into the categories listed in California Government Code section 7070.

VI. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

- a. Along with seeking authorization to use preexisting equipment, the Department will seek authorization to acquire, fund and use replacement consumable supplies which meet the statutory definition of "military equipment." In the attached Exhibit, you will find an authorized quantity displayed next to an on-hand quantity for each piece of military equipment. For consumable supplies, the authorized quantity is set at a level to allow efficient inventory management such as starting the replacement process before depleting the on-hand supplies and making bulk purchases of consumable items to achieve cost savings. As always, the Department will seek additional council approval for any new type of "military equipment" in accordance with Department Instruction 1.55 and City budgetary and procurement practices.
- b. Similarly, the Department routinely replaces old or worn equipment. The Department will seek a broad advance authorization to replace old, broken, obsolete, worn or damaged equipment, one for one, so long as the replacement of military equipment provides similar uses, characteristics, and capabilities, and will not significantly change or impact the public's welfare, safety, civil rights, and civil liberties.
- c. The Department typically achieves approximately two million dollars a year in grant funding. Most grant funding opportunities involve a competition for limited resources and the Department must be able to act quickly and nimbly to successfully win grants. The Department will seek a broad advance authorization to seek and apply for local, state or federal grant funding. The Department will continue the practice of notifying the City Council when the Department succeeds in obtaining grant funding through the budget adjustment process.

Exhibit (1)

Escondido Military Equipment Pursuant to Cal. Govt. Code section 7070

I. Unmanned, remotely piloted, powered aerial or ground vehicles.

A. **Unmanned Aircraft System (UAS):** The Department has several small unmanned aircraft, also known as drones, along with the associated equipment necessary to control it remotely. All of the City's drones are commercial products and available for sale to the general public.

1. Description, authorized / on hand ("Auth. – O/H") quantity, capabilities, and purchase cost

- a. DJI MATRICE 300 [Auth. 2- O/H 1] Has HT20 zoom and thermal camera. UAS with 45-minute flight time, all weather; equipped with IR and zoom camera and laser range finder. Has photo and video recording capabilities. Cost: \$35,000.
- b. DJI MATRICE 210 [Auth. 2- O/H 1] with Z30 zoom camera and XT2 thermal camera. UAS with 30-minute flight time, all weather; equipped with IR and zoom cameras. Has photo and video recording capabilities. Cost \$35,000. Expected to be phased out some time in 2024-25
- c. DJI MAVIC MINI/DJI Avata. [Auth. 4- O/H 3] Small UAS designed for interior flights, approximately 30-minute flight time. Has photo and video recording capability. Cost \$400-\$1,350 each.
- d. DJI PHANTOM 4 PRO. [Auth. 2- O/H 1] UAS with 30-minute flight time. Has photo and video recording capability. Cost \$1,500.
- e. DJI MAVIC 2 & 3 ENTERPRISE. [Auth. 16- O/H 15] UAS with 30- to 40- minute flight time; equipped with strobe, loud speaker and searchlight accessories. Some equipped with thermal cameras. Photo and video recording capability. Cost \$2,600 - \$5700 each

2. Purpose

- a. Law enforcement investigations including major collisions.
- b. Search for missing persons.
- c. Natural disaster response and management.
- d. SWAT, tactical or other public safety and life preservation missions

3. Authorized Use

- a. Only assigned operators who have completed the required training shall be permitted to operate UAS devices during approved missions.

4. Expected Life Span
 - a. All UAS equipment, 3-5 years

5. Fiscal Impact
 - a. Funding source, Escondido Police Department Budget.
 - b. Annual maintenance and battery replacement cost: approximately \$12,000.

6. 2023 Expenditures:

a.	DJI Mavic 3 Thermal	\$5,748.00
b.	DJI Mavic 3 Enterprise \$3,788.00 each (X5)	\$18,940.00
c.	Mavic 3 Battery Kits \$659 each (X6)	\$3,954.00
d.	DJI Avata	\$1,348.00
e.	Avata Battery \$125.89 (X2)	\$251.78
f.	Care Refresh Insurance – Avata	\$129.00
g.	Tactical Light Kit – Avata	\$158.00
	Total Costs (including taxes):	\$32,748.54

7. Training
 - a. All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation.

8. Legal and Procedural Rules
 - a. Department Instruction 1.20 Unmanned Aircraft Systems provides detailed rules addressing the employment of this category of equipment. The Department makes policy and procedure documents available to the public at:
<https://police.escondido.org/view-policy-and-procedure-documents.aspx>

B. Lightweight robotic platform: Unmanned machine operating on the ground utilized to collect tactical information while minimizing risk of harm to police officers and community members.

1. Description, quality, capabilities, and purchase cost
 - a. ROBOTEX AVATAR III. [Auth. 1 - O/H 1] Manufacturer description: “The Avatar® III is a compact, lightweight robotic platform that is part of the RoboteX Avatar® Series. Designed from the ground up for portability, expandability, and ease-of-use, the Avatar® III serves as a useful tool for a variety of users. The Avatar® III can be customized with a variety of plug-and-play accessories. These accessories facilitate use of the robot in a variety of scenarios, including Tactical, CBRNE, EOD, K9, and personal security settings. There is no longer a need to send SWAT or tactical response teams into to a dangerous situation before

you've had a chance to assess the situation. The AVATAR Tactical Robot from RoboteX is an affordable tactical robot that is easy to use and allows for quick and safe inspection of dangerous situations.” Cost: \$28,105.

2. Purpose

- a. To be used to gain visual/audio data, deliver Emergency Notifications Team phone, open doors, and visually clear buildings.

3. Authorized Use

- a. Only authorized users under the direction of the Incident Commander are permitted to operate the robot. The Department’s Avatar III has no weapons or offensive capability and primarily used by the SWAT team for information gathering.

4. Expected Life Span

- a. 10-plus years.

5. Fiscal Impact

a. Robotex Avatar III:

- a. Funding source: Escondido Police Department Operating Budget
- b. Annual maintenance and battery replacement cost: approximately \$500.

6. Training

- a. The AVATAR III is maintained by the SWAT team and designated operators receive in house training on use. This training is conducted under the direction of SWAT supervisors.

7. Legal and Procedural Rules

- a. There is not a specific department instruction outlining the use of the robot. Use of the robot will be in accordance with all department instructions and applicable laws. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

II. Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police version of standard consumer vehicles are specifically excluded from this subdivision.

A. The Department uses two armored personnel carriers.

1. Description, quantity, capabilities, and purchase cost

- a. LENCO BEARCAT G2. [Auth. 1 - O/H 1] Manufacturer description: "The LENCO BEARCAT G2 is an armored vehicle that seats 10-12 personnel with an open floor plan that allows for rescue of downed persons. It can stop various projectiles, which provides greater safety to the community members and officers beyond the protection level of shields and personal body armor." Cost: \$242,586.
- b. PEACE KEEPER. [Auth. 1 - O/H 1] (Acquired from the San Diego County Sheriff). The Peace Keeper is a wheeled armored vehicle that seats 6-8 personnel with an open floor plan that allows for rescue of downed persons. It can stop various projectiles, which provides greater safety to the community members and officers beyond the protection level of shields and personal body armor. Cost \$0.

2. Purpose

- a. To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

3. Authorized Use

- a. The authorized use of armored vehicles will be at the direction of the Watch Commander or SWAT Commander based on the specific circumstances of a given critical incident.

4. Expected Life Span

- a. LENCO BEARCAT G2, 25 years.
- b. PEACE KEEPER, 30 years.

5. Fiscal Impact

- a. Funding source:
 - a. Bearcat was purchased with funds from California Emergency Management Agency.
 - b. Peacekeeper was acquired through the 1033 Program.
- b. Annual maintenance and fuel costs for both vehicles: approximately \$10,000.

6. Training

- a. All driver/operators will attend formalized instruction and be trained in vehicle operations and practical driving instruction.

7. Legal and Procedural Rules

- a. Department Instruction 1.15 Emergency Vehicle Operation provides additional rules addressing the employment of this

category of equipment. The Department uses breaching equipment and consumables in accordance with the Department's Tactical Operations Group manuals. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

III. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.

A. The Department does not use any vehicles in this category.

IV. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion. The Department does not use any vehicles in this category.

A. The Department does not use any vehicles in this category.

V. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

A. **The Department has one Mobile Incident Command Vehicle (MIC).** Although defined as "military equipment" the Department's MIC has no military function. Rather it is a commercially available product modified to provide a mobile office and command post to enable police supervisors to safely, efficiently and effectively manage the law enforcement response to critical incidents, and events.

1. Description, quantity, capabilities, and purchase cost

a. Chevrolet Workhorse Class A Motorhome, 2007 model, converted to house dispatch consoles, work stations, and meeting space.
[Auth. 1 - O/H 1] Cost \$322,114.

2. Purpose

a. To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.

3. Authorized Use

a. The MIC shall be used by officers trained in their deployment and in a manner consistent with Department policy and training.

4. Expected Life Span

a. The MIC, 15-year lifespan on chassis and vehicle structure.

5. Fiscal Impact
 - a. Funding source: Escondido Police Department Operating Budget and Escondido Fire Department Homeland Security Grant Funds.
 - b. Maintenance and fuel costs are approximately \$1,000.
6. Training
 - a. The driver/operator receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.
7. Legal and Procedural Rules
 - a. The Department has no specific rules or limitations regarding the use of a converted motorhome. Use shall be in accordance with California State law regarding the operation of motor vehicles.

B. The Department uses one Emergency Negotiation Team (ENT) vehicle. The ENT vehicle facilitates all of the functions of emergency negotiations during a critical incident. The vehicle contains phone/work stations, a conference space, and houses ENT equipment. Though customized for a specific mission, the vehicle is a commercially available product and not a traditional piece of military equipment.

1. Description, quantity, capabilities, and purchase cost
 - a. Utilimaster Utilivan II, model year 2002, cab and chassis with an upgraded box that houses a work space and equipment. [Auth. 1 - O/H 1] The vehicle was originally purchased for a different city department for \$90,633. It was re-purposed for ENT and the box retrofit cost \$36,976.
2. Purpose
 - a. To be utilized for critical incident callouts.
3. Authorized Use
 - a. The ENT vehicle used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license.
4. Expected Life Span
 - a. The ENT vehicle has a 30-year lifespan on a chassis and vehicle.
5. Fiscal Impact
 - a. Funding source for the retrofit: Escondido Police Department Asset Forfeiture Funds.
 - b. Maintenance and fuel costs: approximately \$600.
 - a. Escondido Police Department Operating Budget.

6. Training

- a. Operators will receive practical training on driving the vehicle.

7. Legal and Procedural Rules

- a. The Department has no specific rules or limitations regarding the use of a converted van. Use shall be in accordance with California State law regarding the operation of motor vehicles.

VI. Weaponized aircraft, vessels, or vehicles of any kind

- A. The Department does not use any vehicles in this category.

VII. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

- A. The Department SWAT unit uses a variety of breaching equipment and consumables that are commonly used by similar specialize units throughout the law enforcement community. Breaching equipment and supplies are not generally available for public sale.

1. Description, quantity, capabilities, and purchase cost

- a. DETONATING CORD. [Auth. 1000 ft. - O/H 1000 ft.]
Manufacturer description: "The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high- speed fuse which explodes, rather than burns, and is suitable for detonating high explosives."
Cost: \$1 per foot.

- a. 2023

i. Expenditures	\$106
ii. Acquisitions	\$0

- b. C 2 DETASHEET EXPLOSIVES. [Auth. 40 ft. - O/H 0 ft.]
Manufacturer description: "DETASHEET® Flexible Explosive) is a waterproof PETN-based (63% nominal) flexible sheet explosive. It is manufactured as a continuous roll of varying lengths and thicknesses for a wide range of applications. It can be easily cut to any desired shape and applied with adhesive or incorporated into a charge holder. The flexible sheet can be applied as strips directly on the target or used to improvise linear shape charges." Cost \$20 per foot.

- a. 2023
 - i. Expenditures \$400
 - ii. Acquisitions \$0

- c. **BLASTING CAP.** [Auth. 60 - O/H 19] Manufacturer description: “A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.” Cost: \$12 each.

- a. 2023
 - i. Expenditures \$130
 - ii. Acquisitions \$0

- d. **ROYAL REMINGTON 870 EXPRESS BREACHING SHOTGUN.** [Auth. 4 - O/H 4] Manufacturer description: “This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).” Cost: \$380 each.

a. 2023: No change.

- e. **ROYAL ARMS TESAR #1 ORANGE CAP 275 GRAIN COPPER FRANGILBE BREACHING ROUND.** [Auth. 300 - O/H 160] The round is fired from a breaching shotgun and is used to defeat solid wood doors, locks, and hinges. Cost: \$2.60 per round.

- a. 2023
 - i. Expenditures \$45
 - ii. Acquisitions \$65

- f. **ROYAL ARMS TESAR #2 BLACK CAP 425 GRAIN COPPER FRANGILBE BREACHING ROUND.** [Auth. 100 - O/H 50] The round is fired from a breaching shotgun and is used to defeat heavy locks, dead-bolts, and hinges on solid oak or steel doors. Cost: \$2.90 per round.

a. 2023: No change.

g. ROYAL ARMS HP-Cutter PURPLE CAP 450 GRAIN HOLLOW POINT REBAR CUTTER ROUND. [Auth. 40 - O/H 20] The round is fired from a breaching shotgun and is used to cut re-bar, penetrates security glass, car doors, and punches into engine blocks. Cost: \$2.90 per round.

a. 2023: No change.

h. ROYAL ARMS FB-82H 82 PINK CAP 82 GRAIN FLASH BANG HARD. [Auth. 200 - O/H 193] The round is fired from a breaching shotgun and is used as a diversionary device for disorientation or as a breaching round for solid wood doors, light steel, sliders, or car windows. Cost: \$2.90 per round.

a. 2023

i. Expenditures	\$52
ii. Acquisitions	\$0

2. Purpose

a. To safely gain entry into a structure while minimizing the risk of harm to those inside the structure

3. Authorized Use

a. Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

4. Expected Life Span

a. Detonating cord - 10 years. Blasting Caps - 10 years.
b. Breaching Shotgun - 25 years.
c. All Royal Arms breaching rounds – 5 years.

5. Fiscal Impact

a. Funding source: Escondido Police Department Operating Budget.
b. Annual consumable replacement costs: approximately \$500.

6. Training

a. All officers who use explosive breaching tools shall attend an 11-day Master Tactical Breacher course and must additionally receive quarterly training for explosive operations. All officers utilizing breaching shotgun rounds will receive department approved training from a Master Tactical Breacher.

7. Legal and Procedural Rules

a. Department Instruction 1.24 and 1.46 provide detailed rules addressing the use of force and the employment of this category of equipment. The Department uses breaching equipment and

consumables in accordance with the Department's Tactical Operations Group manuals. The Department makes policy and procedure documents available to the public at:
<https://police.escondido.org/view-policy-and-procedure-documents.aspx>

VIII. VIII. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

A. The Department does not use any equipment in this category.

IX. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

A. The Department does not use any equipment in this category.

X. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

A. The Department uses rifles and ammunition at extended ranges to safely and accurately engage targets when authorized to do so. Most of the weapons are commercially available to the public, although weapons and ammunition may be restricted. The Department does not use or possess automatic weapons.

1. Description, quantity, capabilities, and purchase cost

a. SIONICS Patrol Three SBR 5.56mm Rifle. [Auth. 170 – O/H 117]
The Patrol Three rifle is a semi-automatic shoulder-fired long gun that fires a .223/5.56mm projectile. This rifle is a variant of the AR-15 style of rifle and is utilized by patrol and SWAT officers. Cost \$1522 to \$2,160 each depending on accessory configuration.

a. 2023:

i. Expenditures	\$0
ii. Acquisitions	\$42,374

b. Colt M4 Commando/LE 5.56 16" Rifle. [Auth. 170 – O/H 90]
Manufacturer description: "The Colt Trooper® Patrol Carbine is a modernized, pro-quality semi- automatic Modern Sporting Rifle based on Colt's legendary M4 platform." This rifle is utilized by officers outside of the SWAT unit. Cost \$1,049-\$2160 each.

a. 2023: No change in Expenditures/Acquisitions. Inventory reduced by sale of older rifles to FFL.

- c. Colt Commando M4 5.56mm Rifle. [Auth. 4 - O/H 0] The M4 Commando is a compact rifle of US origin. Whereas the original Colt Commando was based on the M16A1, the M4 Commando is based on the improved and NATO compliant M16A2. Just like its predecessor it fills a gap between pistol caliber sub machine guns and carbines and rifles that have a longer effective range. Cost \$1,400 each.
 - a. 2023: No change in Expenditures/Acquisitions. Inventory reduced by sale of older rifles to FFL.

- d. Seekins Precision, Inc. SP10 18” Rifle (308 Winchester). [Auth. 4 - O/H 4] The SP10 is a semi-auto 308 caliber precision rifle utilized by SWAT Snipers. The SP10's proprietary design of the upper receiver and handguard provides a rigid, no-flex platform for repeatable, extreme accuracy under any condition. The SP10 lower receiver offers full ambidextrous controls allowing effective, efficient manipulation of the weapon from either side. The SP10 is the perfect large-frame AR platform for hunting, competition, or duty use. Cost \$2,340.
 - a. 2023: No change.

- e. ArmaLite AR-10 18” Barrel 308 Caliber Rifle. [Auth. 1 - O/H 1] The AR-10 is a semi-auto 308 caliber rifle that is utilized primarily by SWAT. Cost \$0, acquired from the United States Department of Justice at no cost.
 - a. 2023: No change.

- f. ArmaLite/Eagle Arms AR-10 20” Barrel 308 Caliber Rifle. [Auth. 1 - O/H 1] The AR-10 is a semi-auto 308 caliber rifle that is utilized primarily by SWAT. Cost \$ 0, acquired from the United States Department of Justice at no cost.
 - a. 2023: No change.

- g. Winchester 5.56mm 64GR Bonded Solid Base Rifle Round. [Auth. 30,000 - O/H 27,000] Manufacturer description: “The Winchester Ranger 5.56mm 64gr Bonded Solid Base rifle duty ammunition has a protected soft point designed to initiate rapid and controlled expansion to quickly stop a potential threat. Its bonded lead core maximizes retained weight for consistent terminal performance through a wide range of demanding barriers. The extruded solid base design maximizes penetration even after encountering a tough barrier such as auto glass. For law enforcement and military

personnel only.” The duty round that it utilized in SIONICS and Colt rifles. Cost \$897 per 1,000 rounds.

a. 2023

i. Expenditures	\$15,249
ii. Acquisitions	\$26,910

- h. Winchester 5.56mm 55GR FMJ Rifle Round. [Auth. 75,000 - O/H 59,000] Manufacturer description: “Backed by generations of legendary excellence, Winchester "USA White Box" stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of hunter's and shooter's needs.” The training round that is utilized in the SIONICS and Colt rifles. Cost \$416 per 1,000 rounds.

a. 2023:

i. Expenditures	\$22,880
ii. Acquisitions	\$34,944

- i. Hornady 308 Win 168GR A-MAX TAP Rifle Round. [Auth. 16,000 - O/H 14,710] Manufacturer description: “The 168 gr. A-MAX® bullet is a traditional match grade bullet with the performance advantages of a polymer tip. This bullet demonstrates an increase in penetration and retained weight over the 155 gr. A-MAX® bullet. Standard barrier performance is exemplary and this load demonstrates controlled and impressive soft tissue expansion without over penetration. The Hornady® 168 gr. A-MAX® TAP Precision® offers industry leading all-around performance for law enforcement precision marksmen providing the ability to stop a threat.” The duty round for open air applications for the Seekins Precision SP10. Cost \$950 per 1,000 rounds.

a. 2023:

i. Expenditures	\$2,287
ii. Acquisitions	\$5,000

- j. Hornady 308 Win 165GR GMX TAP Barrier Rifle Round. [Auth. 4,000 - O/H 2,000] Manufacturer description: “TAP® Heavy Barrier™ turns cover into concealment. The 165 gr. GMX® TAP® Heavy Barrier™ is constructed of a monolithic copper alloy. It shoots cleaner than pure copper, fouls less and delivers devastating terminal performance. The GMX® bullet penetrates heavy barriers such as 1" laminated glass with exceptional weight retention while still delivering superior terminal performance.” The duty round for shooting through barriers, such as glass, utilized in the Seekins Precision SP10. Cost \$850 per 1,000 rounds.

- a. 2023: No change.

- k. Ruag 308 Win 164GR Tactical Armor Piercing Rifle Round. [Auth. 1,000 - O/H 500] Manufacturer description: “To be prepared for every scenario, snipers require a round with high penetration power on hard targets such as reinforced glass, body- and light vehicle armour. Because the core stays intact during penetration, it transfers extremely effective residual energy to hard targets. The bullet jacket provides best accuracy, protects the barrel and is stripped off upon impact.” The duty round for shooting through hardened barriers utilized in the Seekins Precision SP10. Cost \$800 per 300 rounds.
 - a. 2023: No change.

- l. Hornady 308 Win 110GR TAP Urban Rifle Round. [Auth. 20,000 - O/H 8,000] Manufacturer description: “This cartridge provides the police marksman a unique bullet that demonstrates rapid expansion, fragmentation and low retained weight. The 110 gr. TAP Urban® bullet offers the least penetration in ballistic gelatin and lower felt recoil as compared to heavier TAP® loads. The 110-gr. bullet demonstrates similar penetration to the 223 Rem 75 gr. BTHP bullet, but with substantially more temporary and permanent cavity and fragmentation, proving itself an excellent choice for high collateral risk environments.” The duty round for the ArmaLite AR-10. Cost \$950 per 1,000 rounds.
 - a. 2023: No change.

- m. Federal 308 Win 150GR FMJ Boat Tail Rifle Round. [Auth. 4,000 - O/H 2,000] Manufacturer description: “Invest in deep penetration with Federal American Eagle Rifle Ammunition .308 150GR FMJ 20 Box. Feed your rifle quickly. Give your rifle nothing short of perfect cycling with a noncorrosive finish and the top ammo you can find from a reliable ammo company. What has kept many loyalists buying this rifle ammunition besides the familiar feel and performance is the company's wide range of bullets with unique features designed for use in different conditions and for different shooters.” One of the training rounds for the ArmaLite AR-10. Cost \$772 per 1,000 rounds.
 - a. 2023: No change.

- n. Winchester 308 Win 147GR FMJ Rifle Round. [Auth. 4,000 - O/H 3,800] Manufacturer description: “This Winchester USA centerfire rifle ammo is the ideal choice for training or extended sessions at the range and provides several features such as no expansion,

positive functioning, good accuracy, and no barrel leading.” One of the training rounds for the ArmaLite AR-10. Cost \$760 per 1,000 rounds.

a. 2023:

- | | |
|------------------|-------|
| i. Expenditures | \$0 |
| ii. Acquisitions | \$948 |

2. Purpose

- a. To be used as precision weapons to address a threat with more accuracy and/or greater distances than a handgun, if present and feasible, while minimizing risk to officers and the community.

3. Authorized Use

- a. Only members that have completed the EPD rifle training program are authorized to use a rifle. SWAT operators attend additional rifle training courses and are authorized to use a rifle.

4. Expected Life Span

- a. Various manufacturers. Various calibers, models, and types. Lifespan varies on usage and wear.

5. Fiscal Impact

- a. Funding sources: Escondido Police Department Operating Budget, Asset Forfeiture Funds and the U.S. Department of Justice.
b. Annual consumable replacement costs: approximately \$50 per rifle.

6. Training

- a. Officers must attend a two-day in-house rifle training program before they are issued a rifle. They must then qualify with the rifle three times annually. SWAT operators attend additional training courses and train twice per month.

7. Legal and Procedural Rules

- a. Department Instruction 1.2B Equipment and Weapons and 1.5 Use of Firearms provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XI. Any firearm or firearm accessory that is designed to launch explosive projectiles.

- A. The Department does not use any equipment in this category.

XII. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepperballs,” excluding standard, service-issued handheld pepper spray.

A. The Department uses a variety of distraction devices, otherwise known as “flashbangs,” to produce intense noise and light in order to temporarily disorient dangerous suspects during high risk arrests/warrant services and hostage rescues.

1. Description, quantity, capabilities, and purchase cost

a. Defense Technology Low Roll 12-gram Reloadable Distraction Device. [Auth. 250 - O/H 124] Manufacturer description: “The Distraction Device Reload utilizes a standard military-style M201A1 type fuze and produces 175 dB of sound output at 5 feet and 6- 8 million candelas for 10 milliseconds.” Cost: \$36 each

a. 2023:

i. Expenditures	\$684
ii. Acquisitions	\$1,728

b. Combined Systems Model 7290 7 Bang. [Auth. 15 - O/H 12] Manufacturer description: “The patented multi-bangs feature top and bottom non-fragmenting, minimal movement devices that perform with high reliability incorporating CTS Superior fuze components with the patented and US Army adopted Confidence Clip and pin shroud.” Cost: \$141 each.

a. 2023: No change.

c. Combined Systems Model 7290M Mini-Bang. [Auth. 50 - O/H 0] Manufacturer description: “The CTS 7290M Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 7290M Flash-Bang exhibits all of the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candela of light. The patented design of the 7290M, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.” Cost: \$32 each.

a. 2023: No change.

2. Purpose

a. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds)

physiological/psychological sensory deprivation to give officers a tactical advantage.

3. Authorized Use

a. SWAT Operators and Mobile Field Force officers that have received authorized training shall use Diversionary Devices only under the following:

- a. By officers who have been trained in their proper use.
- b. In hostage and barricaded subject situations.
- c. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- d. During other high-risk situations where their use would enhance officer safety.
- e. During training exercises.

4. Expected Life Span

a. All distraction devices, 5 years.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
- b. Annual consumable replacement costs: approximately \$6,000.

6. Training

a. Prior to use, officers must attend divisionary device training that is conducted by POST certified instructors.

7. Legal and Procedural Rules

a. Department Instruction 1.46 Use of Specialty Munitions provides detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

B. The Department uses chemical Agent and Smoke Canisters: to disperse rioters, and flush out armed suspects to help minimize using higher levels of force that could impact officer and community safety. Although the manufactures label their devices as grenades, the equipment used by the Department are not explosive.

1. Description, quantity, capabilities, and purchase cost

a. DEFENSE TECHNOLOGY, SPEDE-HEAT CONTINUOUS DISCHARGE GRENADE, CS, #1072. [Auth. 50 - O/H 10]
Manufacturer description: "The Spede-Heat CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-

40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.” Cost: \$25 each.

- a. 2023:
 - i. Expenditures \$275
 - ii. Acquisitions \$0

b. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082 [Auth 50, - O/H 10]
Manufacturer description: “The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in by 2.35 in. and holds approximately 2.7 oz. of active agent.

- a. 2023: No change.

c. DEFENSE TECHNOLOGY, POCKET TACTICAL GRENADE, CS #1016. [Auth. 50 - O/H 10] Manufacturer description: “The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full-size tactical grenade.” Cost \$22 each.

- a. 2023:
 - i. Expenditures \$175
 - ii. Acquisitions \$0

d. DEFENSE TECHNOLOGY, FLAMELESS EXPULSION CS GRENADE, #2042. [Auth. 25 - O/H 22] Manufacturer description: “The CS Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device’s contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately .16 oz. of active agent during its 3-second discharge time.” Cost: \$48 each.

- a. 2023: No change.

- e. DEFENSE TECHNOLOGY, MAXIMUM HC SMOKE MILITARY-STYLE CANISTER, #1073. [Auth. 25 - O/H 3] Manufacturer description: "The Military-Style Maximum Smoke Grenade comes from the Defense Technology #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes." Cost: \$38 each.
 - a. 2023: No acquisitions. Munitions expired.

- f. DEFENSE TECHNOLOGY, POCKET TACTICAL GRENADE, SAF-SMOKE™, and #1017. [Auth. 10 - O/H 0] Manufacturer description: "The Pocket Tactical Saf-Smoke™ Grenade is small, and lightweight. The Saf-Smoke™ will burn approximately 20- 40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though it is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade." Cost \$18 each.
 - a. 2023: No acquisitions. Munitions expired.

- g. DEFENSE TECHNOLOGY, STINGER 32 CALIBER RUBBER BALL GRENADE, #1090SC. [Auth. 20 - O/H 0] Manufacturer description: "The Stinger® Rubber Ball Grenade with safety clip is a maximum effect device that delivers three stimuli for psychological and physiological effects: rubber pellets, light, and sound. The Stinger® Rubber Ball Grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The Stinger® Rubber Ball Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls in a 50-foot radius." Cost \$45 each.
 - a. 2023: No acquisitions. Munitions expired.

- h. DEFENSE TECHNOLOGY, HAN-BALL GRENADE CS, #1092. [Auth. 20 - O/H 10] Manufacturer description: "The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 in. tall, including the fuze head, and 3.1 in. diameter. This launchable grenade holds approximately 1.6 oz. of active

agent which is expelled through three ports around the equator of the ball. Due the intense heat generated by this grenade, it should not be used inside a building or near flammable material.” Cost \$45 each.

a. 2023: No change.

- i. COMBINED TACTICAL SYSTEMS, RIOT CS SMOKE, #5230. [Auth. 60 - O/H 30] Manufacturer description: “Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched. Discharge duration can reach up to 40 seconds.” Cost \$37 each.

a. 2023: No change.

- j. COMBINED TACTICAL SYSTEMS, CS BAFFLED CANISTER GRENADE, PYRO, LOW FLAME POTENTIAL, #5230B. [Auth. 50 - O/H 17] Manufacturer description: “Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.” Cost \$37.

a. 2023:

i. Expenditures	\$407
ii. Acquisitions	\$0

- k. COMBINED TACTICAL SYSTEMS, RIOT CS SMOKE TRIPLE- PHASER, #5231. [Auth. 30 - O/H 15] Manufacturer description: “CS Triple Phaser canister grenade is a large diameter grenade consisting of 3 separate aluminum canisters pressed together with separate charges between each canister. When deployed, the grenade will separate over a broad space to give a wider area of coverage. Can be launched or thrown.” Cost \$37 each.

a. 2023: No change.

- l. COMBINED TACTICAL SYSTEMS, WHITE SMOKE CANISTER GRENADE, #5210 and #6210. [Auth. 30 - O/H 27] Manufacturer description: “White outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone.” Cost \$37 each.

a. 2023:

- i. Expenditures: \$111
- ii. Acquisitions: \$0

m. COMBINED TACTICAL SYSTEMS, BLUE SMOKE CANISTER GRENADE, #6210B. [Auth. 10 - O/H 5]
Manufacturer description: "Blue outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone." Cost \$37 each.

a. 2023: No change.

n. COMBINED TACTICAL SYSTEMS, WHITE SMOKE TACTICAL CANISTER GRENADE, #8210. [Auth. 10 - O/H 3]
Manufacturer description: "Small diameter pyrotechnic irritant smoke grenade for outdoor use to disperse crowds. Emits smoke for up to 30 seconds and is small enough to carry in a pocket. Can be hand thrown or launched." Cost \$32 each.

a. 2023: No change.

o. COMBINED TACTICAL SYSTEMS, RED SMOKE TACTICAL CANISTER GRENADE, #8210R. [Auth. 10 - O/H 2]
Manufacturer description: "Small diameter pyrotechnic irritant smoke grenade for outdoor use to disperse crowds. Emits smoke for up to 30 seconds and is small enough to carry in a pocket. Can be hand thrown or launched." Cost \$32 each.

a. 2023:

- i. Expenditures \$32
- ii. Acquisitions \$0

2. Purpose

- a. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:
 - a. Self-destructive, dangerous and/or combative individuals.
 - b. May only be used in riots and civil unrest incidents in accordance with all applicable laws.
 - c. Circumstances where a tactical advantage can be obtained.
 - d. Potentially vicious animals.
 - e. Training exercises or approved demonstrations.

3. Authorized Use

- a. Only officers who have received training from POST certified instructors in the use chemical agents are authorized to use chemical agents.

4. Expected Life Span
 - a. 5 years from the manufacturing date.
 5. Fiscal Impact
 - a. Funding source: Escondido Police Department Operating Budget.
 - b. Annual consumable replacement costs: approximately \$10,000.
 6. Training
 - a. Sworn members utilizing chemical agent canisters are trained by certified POST less lethal and chemical agents instructors.
 7. Legal and Procedural Rules
 - a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>
- C. **Combined Systems LC5 40mm Launching Cup:** Cups that attach to 12 gauge less lethal shotguns which allow officers to launch canisters of chemical agents or smoke.
1. Description, quantity, capabilities, and purchase cost
 - a. COMBINED SYSTEMS, LC5 40MM LAUNCHING CUP. [Auth. 4 - O/H 2]. Manufacturer description: “The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun and the munition launched with our model 2600 launching cartridge.” Cost: \$302 each.
 - a. 2023:
 - i. Expenditures \$32
 - ii. Acquisitions \$0
 - b. COMBINED SYSTEMS, 12GA LAUNCHING CARTRIDGE, #2600. [Auth. 50 - O/H 17] The 12ga Launching cartridge is to be used with the 52 series launching cup. Cost \$4 per round.
 - a. 2023:
 - i. Expenditures \$32
 - ii. Acquisitions \$0
 2. Purpose
 - a. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

3. Authorized Use

- a. This equipment is authorized for use by SWAT officers who have received formal training by POST Certified Chemical Agents Instructors.

4. Expected Life Span

- a. Combined Systems LC5 40MM Launching Cup- 25 years.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
- b. No annual consumable replacement costs.

6. Training

- a. Officers utilizing the launching cups are trained in there use by SWAT POST certified chemical agents instructors.

7. Legal and Procedural Rules

- a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

D. **“Pepper Balls”**. A non-lethal munitions system that employs paint ball style launchers to fire 0.68 caliber; spherical munitions commonly referred to as “pepper balls” that contain powdered chemical agents such as OC in place of the paint. These munitions use a delivery system combines chemical agent exposure with kinetic energy impact to aid in its effectiveness in addressing armed and/or violent individuals or crowds. “Pepper ball” munitions also include glass breaking rounds and marking rounds.

1. Description, quantity, capabilities, and purchase cost

a. **PepperBall™ brand products:**

- a. PepperBall™ SA200 Launcher. [Auth. 4 – O/H 4] The PepperBall™ SA200 is the Tippmann Pro/Carbine launcher used widely in the paintball arena as a rental marker. It was sold by PepperBall™ from 1999 to 2006. The launcher features a horizontal forearm grip and breech opening similar to a shotgun. This is one of the most reliable air-powered launchers ever designed and with proper maintenance, should last law enforcement and military customers for decades to come. Tippmann stopped production of this launcher in 2006. Cost \$140 each.

- b. PepperBall™ VKS Launcher [Auth 4 – O/H 1]
Manufacturer Description: “The VKS is a top-tier, semi-automatic launcher with adjustable kinetics, and a game-changer in non-lethal operations. Deploy .68 caliber round or long-range VXR™ projectiles for added flexibility. The VKS mirrors the AR-15 platform, making it easy to adopt and integrate into agency programs.” Cost \$0, acquired from the PepperBall™ corporation at no cost.

- i. 2023:

1. Expenditures	\$0
2. Acquisitions	\$0

- c. PepperBall™ Tac 700 Launcher [Auth 2 – O/H 1]
Manufacturer description: The PepperBall TAC 700 Full Auto launcher brings full automatic capability, with up to 700 rounds per minute, to your non-lethal PepperBall launcher options. The Pepper Ball TAC700 is a compressed air powered launcher that shoots .68 caliber rounds. Officers can quickly create large pepper clouds for crowd control, barricade busting, or more quickly achieve individual suspect compliance. Optional trigger settings assure the TAC 700 can be set-up to conform to agency policy while giving officers the right capabilities to achieve their goals.” (This launcher has since been discontinued). Cost \$0, acquired from the PepperBall™ corporation at no cost.

- i. 2023

1. Expenditures	\$0
2. Acquisitions	\$0

- d. PepperBall™ Live Projectile (Red/White). [Auth. 5,000 – O/H 2,250] Manufacturer description: “The basic PepperBall™ projectile, it contains 0.5% PAVA, and is excellent for direct impact and area saturation, especially in confined, interior spaces.” Cost \$1,000 per 375 projectiles.

- i. 2023: No change.

- e. PepperBall™ Live SD Projectile (Red). [Auth. 5,000 – O/H 750] Manufacturer description: “The live PepperBall round contains 2.0% PAVA. It is effective for direct impact and area saturation when there is no line of sight.” Cost \$1,000 per 375 projectiles.

i. 2023: No change.

- f. PepperBall™ Inert Projectile (Purple). [Auth. 5,000 – O/H 1,500] Manufacturer description: “Containing a harmless, scented powder, this projectile is best suited for training, qualifications, and direct impact when chemical exposure is not desired.” Cost \$355 per 1,500 projectiles.

i. 2023: No change.

- g. PepperBall™ Marking Projectile. [Auth. 1,000 – O/H 250] Manufacturer description: “This projectile contains a paint solution that can be used to mark suspects for later apprehension and/or marking doors, openings, or objects for identification.” Cost \$200 per 250 projectiles.

i. 2023: No change.

b. SABRE Brand Products:

- a. SABRE SL-R1 Series Launcher [Auth. 50 – O/H 0] Manufacturer description: “The SABRE fully pneumatic & semi-automatic SL-R1 series 0.68 Caliber Launcher is purpose built for the law enforcement and corrections end user purpose. It is not simply a consumer product that has been rebranded and sold at a premium to law enforcement. The SABRE SL-R1 series 0.68 Caliber Launcher contains an offset rigid adjustable stock. This is an upgrade over our present system. Often we will be masked up or wearing a helmet. The offset gives a much better ability to sight the launcher. The SABRE SL-R1 series 0.68 Caliber Launcher utilizes both an ambidextrous safety and charging handle.” Cost \$600 per launcher.

i. 2023: No change (New Authorization)

- b. SABRE SPMCP Projectile (Black/Orange) [Auth 10,000, O/H 0] Manufacturer description: 1% Major Capsaicinoids (MC)/4% PAVA projectile designed for direct impact up to 60 feet and area saturation up to 175 feet. Ideal for Crowd/Riot control, combative suspects, high risk transports, and correctional applications. Cost \$950 per 500 projectiles.

i. 2023: No change (New Authorization)

c. SABRE SPINERT Projectile (White/Yellow) [Auth 5000, O/H 0] Manufacturer description: Inert training powder projectile. Cost \$315 per 500 projectiles.

i. 2023: No change (New Authorization)

d. SABRE SPGB Projectile (All white) [Auth 1000; O/H 0]. Manufacturer Description: Solid nylon projectile designed for glass breaking. NOT FOR HUMAN TARGETS. Cost \$775 per 500 projectiles.

i. 2023: No change (New Authorization)

e. SABRE SPIDM Projectile (Yellow/Black) [Auth 2500, O/H 0]. Manufacturer Description: I.D. marking powder projectile. Cost \$335 per 500 projectiles.

i. 2023: No change (New Authorization)

2. Purpose

a. “Pepper ball” launchers give officers the ability to address an armed and/or violent suspect(s) with a non-lethal munition that delivers both chemical agent and kinetic energy impact. This combination can be extremely effective in gaining compliance or reducing threat potential with an armed and/or violent suspect(s). Officers can also choose to deploy a mixture of chemical agent rounds and marking rounds. Marking rounds help identify suspect(s) who may have eluded capture during the initial use of force. Due to its design, “pepper balls” can be delivered from a larger standoff distance allowing for an added degree of officer safety. Its high round capability and accuracy allow for its use in a wide variety of operational environments.

3. Authorized Use

a. The use of “pepper ball” munitions during patrol and other tactical scenarios is subject to compliance with Department Instructions and applicable case law.

b. The use of “pepper ball” munitions for crowd control purposes is only authorized under certain circumstances and is contingent on the approval of a MFF supervisor or onscene incident commander absent exigent circumstances.

4. Expected Life Span

a. Launchers – No manufacturer life span indicated by either manufacturer.

- b. Munitions – Approximately three (3) year shelf life indicated by both manufacturers.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
- b. Annual consumable replacement costs: approximately \$2,000

6. Training

- a. PepperBall™ and SABRE Launchers are used by officers and supervisors who have received instruction from a POST certified Chemical Agents and/or Less Than Lethal Instructor. PepperBall™ and SABRE instructors also attend a factory certified Instructor course.
- b. Qualified officers and supervisors train annually with the “Pepper ball” launcher system(s).

7. Legal and Procedural Rules

- a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XIII. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

- A. LRAD: Long Range Acoustical Device (LRAD) is a high intensity directional acoustical array for long range, crystal clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.

1. Description, quantity, capabilities, and purchase cost

- a. GENASYS LRAD 100X. [Auth. 2 – O/H 1] Manufacturer description: “Self- contained, portable, and featuring an extended voice broadcast range out to 600 meters, the LRAD 100X ensures voice messages are clearly heard and understood. LRAD’s optimized driver, waveguide, and power efficiency technologies enable the LRAD 100X to provide several hours of clear, continuous communication from a single battery charge.” Cost \$15,410.

- a. 2023: No change.

2. Purpose
 - a. To be used to issue dispersal orders during crowd and riot control situations or to address the public in the event of civil emergencies, natural disasters, evacuations, and police incidents (e.g., missing persons, perimeters for wanted suspects/ K9 deployments, etc.). The LRAD may also be used to issue a warning tone.
3. Authorized Use
 - a. The LRAD shall only be used by officers trained in its deployment and used in a manner consistent with Department policy and training.
4. Expected Life Span
 - a. 25 years.
5. Fiscal Impact
 - a. Funding source: Escondido Police Department Operating Budget
 - b. Annual consumable replacement costs: approximately \$100.
6. Training
 - a. All operators receive training prior to operating any of the LRAD's in the field.
7. Legal and Procedural Rules
 - a. Department Instruction 1.30 Long Range Acoustical Device (LRAD) provides detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XIV. 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

A. 40mm Launchers and Rounds: 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds or chemical agents.

1. Description, quantity, capabilities, and purchase cost
 - a. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1425. [Auth. 170 – O/H 77] Manufacturer description: "The 40MM Single Launcher is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in

cartridge length. It will launch a 40MM less lethal round up to 131 feet.” Cost \$1066 each.

a. 2023

- i. Expenditures: \$0
- ii. Acquisitions: \$17,056

b. PENN ARMS, 40MM TACTICAL 6-SHOT LAUNCHER. [Auth. 4 – O/H 2] Manufacturer description: “A 40mm pump-action advance magazine drum launcher. It has a six-shot capacity and rifled barrel.” Cost \$3,275 each.

a. 2023: No change.

c. DEFENSE TECHNOLOGY, 40MM 4-SHOT LAUNCHER, #1440 [Auth 4- O/H 2] Manufacturer Description: “The Defense Technology® #1440 is a Tactical 40mm 4-Shot Launcher that features an expandable ROGERS Super Stoc™ and an adjustable Picatinny mounted front grip. The Tactical 4-Shot will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. Lightweight and tactical, this weapon is NOT designed to fire 40mm High Velocity HE munitions. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.” Cost \$1975

a. 2023: No change.

d. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325. [Auth. 2,500 – O/H 730] Manufacturer description: “A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft./lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.” Cost \$18 each.

a. 2023:

- i. Expenditures \$108
- ii. Acquisitions \$0

e. DEFENSE TECHNOLOGY, EXACT IMPACT™ LE 40 MM EXTENDED RANGE SPONGE ROUND, #6325LE. [Auth. 50 – O/H 6] Manufacturer description: “The eXact iMpacT™ 40 mm Sponge Round is a point-of-aim, point-of-impact direct- fire round. This lightweight, high-speed projectile consisting of a plastic body

and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications." Cost \$18 each.

a. 2023: No change.

- f. DEFENSE TECHNOLOGY, DIRECT IMPACT® 40 MM OC CRUSHABLE FOAM ROUND, #6320. [Auth. 25 – O/H 10] Manufacturer description: "The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation." Cost \$21 each.

a. 2023: No change.

- g. DEFENSE TECHNOLOGY, DIRECT IMPACT® 40MM CS CRUSHABLE FOAM ROUND, #6322. [Auth. 50 – O/H 0] Manufacturer description: "The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with CS powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation." Cost \$21 each.

a. 2023: No acquisitions. Munitions expired.

- h. DEFENSE TECHNOLOGY, DIRECT IMPACT® 40MM MARKING CRUSHABLE FOAM ROUND, #6326. [Auth. 50 – O/H 12] Manufacturer description: "The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground." Cost \$18 each.

a. 2023: No change.

- i. DEFENSE TECHNOLOGY, FERRET 40MM LIQUID BARRICADE PENETRATOR ROUND, #2262. [Auth. 100 – O/H 19] Manufacturer description: "A less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload

inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.” Cost \$23 each.

a. 2023:

i. Expenditures	\$391
ii. Acquisitions	\$0

j. DEFENSE TECHNOLOGY, MUZZLE BLAST 40MM ROUND, OC, 6040. [Auth. 25 – O/H 0] Manufacturer description: “The 40 mm Muzzle Blast OC Round is widely used as a crowd management tool for the immediate and close deployment of chemical agent. It can also be employed in tactical operations such as barricaded subjects for area denial, area contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden OC powder at close ranges for indoor or outdoor operations. It has a maximum effective range of 30 feet /9.1 meters.” Cost \$20 each.

a. 2023: No acquisitions. Munitions expired.

k. DEFENSE TECHNOLOGY, MUZZLE BLAST 40MM ROUND, CS, 6042. [Auth. 50 -O/H 0] Manufacturer description: “The 40 mm Muzzle Blast CS Round is widely used as a crowd management tool for the immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersals lines or engaging crowds at close distances.” Cost \$20 each.

a. 2023: No acquisitions. Munitions expired.

l. COMBINED TACTICAL SYSTEMS, 40MM CS MUZZLE BLAST, #4630. [Auth. 25 – O/H 5] Manufacturer description: “A 40MM aluminum cartridge that launches a single projectile round emitting smoke or irritant agents via rapid burning. Used effectively during riots at safe stand-off distances to disperse groups or deny areas.” Cost \$28 each.

a. 2023: No change.

- m. COMBINED TACTICAL SYSTEMS, 40MM CS SMOKE, PYRO, 4.8" LONG, #4230. [Auth. 25 – O/H 5] Manufacturer description: “A 40MM aluminum cartridge that launches a single projectile round emitting smoke or irritant agents via rapid burning. Used effectively during riots at safe stand-off distances to disperse groups or deny areas.” Cost \$28 each.
 - a. 2023: No change.

- n. COMBINED TACTICAL SYSTEMS, 40MM CS MULTI 3 SMOKE, 4.8" LONG, #4233. [Auth. 25 – O/H 14] Manufacturer description: “This 40MM aluminum cartridge launches 3 sub-munitions that emit CS via rapid burning. The munition is used from a stand-off distance and it is effective to disperse unruly crowds or deny areas during riots and civil disorder.” Cost \$28 each.
 - a. 2023: No change.

- o. DEFENSE TECHNOLOGY, 40MM WARNING/SIGNALING MUNITION, 100 METER, #6029WS. [Auth. 25 – O/H 4] Manufacturer description: “The 40mm Aerial Warning/Signaling Munition, 100 meters, is intended for use in situations where stand-off distance is desired, giving the operator the ability to engage crowds, vehicles, or vessels. Launched from a 40mm platform, the munitions deflagrate at a set distance of 100 meters to deliver 170 dB of sound and 5 million candelas of light, noticeable in day or night conditions. A tactile feature on the nose of the cone indicates the designated distance.” Cost \$25 each.
 - a. 2023: No change.

- p. DEFENSE TECHNOLOGY, 40MM WARNING/SIGNALING MUNITION WITH CS, 100 METERS WITH PAYLOAD, #6029CS. [Auth. 25 – O/H 5] Manufacturer description: “The 40 mm Warning/Signaling Munition will produce 170 dB of sound and 5 million candelas of light. This munition has an operational range of 100 meters. Launched from a 40 mm platform, this munition gives the operator the ability to engage people, vehicles or vessels from a safe stand-off position.” Cost \$28 each.
 - a. 2023: No change.

- q. DEFENSE TECHNOLOGY, SKAT SHELL SAF-SMOKE, #6173. [Auth. 25 – O/H 0] Manufacturer description: “The Skat Shell® 40 mm Saf-Smoke™ multiple chemical projectile round with four separate sub-munitions is designed to deliver multiple

Saf- Smoke canisters from a 40 mm launcher. It is widely used as a crowd management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat Shell contains four separate sub-munitions that function individually. The small scattering effect and the rapid burning of the sub-munitions provide a wide area of coverage and has a maximum effective range of 80-100 yards.” Cost \$20 each.

- a. 2023: No acquisitions. Munitions expired.
- r. DEFENSE TECHNOLOGY, STINGER 32-CALIBER RUBBER BALLS ROUND, #6096. [Auth. 25 – O/H 0] Manufacturer description: “The Stinger® 40 mm 32-Caliber Round is most widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately 130 32-Caliber rubber balls. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37mm counterpart. It is suitable for administering a means of pain compliance over close to medium ranges of fire and for routing crowds or groups that are mildly resistive.” Cost \$30 each.
 - a. 2023: No acquisitions. Munitions expired.
 - s. COMBINED TACTICAL SYSTEMS, 40MM CS LIQUID BARRICADE, SPIN STABILIZED, 4.1” LONG, #4330. [Auth. 100 – O/H 24] Manufacturer description: “Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.” Cost \$28 each.
 - a. 2023 No change.
 - t. COMBINED TACTICAL SYSTEMS, 40MM MULTI 3 FOAM BATON, SMOKELESS, 4.8” LONG, #4551. [Auth. 25 – O/H 9] Manufacturer description: “The Model 4551 Sponge Baton is a spin-stabilized projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts. CAUTION: Shots to the head, neck, thorax, heart, or spine can result in fatal or serious injury.” Cost \$28 each.
 - a. 2023: No change.

u. COMBINED TACTICAL SYSTEMS, 40MM .31 CAL STING-BALLS, SMOKELESS, 4.8" LONG, #4553. [Auth. 25 – O/H 10] Manufacturer description: “The Model 4553 .31 Cal Sting-balls projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.” Cost \$28 each.

a. 2023: No change

v. COMBINED TACTICAL SYSTEMS, 40MM .60 CAL STING-BALLS, SMOKELESS, 4.8" LONG. [Auth. 25 – O/H 9] Manufacturer description: “40MM crowd dispersal cartridge containing a payload of .60 caliber stinging pellets. To be fired below the belt-line at an approaching non-compliant individual or crowd.” Cost \$28 each.

a. 2023: No change

2. Purpose

a. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

3. Authorized Use

a. Situations for use of the less lethal weapon systems may include, but are not limited to:

- a. Self-destructive, dangerous and/or combative individuals.
- b. May only be used in riot/crowd control and civil unrest incidents in accordance with all applicable laws.
- c. Circumstances where a tactical advantage can be obtained.
- d. Potentially vicious animals.
- e. Training exercises or approved demonstrations.

4. Expected Life Span

- a. Defense Technology #1425 - 25 years.
- b. Penn Arms Multi-Launcher – 25 years.
- c. All munitions – 5 years.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
- b. Annual consumable replacement costs: approximately \$50,000.

6. Training

- a. Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agents instructors.

7. Legal and Procedural Rules

- a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XV. Any other equipment as determined by a City Council or a state agency to require additional oversight.

- A. The Department does not use any equipment in this category.



STAFF REPORT

April 17, 2024

File Number 0600-10; A-3501

SUBJECT

AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PLAYGROUND EQUIPMENT REPLACEMENT PROJECT AT WASHINGTON PARK, JESMOND DENE PARK, AND WESTSIDE PARK

DEPARTMENT

Public Works

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-39, authorizing the Mayor to execute, on behalf of the City of Escondido ("City"), a cooperative Purchase Agreement through Sourcewell with Miracle Recreation Equipment Company, in the amount of \$520,928.97 for the purchase of playground equipment for children 2-5 years, 5-12 years, and integrated shade structures for the Community Development Block Grant ("CDBG") Playground Equipment Replacement Project at Washington Park, Jesmond Dene Park, and Westside Park.

Staff Recommendation: Approval (Public Works: Joseph Goulart, Director of Public Works)

Presenter: Wayne Thames, Parks Superintendent

ESSENTIAL SERVICE – Yes, Maintenance of Parks Facilities/Open Spaces

COUNCIL PRIORITY – Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

Adequate funding for this purchase is programmed in the CDBG Fund, Project No. 346670, Playground Equipment Replacement.

PREVIOUS ACTION

As required for CDBG funding from the U.S. Department of Housing and Urban Development ("HUD"), the City must prepare a Citizen Participation Plan, a Five-Year Consolidated Plan, and an Annual Plan. In May 2020, the City held a public hearing and approved the current Five-Year Consolidated Plan. This plan established priorities for the use of these federal funds over the five-year period, ending June 30, 2025.



CITY of ESCONDIDO

STAFF REPORT

CDBG-funded projects that were closed in 2019 and 2020 were completed under budget. The excess funds, approximately \$695,000, were returned to the CDBG Unallocated account and became available for reprogramming.

On November 18, 2020, Council approved the proposed reprogramming and reallocation of funds from the CDBG Unallocated account and the formal Action Plan Amendment required by HUD when substantial changes are made to the existing plan. The approved Amendment allocated \$775,000 to the CDBG Playground Equipment Replacement Project.

BACKGROUND

HUD administers the annual federal allocation of CDBG funds for eligible municipalities. The CDBG Program is designed to provide assistance to units of general local government in improving economic opportunities and meeting community revitalization needs, particularly for persons of low and moderate-income. The City receives an annual federal allocation from HUD which in turn funds City-wide CDBG eligible projects

City staff identified three community park projects that align with CDBG eligibility and would greatly benefit from playground equipment replacement. These locations include Washington Park, Jesmond Dene Park, and Westside Park.

In late December 2023 through early February 2024, the City actively encouraged public participation in the decision-making process by soliciting feedback on two potential playground equipment structure designs from Miracle Recreation Equipment Company. The survey for Westside Park collected 69 responses, Washington Park received 65 responses and Jesmond Dene Park garnered 603 responses.

The community consensus for Washington Park overwhelmingly favors design option "B" (refer to Resolution No. 2024-39 Exhibit "A"), favored by 75 percent for the 2-5-year-old playground equipment structure and 58 percent for the 5-12-year-old playground equipment structure. The survey for Jesmond Dene Park also depicts option "B" as the favored design for the 2-5-year-old playground equipment structure, by 65 percent, and the 5-12-year-old playground equipment structure, by 73 percent. Westside Park community input for the 2-5-year-old playground equipment structure and 5-12-year-old playground equipment structure favored design option "A" (refer to Resolution No. 2024-39 Exhibit "A") by 68 percent and 63 percent respectively.

Escondido Municipal Code Chapter 10, Article 5, Section 10-91, authorizes the purchase of goods or services with cooperative purchasing programs conducted by the State, County, or any other cooperative agency when such agency has processed cooperative purchases competitively. It is in the City's best financial interest to utilize the cooperative purchase option through Sourcwell Contract No. 010521-LTS for Washington Park, Jesmond Dene Park, and Westside Park. This purchase is inclusive of equipment only. The City will solicit a Request for Proposal for the installation of procured equipment. The City seeks



CITY of ESCONDIDO

STAFF REPORT

council approval for the cooperative purchase through Miracle Recreation Equipment Company for the following:

- Washington Park
 - 2–5-year-old playground equipment structure
 - 5-12-year-old playground equipment structure
 - Integrated shade
 - **Total Purchase Price - \$184,402.28**

- Jesmond Dene Park
 - 2–5-year-old playground equipment structure
 - 5-12-year-old playground equipment structure
 - Integrated shade
 - **Total Purchase Price - \$185,146.56**

- Westside Park
 - 2–5-year-old playground equipment structure
 - 5-12-year-old playground equipment structure
 - Integrated shade
 - **Total Purchase Price - \$151,380.13**

RESOLUTIONS

- a. Resolution No. 2024-39
- b. Resolution No. 2024-39 Exhibit "A" – Miracle Recreation Equipment Company Quotation & Design

RESOLUTION NO. 2024-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A PURCHASE AGREEMENT WITH MIRACLE RECREATION EQUIPMENT COMPANY, TO PURCHASE PLAYGROUND EQUIPMENT FOR THE PLAYGROUND EQUIPMENT REPLACEMENT PROJECT AT WASHINGTON PARK, JESMOND DENE PARK, AND WESTSIDE PARK

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) administers the annual federal allocation of Community Development Block Grant (“CDBG”) funds for eligible municipalities; and

WHEREAS, the CDBG Program is designed to provide assistance to general local government in improving economic opportunities and community revitalization needs to persons of low and moderate-income; and

WHEREAS, the City of Escondido (“City”) receives an annual federal allocation from HUD which funds city-wide CDBG-eligible projects; and

WHEREAS, the City has identified three CDBG-eligible community park projects, Washington Park, Jesmond Dene Park, and Westside Park; and

WHEREAS, HUD requires the City to prepare a Citizen Participation Plan, a Five-Year Consolidated Plan, and an Annual Plan; and

WHEREAS, in May 2020, the City held a public hearing to approve the current Five-Year Consolidated Plan for the period through June 30, 2025; and

WHEREAS, CDBG-funded projects from 2019 and 2020 were completed under budget and \$695,000 in excess funds were returned to the CDBG Unallocated account for reprogramming; and

WHEREAS, on November 18, 2020, Council approved the proposed reprogramming and reallocation of funds along with the formal Action Plan Amendment required by HUD which allocated \$775,000 to the CDBG Playground Equipment Replacement Project; and

WHEREAS, from late December 2023 through early February 2024, the City solicited public feedback on two design options. The City received ample response indicating favor for design option "B" at Washington Park and Jesmond Dene Park, and design option "A" at Westside Park; and

WHEREAS, Sourcewell conducted a competitive bid process for playground equipment and Miracle Recreation Equipment Company was deemed to be the lowest most responsive bid, Sourcewell Contract No. 010521-LTS; and

WHEREAS, the City is a member of Sourcewell, Member No. 45019; and

WHEREAS, Escondido Municipal Code Chapter 10, Article 5, Section 10-91, authorizes the purchases of goods or services with cooperative purchasing programs conducted by the State, County, or any other cooperative agency when such agency has processed cooperative purchases competitively; and

WHEREAS, City staff recommends the purchase of playground equipment in the amount of \$520,928.97, which includes three 2-5-year-old playground equipment structures, three 5-12-year-old playground equipment structures, seven integrated shade structures, drawings and calculations, taxes, delivery, and all associated fees, as shown in Exhibit "A", which is attached to this Resolution and incorporated by this reference; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to authorize the purchase of three 2-5-year-old playground equipment structures, three 5-12-year-old playground equipment structures, and seven integrated shade structures for Washington Park, Jesmond Dene, and Westside Park with Miracle Recreation Equipment Company using Sourcewell Contract No. 010521-LTS;

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

1. That the above recitations are true.
2. That the City Council authorizes, on behalf of the City, the Sourcewell Cooperative purchase agreement with Miracle Recreation Equipment Company, as allowed per Escondido Municipal Code Chapter 10, Article 5, Section 10-91.
3. City Council approves Resolution No. 2024-39, authorizing the Mayor, on behalf of the City, to execute such documents necessary to purchase three 2-5-year-old playground equipment structures, three 5-12-year-old playground equipment structures, and seven integrated shade structures with Miracle Recreation Equipment Company, in the amount of \$520,928.97, which includes drawings and calculations, taxes, delivery, and all associated fees, as shown in Exhibit "A".



Payment Address
 Miracle Recreation Equipment Company
 PO Box 734154
 Dallas TX 75373-4154
 Phone # (800) 264-7225
 Fax # (877) 215-3869
 sales@miracleplayground.com
 www.miracle-recreation.com

Estimate Number	MREC 5542
Estimate Date	01-15-2024
Expiration Date	02-14-2024

Customer	City of Escondido
Name	Wayne Thames
Phone	760-839-4600
Email	wthames@escondido.org

Sales Rep	Eddie Lozada
Email	eddie.lozada@miracleplayground.com

Payment Terms	Net 30
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Project Name	Jesmond Dene Park - City of Escondido - MREC 5-12 and 2-5 areas Opt B
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Item # & Description	Quantity	Total
MREC 2-5 Opt B Custom 2-5 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0001_45237556197	1	\$56,784.70
MREC 5-12 Opt B Custom 5-12 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0001_45237561472	1	\$102,249.00
MREC Integrated Shade Engineering Integrated Shade Engineering: 4 Unit Swing unit (1) on 5-12 area (1) on 2-5 Area Playcover Pyramid 20 x 20 (2-5 Area)	2	\$1,700.00

	\$160,733.70
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7.75%-Sales Tax **\$12,456.86**

Product Total \$173,190.56

Item	Description	Quantity	Rate
Freight Miracle	Freight Miracle-Combined freight for both areas shipping together Shipping and Handling Charges for Miracle Recreation Equipment. All prices are FOB Monett MO.	1	\$11,956.00
			\$11,956.00

Sales Tax **\$0.00**

Shipping, Handling and Non Taxable Services Total \$11,956.00

Grand Total	\$185,146.56
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NOTES AND EXCLUSIONS:

- Pricing is based on Sourcwell contract# 010521-LTS
- This estimate shall not become binding until signed and returned for approval.
- A signature indicates acceptance of all terms, conditions, and prices listed.
- A signed quote will not substitute for a Purchase Order if one is required by the Customer. **Make purchase orders out to Miracle Recreation.**
- Exclusions: All Unloading, Storage, Installation, Site Work, Fees & Permits, outside of the quoted above.
- Footing calculations for playground equipment can be added for an additional fee if required
- **All signed quotes and/or purchase orders should be emailed to sales@miracleplayground.com or faxed to 877-215-3869. Hard copies can be mailed to Miracle Playground Sales 1101 California Ave Suite 209 Corona, CA 92881**

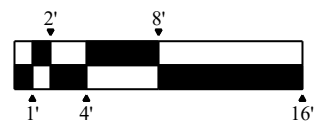
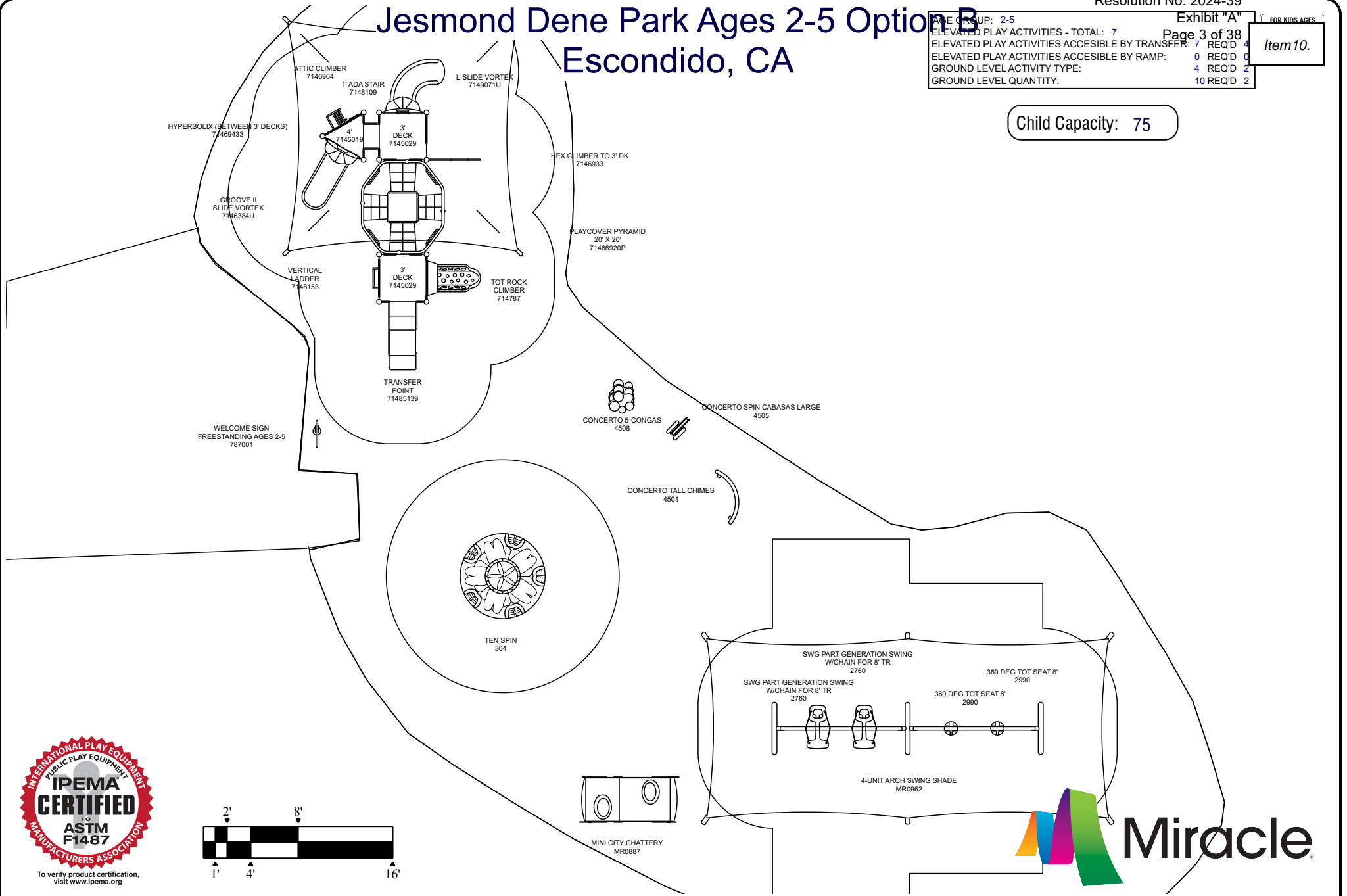
THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by the customer in writing or otherwise, as material alterations, and all such terms shall be void. The customer authorizes Miracle to ship the equipment and pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via a common carrier designated by Miracle. The customer agrees to pay all additional service charges for past due invoices per the terms listed above. The customer must provide proper tax exemption certificates to Miracle and promptly pay and discharge all applicable taxes, license fees, levies, and dismiss other impositions on the equipment at its sole expense.

Jesmond Dene Park Ages 2-5 Option B Escondido, CA

AGE GROUP: 2-5	Exhibit "A"
ELEVATED PLAY ACTIVITIES - TOTAL: 7	Page 3 of 38
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 7	REQ'D 4
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0	REQ'D 0
GROUND LEVEL ACTIVITY TYPE: 4	REQ'D 2
GROUND LEVEL QUANTITY: 10	REQ'D 2

FOR KIDS AGES
Item 10.

Child Capacity: 75



Miracle Playground Sales, Inc.
9106 Pulsar Ct, Suite C
Corona, CA
PHONE NO: (800) 264-7225
FAX NO: (877) 215-3869

GROUND SPACE: 70'-6" x 68'-6"
PROTECTIVE AREA: 75'-6" x 79'-0"
DRAWN BY: Kelly Spence
DATE: 7/20/2023

R0001_45237556197	
✓	COMPLIES TO ASTM/CPSC
✓	COMPLIES TO ADA

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND PLAY SYSTEMS

269

Item 10.





Item 10.

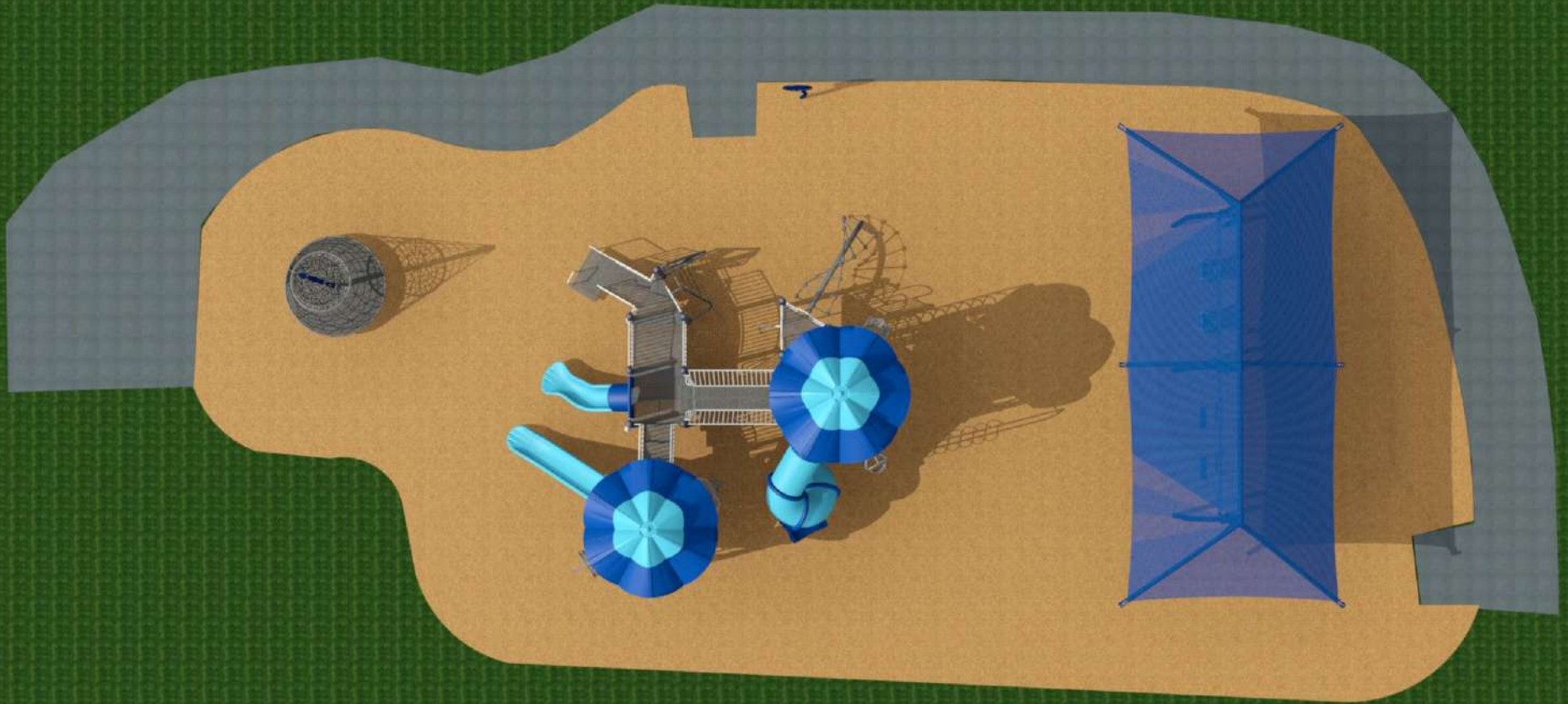


Item 10.



Item 10.





Item 10.



Item 10.



Item 10.



Item 10.





Payment Address
 Miracle Recreation Equipment Company
 PO Box 734154
 Dallas TX 75373-4154
 Phone # (800) 264-7225
 Fax # (877) 215-3869
 sales@miracleplayground.com
 www.miracle-recreation.com

Estimate Number	MREC 5894
Estimate Date	02-21-2024
Expiration Date	03-22-2024

Customer	City of Escondido
Name	Wayne Thames
Phone	760-839-4600
Email	wthames@escondido.org

Sales Rep	Eddie Lozada
Email	eddie.lozada@miracleplayground.com

Payment Terms	Net 30
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Project Name	Westside Park -City of Escondido - CDBG - MREC
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Item # & Description	Quantity	Total
MREC 2-5 Custom 2-5 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0036_45236487683	1	\$37,293.00
MREC 5-12 Custom 5-12 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0036_45236501673	1	\$92,723.25
Engineering for Integrated Shade Engineering for Integrated Shade (1) Playcover pyramid 18' x 18' , Flame retardant (1) 4 Unit arch swing shade (1) Playcover pyramid 20' x 20' , Flame retardant	3	\$2,550.00

\$132,566.25

7.75%- Sales Tax **\$10,273.88**

Product Total \$142,840.13

Item	Description	Quantity	Rate
Freight Miracle	Freight Miracle Shipping costs for Miracle Recreation Equipment. All prices FOB Destination. Unloading is the responsibility of the receiver. Parts will arrive loose and/or palletized. We recommend at least three people to unload a full play structure delivery.	1	\$8,540.00
			\$8,540.00

Sales Tax **\$0.00**

Shipping, Handling and Non Taxable Services Total \$8,540.00

Grand Total	\$151,380.13
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<p>NOTES AND EXCLUSIONS:</p> <ul style="list-style-type: none"> • Pricing based on Sourcewell contract #010521-LTS • This estimate shall not become binding until signed and returned for approval. • A signature indicates acceptance of all terms, conditions, and prices listed. • A signed quote will not substitute for a Purchase Order if one is required by the Customer. <u>Make purchase orders out to Miracle Recreation.</u> • Exclusions: All Unloading, Storage, Installation, Site Work, Fees & Permits, outside of the quoted above. • Footing calculations for playground equipment can be added for an additional fee if required • All signed quotes and/or purchase orders should be emailed to sales@miracleplayground.com or faxed to 877-215-3869. Hard copies can be mailed to Miracle Playground Sales 1101 California Ave Suite 209 Corona, CA 92881
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THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by the customer in writing or otherwise, as material alterations, and all such terms shall be void. The customer authorizes Miracle to ship the equipment and pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via a common carrier designated by Miracle. The customer agrees to pay all additional service charges

for past due invoices per the terms listed above. The customer must provide proper tax exemption certificates to Miracle and promptly pay and discharge all applicable taxes, license fees, levies, and dismiss other impositions on the equipment at its sole expense.

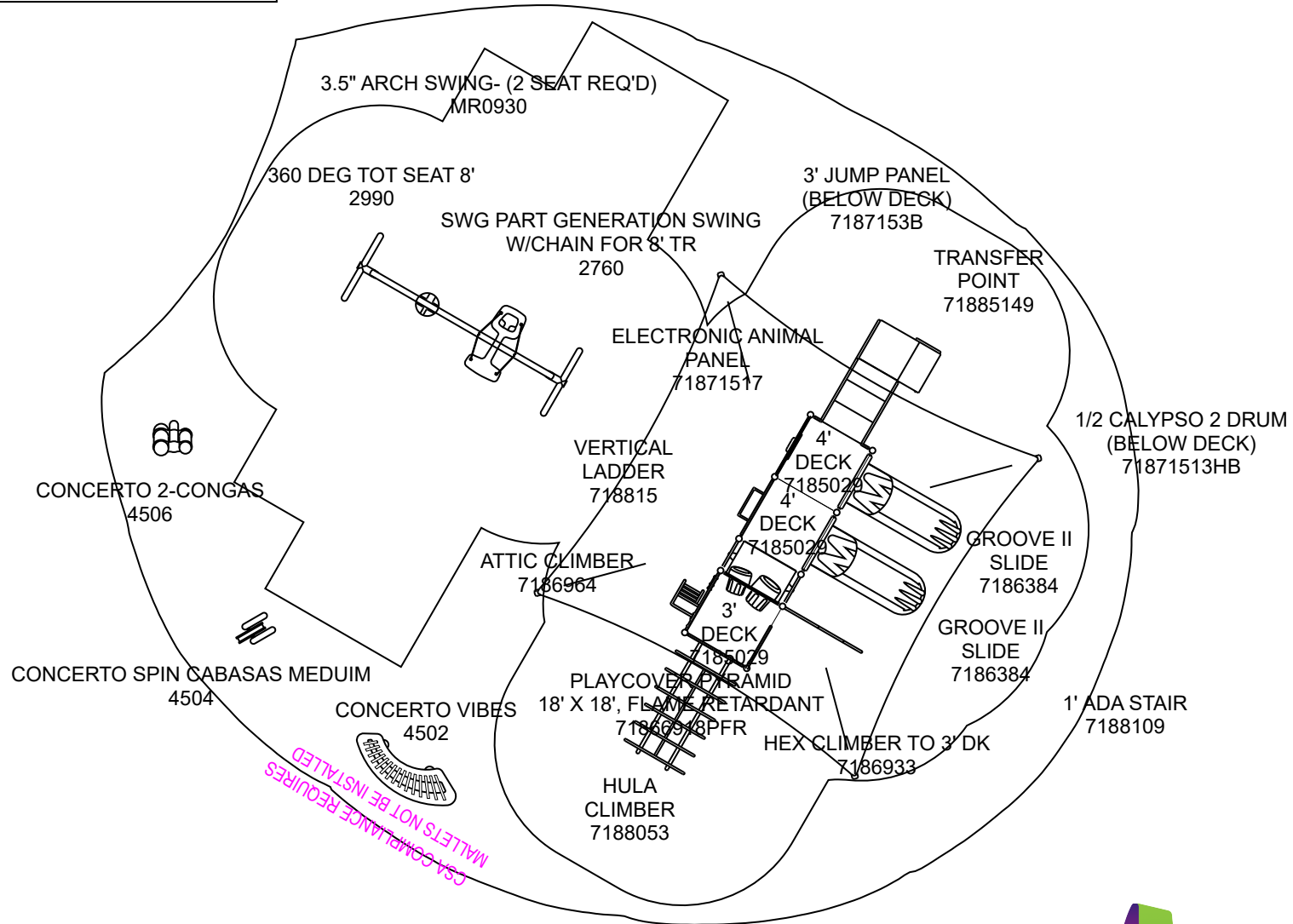
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Westside Park Age 2-5 Area Escondido, CA

FOR KIDS AGES

2-5
YEARS

AGE GROUP: 2-5	
ELEVATED PLAY ACTIVITIES - TOTAL: 7	REQ'D 4
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0	REQ'D 0
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 3	REQ'D 2
GROUND LEVEL ACTIVITY TYPE: 3	REQ'D 2
GROUND LEVEL QUANTITY: 7	REQ'D 2



To verify product certification, visit www.ipema.org



Miracle Playground Sales, Inc.	
1101 California Ave Corona, CA	PHONE NO: (800) 264-7225 FAX NO: (877) 215-3869
GROUND SPACE: 44'-0" x 32'-6"	
PROTECTIVE AREA: 43'-0" x 43'-6"	
DRAWN BY: Kelly Spence	DATE: 11/6/2023

R0036_45236487683

COMPLIES TO ASTM/CPSC

COMPLIES TO ADA

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND PLAY SYSTEMS







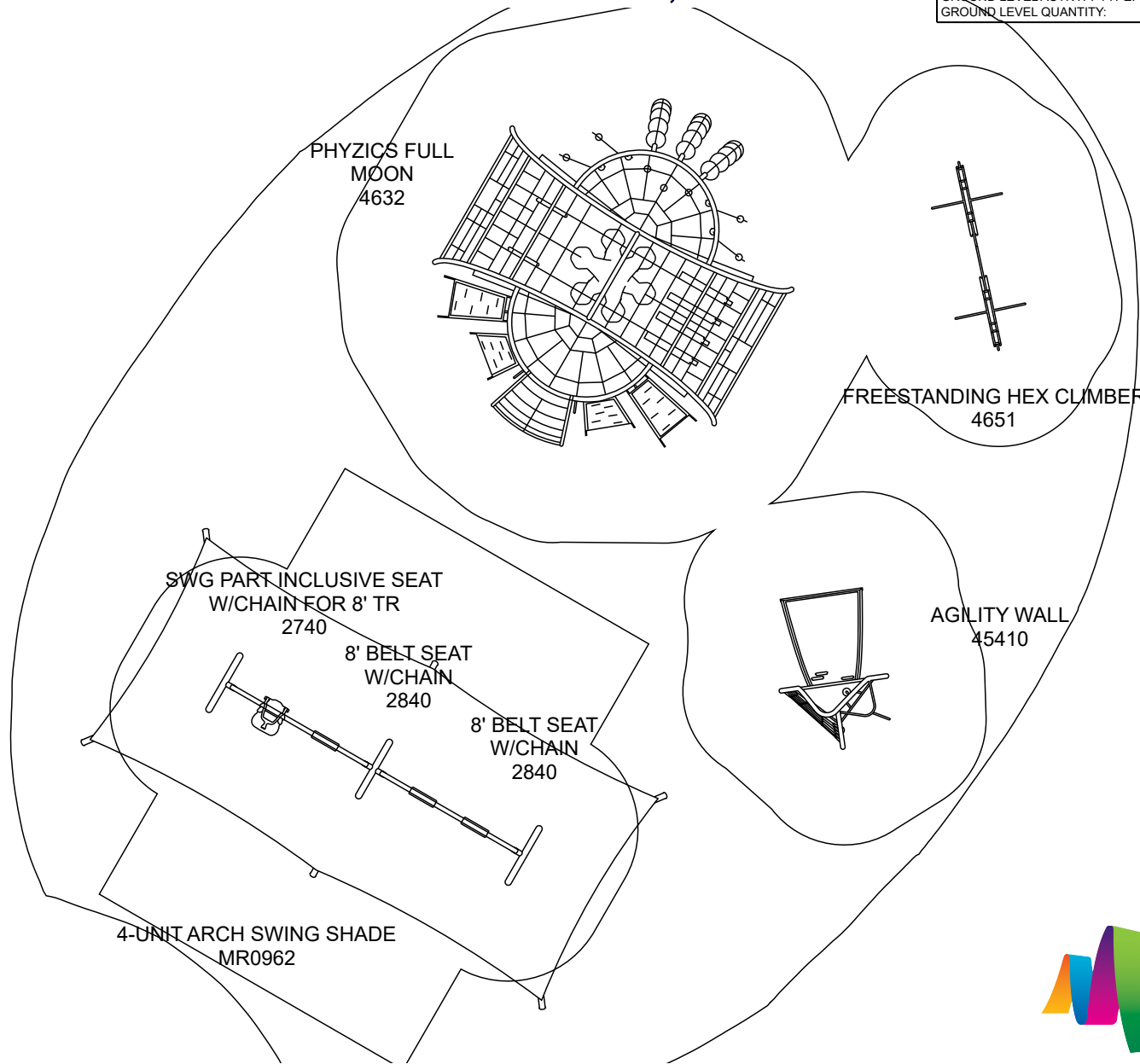


Westside Park Age 5-12 Area Escondido, CA

Child Capacity: 82

AGE GROUP: 5-12	Page 23 of 38
ELEVATED PLAY ACTIVITIES - TOTAL: 0	REQ'D
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 0	REQ'D
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0	REQ'D
GROUND LEVEL ACTIVITY TYPE: 2	REQ'D 0
GROUND LEVEL QUANTITY: 10	REQ'D 0

Item 10.



To verify product certification, visit www.ipema.org



Miracle Playground Sales, Inc.
1101 California Ave
Corona, CA
PHONE NO: (800) 264-7225
FAX NO: (877) 215-3869

R0036_45236501673

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

COMPLIES TO ASTM/CPSC

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND PLAY SYSTEMS

289

DRAWN BY: Kelly Spence

DATE: 11/6/2023

COMPLIES TO ADA







Item 10.



Item 10.



Payment Address
 Miracle Recreation Equipment Company
 PO Box 734154
 Dallas TX 75373-4154
 Phone # (800) 264-7225
 Fax # (877) 215-3869
 sales@miracleplayground.com
 www.miracle-recreation.com

Estimate Number	MREC 5895
Estimate Date	02-21-2024
Expiration Date	03-22-2024

Customer	City of Escondido
Name	Wayne Thames
Phone	760-839-4600
Email	wthames@escondido.org

Sales Rep	Eddie Lozada
Email	eddie.lozada@miracleplayground.com

Payment Terms	Net 30
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Project Name	Washington Park-City of Escondido - CDBG- MREC
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Item # & Description	Quantity	Total
MREC 2-5 Opt.2 Custom 2-5 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0036_45261464190	1	\$69,078.00
MREC 5-12 Opt.2 Custom 5-12 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0036_45261476871	1	\$92,435.25
MREC Shade Engineering MREC Shade Engineering Engineering for integrated shade: (1) 20' x 20' Playcover pyramid, flame retardant (1) 17' Playcover hexagon shade, flame retardant	2	\$1,700.00

\$163,213.25

7.75%- Sales Tax **\$12,649.03**

Product Total \$175,862.28

Item	Description	Quantity	Rate
Freight Miracle	Freight Miracle Shipping costs for Miracle Recreation Equipment. All prices FOB Destination. Unloading is the responsibility of the receiver. Parts will arrive loose and/or palletized. We recommend at least three people to unload a full play structure delivery.	1	\$8,540.00
			\$8,540.00

Sales Tax **\$0.00**

Shipping, Handling and Non Taxable Services Total \$8,540.00

Grand Total	\$184,402.28
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<p>NOTES AND EXCLUSIONS:</p> <ul style="list-style-type: none"> • Pricing is based on Sourcewell Contract #010521-LTS • This estimate shall not become binding until signed and returned for approval. • A signature indicates acceptance of all terms, conditions, and prices listed. • A signed quote will not substitute for a Purchase Order if one is required by the Customer. <u>Make purchase orders out to Miracle Recreation.</u> • Exclusions: All Unloading, Storage, Installation, Site Work, Fees & Permits, outside of the quoted above. • Footing calculations for playground equipment can be added for an additional fee if required • All signed quotes and/or purchase orders should be emailed to sales@miracleplayground.com or faxed to 877-215-3869. Hard copies can be mailed to Miracle Playground Sales 1101 California Ave Suite 209 Corona, CA 92881

THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by the customer in writing or otherwise, as material alterations, and all such terms shall be void. The customer authorizes Miracle to ship the equipment and pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via a common carrier designated by Miracle. The customer agrees to pay all additional service charges

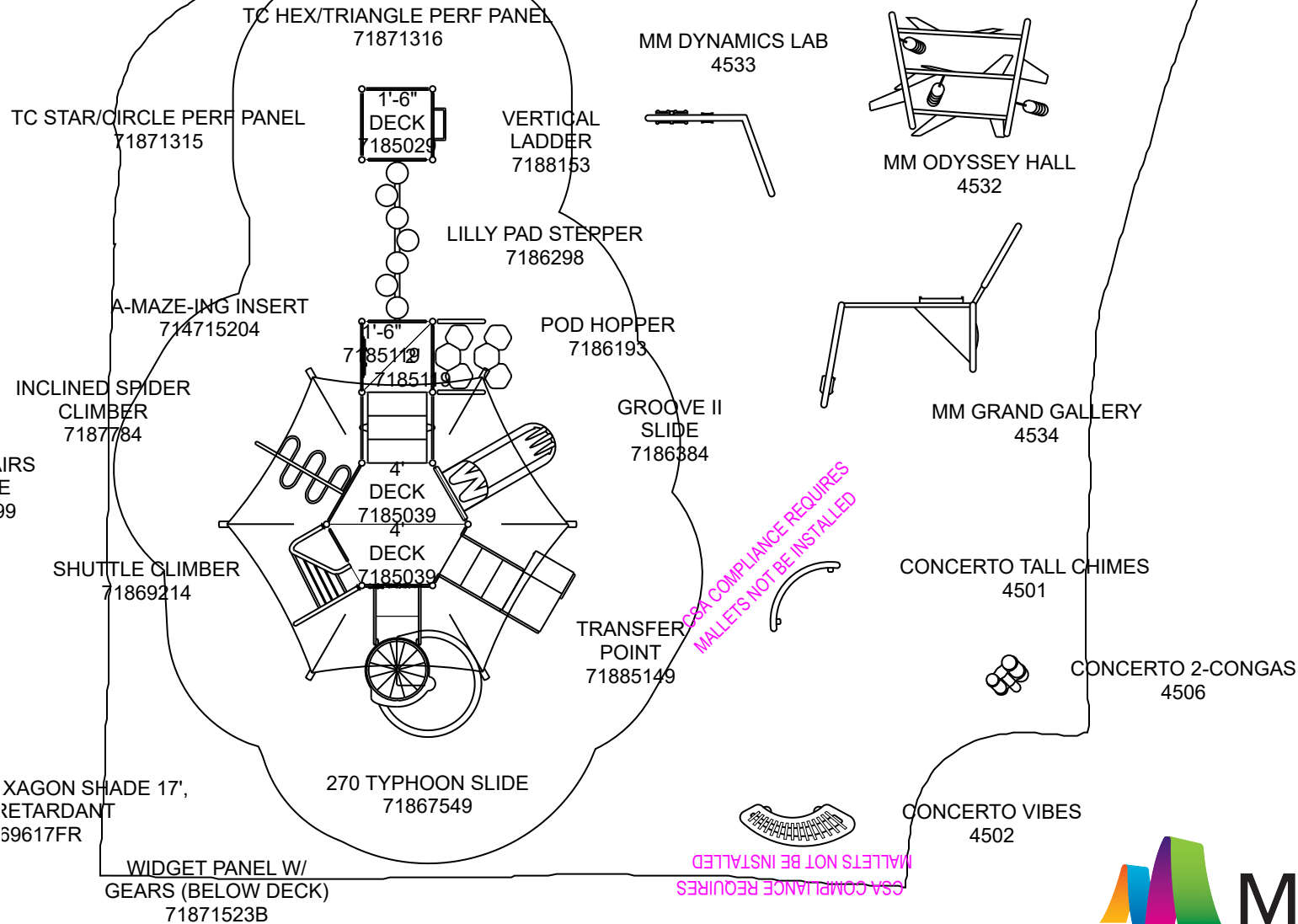
for past due invoices per the terms listed above. The customer must provide proper tax exemption certificates to Miracle and promptly pay and discharge all applicable taxes, license fees, levies, and dismiss other impositions on the equipment at its sole expense.

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Washington Park Age 2-5 Area Option 2 Escondido, CA

FOR KIDS AGES
2-5
YEARS

AGE GROUP: 2-5	
ELEVATED PLAY ACTIVITIES - TOTAL: 9	REQ'D 5
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 0	REQ'D 0
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 3	REQ'D 3
GROUND LEVEL ACTIVITY TYPE: 3	REQ'D 3
GROUND LEVEL QUANTITY: 15	REQ'D 3



To verify product certification, visit www.ipema.org



Miracle Playground Sales, Inc.
1101 California Ave
Corona, CA
PHONE NO: (800) 264-7225
FAX NO: (877) 215-3869
GROUND SPACE: 43'-6" x 44'-0"
PROTECTIVE AREA: 29'-6" x 45'-0"
DRAWN BY: Kelly Spence
DATE: 11/6/2023

R0036_45261464190	
✓	COMPLIES TO ASTM/CPSC
✓	COMPLIES TO ADA

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each play system's main entry point(s) to inform parents and supervisors of the age appropriateness of the play system and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.
AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND PLAY SYSTEMS





Item 10.

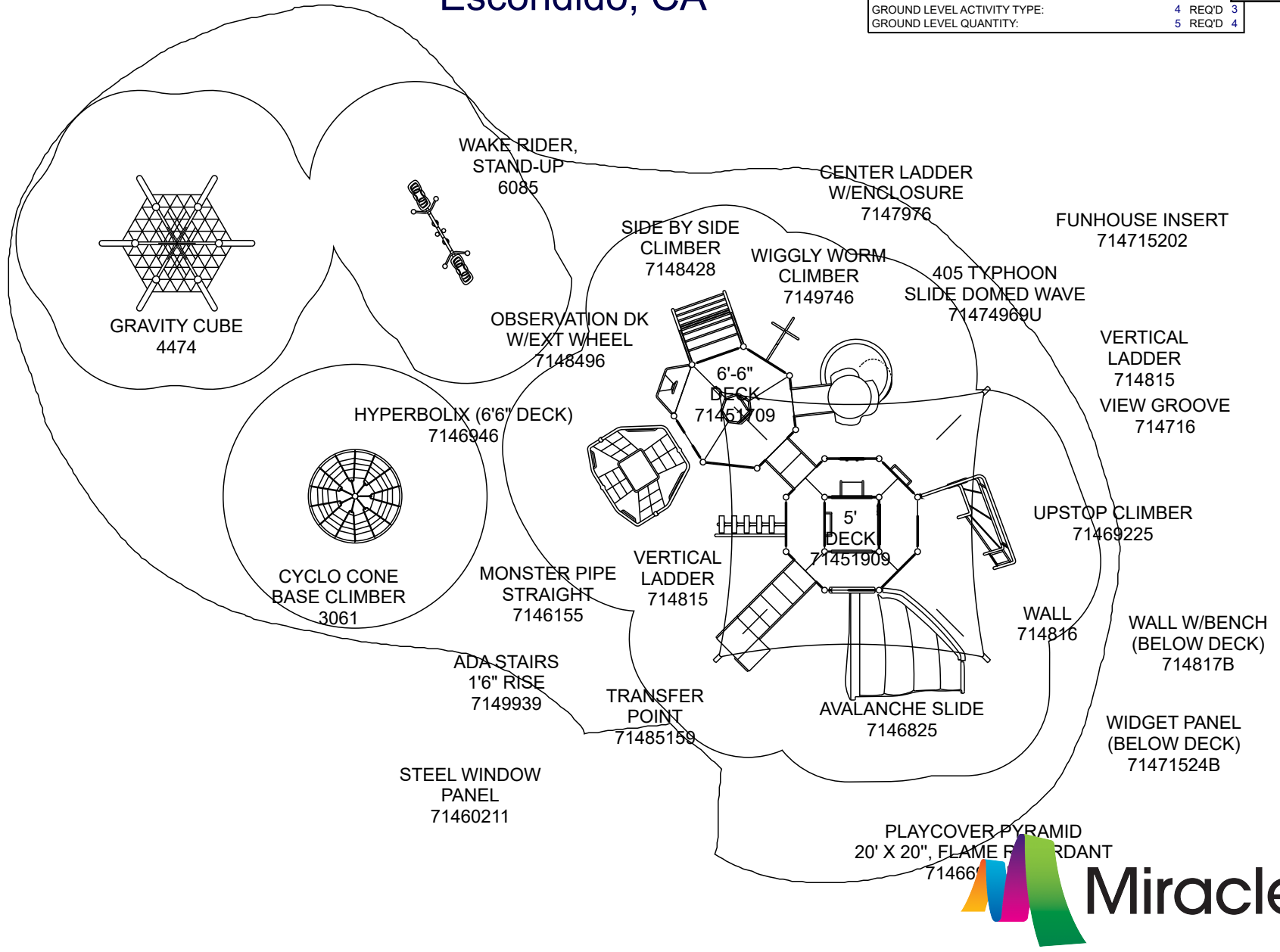


Washington Park Age 5-12 Area Opt 2 Escondido, CA

Child Capacity: 109

AGE GROUP: 5-12	Page 35 of 38
ELEVATED PLAY ACTIVITIES - TOTAL: 13	ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 13 REQ'D
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0 REQ'D	ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0 REQ'D
GROUND LEVEL ACTIVITY TYPE: 4 REQ'D	GROUND LEVEL ACTIVITY TYPE: 4 REQ'D
GROUND LEVEL QUANTITY: 5 REQ'D	GROUND LEVEL QUANTITY: 5 REQ'D

Item 10.



Miracle Playground Sales, Inc.
1101 California Ave
Corona, CA
PHONE NO: (800) 264-7225
FAX NO: (877) 215-3869

GROUND SPACE: 67'-6" x 39'-0"
PROTECTIVE AREA: 80'-0" x 51'-6"
DRAWN BY: Kelly Spence
DATE: 11/6/2023

R0036_45261476871	
✓	COMPLIES TO ASTM/CPSC
✓	COMPLIES TO ADA

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND PLAY SYSTEMS









STAFF REPORT

April 17, 2024

File Number 0600-10; A-3502

SUBJECT

AUTHORIZE THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR THE SAN DIEGO COUNTY PARK IMPROVEMENTS PROJECT AT MOUNTAIN VIEW PARK AND KIT CARSON PARK

DEPARTMENT

Public Works

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-40, authorizing the Mayor to execute, on behalf of the City of Escondido ("City"), a cooperative Purchase Agreement through Sourcewell with Miracle Recreation Equipment Company, in the amount of \$892,217.53 for the purchase and installation of playground equipment for children 2-5 years, 5-12 years, and integrated shade structures for the San Diego County Park Improvements Project at Mountain View Park and Kit Carson Park.

Staff Recommendation: Approval (Public Works: Joseph Goulart, Director of Public Works)

Presenter: Wayne Thames, Parks Superintendent

ESSENTIAL SERVICE – Yes, Maintenance of Parks Facilities/Open Spaces

COUNCIL PRIORITY – Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

Adequate funding for this purchase is programmed in the San Diego County Park Improvement Grant, Project No. 501206, SD County Park Improvements.

PREVIOUS ACTION

On March 16, 2021, the San Diego County Board of Supervisors unanimously approved Item 24: Aligning Capital Improvement Needs Assessment Projects in District 3 with Community Priorities, Equity, Inclusion, and Youth Development identifying several high-priority capital projects and community investments to support these opportunities throughout District 3.

In early April 2021, Brian Albright, Director of San Diego County Parks & Recreation, communicated to City staff possible County funding opportunities for community park improvements. At that time, City staff identified unfunded Capital Improvement Projects ("CIP") at Kit Carson Park and Mountain View Park. The identified CIP projects directly correlated with the prerequisites for County funding.



CITY of ESCONDIDO

STAFF REPORT

On May 18, 2021, the County Board of Supervisors approved funding in the amount of \$1,980,000 for the Escondido community park improvements to be used towards City-identified projects including ballfield fencing replacement, installation of smart irrigation controllers, IQ cabinet, and modules, and playground structure equipment replacement. On July 13, 2021, the San Diego County Parks and Recreation received approval from the County Board of Supervisors to negotiate and execute an agreement with the City to transfer funds to the Escondido community park improvements.

On September 15, 2021, Council approved Resolution No. 2021-113 authorizing the Mayor to execute a Joint Powers Agreement with the County of San Diego (“County”) and authorized a Budget Adjustment to receive \$1,980,000 from the County for funding improvements at parks located within the City of Escondido.

BACKGROUND

The City identified two unfunded community park projects that met the County funding requirements, Mountain View Park and Kit Carson Park. Upgrades to these playground facilities are essential for maintaining the well-being and satisfaction of residents, ensuring that our public spaces remain valuable assets for future generations.

On December 20, 2023, the City launched an interactive online platform where community members could virtually explore and provide feedback on two design options for playground equipment structures, fostering inclusivity and accessibility in the decision-making process. The City received an overwhelming number of replies to the survey platform with 666 submitted responses.

The community consensus for Mountain View Park selected design option “A”, favored by 70 percent for the 2-5-year-old playground equipment structure and 68 percent for the 5-12-year-old playground equipment structure. Community consensus for Kit Carson Park favored design option “B” for the 2-5-year-old playground equipment structure and design option “A” for the 5-12-year-old playground equipment structure by 83 percent and 59 percent respectively (refer to Resolution No. 2024-40 Exhibit “A”).

Escondido Municipal Code Chapter 10, Article 5, Section 10-91, authorizes the purchase of goods or services with cooperative purchasing programs conducted by the State, County, or any other cooperative agency when such agency has processed cooperative purchases competitively. It is in the City’s best financial interest to utilize the cooperative purchase option through Sourcewell Contract No. 010521-LTS for both Mountain View Park and Kit Carson Park. This purchase is inclusive of equipment and installation costs. The City seeks council approval for the cooperative purchase through Miracle Recreation Equipment Company for the following:



CITY of ESCONDIDO

STAFF REPORT

- Mountain View Park
 - 2–5-year-old playground equipment structure, design “A”
 - 5-12-year-old playground equipment structure, design “A”
 - Integrated shade
 - Playground Equipment Structure Installation
 - Poured-In-Place surfacing installation
 - **Total Purchase Price - \$434,358.71**

- Kit Carson Park
 - 2–5-year-old playground equipment structure, design “B”
 - 5-12-year-old playground equipment structure, design “A”
 - Swing Set
 - Installation
 - Poured in-Place Installation
 - Integrated shade
 - **Total Purchase Price - \$457,858.82**

RESOLUTIONS

- a. Resolution No. 2024-40
- b. Resolution No. 2024-40 Exhibit “A” – Miracle Recreation Equipment Company Quotation

RESOLUTION NO. 2024-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A PURCHASE AGREEMENT WITH MIRACLE RECREATION EQUIPMENT COMPANY, TO PURCHASE AND INSTALL PLAYGROUND EQUIPMENT FOR THE SAN DIEGO COUNTY PARK IMPROVEMENTS PROJECT AT KIT CARSON PARK AND MOUNTAIN VIEW PARK

WHEREAS, on March 16, 2021, the San Diego County Board of Supervisors approved Item 24, Aligning Capital Improvement Needs Assessment Projects in District 3, identifying several high-priority capital projects and community investments; and

WHEREAS, in April 2021, the Director of San Diego County Parks & Recreation communicated funding opportunities for City community park improvements. The City identified two unfunded Capital Improvement Projects (“CIP”) at Kit Carson Park and Mountain View Park; and

WHEREAS, on May 18, 2021, the County Board of Supervisors approved funding in the amount of \$1,980,000 for Escondido community park improvements; and

WHEREAS, on September 15, 2021, Council approved Resolution No. 2021-113, authorizing the Mayor to execute a Joint Powers Agreement with the County of San Diego (“County”) and authorizing a Budget Adjustment to receive \$1,980,000 from the County for funding improvements at parks located within the City of Escondido; and

WHEREAS, per Exhibit “A” to Resolution No. 2021-113, the City identified County funded community park improvement projects including ballfield fencing replacement, installation of new smart irrigation controllers with IQ cabinet, and module, and playground equipment structure replacement; and

WHEREAS, the City identified two unfunded CIP community park projects meeting County funding requirements at Kit Carson Park and Mountain View Park; and

WHEREAS, from late December 2023 through early February 2024, the City solicited public feedback on two design options. The City received ample response indicating favor for design option “B” at both Mountain View Park and Kit Carson Park; and

WHEREAS, Sourcewell conducted a competitive bid process for playground equipment and Miracle Recreation Equipment Company was deemed to be the lowest most responsive bid, Sourcewell Contract No. 010521-LTS; and

WHEREAS, the City of Escondido is a member of Sourcewell, Member No. 45019; and

WHEREAS, Escondido Municipal Code Chapter 10, Article 5, Section 10-91, authorizes the purchases of goods or services with cooperative purchasing programs conducted by the State, County, or any other cooperative agency when such agency has processed cooperative purchases competitively; and

WHEREAS, City staff recommends the purchase of playground equipment in the amount of \$892,217.53, which includes two playground equipment structures for 2-5-year-old, two playground equipment structures for 5-12-year-old, six integrated shade structures, one swing set structure, equipment installation, poured-in-place surfacing, drawings and calculations, taxes, delivery, and all associated fees, as shown in Resolution No. 2024-40 Exhibit “A”, which is attached to this Resolution and incorporated by this reference; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to authorize the purchase and installation of two playground equipment structures for 2-5-year-old, two playground equipment structures for 5-12-year-old, six integrated shade structures, one swing set

structure, and poured-in-place surfacing for Kit Carson Park and Mountain View Park with Miracle Recreation Equipment Company using Sourcewell Contract No. 010521-LTS.

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

1. That the above recitations are true.
2. That the City Council authorizes, on behalf of the City, the Sourcewell Cooperative purchase agreement with Miracle Recreation Equipment Company, as allowed per Escondido Municipal Code Chapter 10, Article 5, Section 10-91.
3. City Council approves Resolution No. 2024-40, authorizing the Mayor, on behalf of the City, to execute such documents necessary to purchase and install two 2-5-year-old play equipment, two 5-12-year-old play equipment, six integrated shade structures, one swing set structure, and poured-in-place surfacing with Miracle Recreation Equipment Company, in the amount of \$892,217.53, which includes drawings and calculations, taxes, delivery, and all associated fees.

EXHIBIT "A"

Item 11.



Payment Address
Miracle Recreation Equipment Company
PO Box 734154
Dallas TX 75373-4154
Phone # (800) 264-7225
Fax # (877) 215-3869
sales@miracleplayground.com
www.miracle-recreation.com

Estimate Number	MREC 5735
Estimate Date	02-02-2024
Expiration Date	03-03-2024

Customer	City of Escondido
Name	Wayne Thames
Phone	760-839-4600
Email	wthames@escondido.org

Sales Rep	Eddie Lozada
Email	eddie.lozada@miracleplayground.com

Payment Terms	Net 30
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Project Name	Mountain View Park - City of Escondido - Public Works Dept. -MREC
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Item # & Description	Quantity	Total
MREC 2-5 A Custom 2-5 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0001_45237572829	1	\$57,451.50
Integrated Shade Engineering Playcover 30' x 30' 2 unit arch swing shade	2	\$1,700.00
MREC 5-12 -1 Custom 5-12 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0001_45211485358	1	\$111,502.50

Integrated Shade Engineering 4 Unit Arch swing shade	1	\$850.00
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		\$171,504.00
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7.75%-Sales Tax **\$13,291.56**

Product Total \$184,795.56

Item	Description	Quantity	Rate
Freight Miracle	Freight Miracle 2-5 Area Shipping and Handling Charges for Miracle Recreation Equipment. All prices are FOB Monett MO.	1	\$5,500.00
Freight Miracle	Freight Miracle 5-12 Area Shipping and Handling Charges for Miracle Recreation Equipment. All prices are FOB Monett MO.	1	\$8,366.00
Installation	Installation of 2-5 area play equipment	1	\$19,993.05
Installation	Installation of 5-12 area play equipment	1	\$38,978.60
Installation	Installation of PIP Surfacing 2734 sq ft for 2-5 area	1	\$53,107.95
Installation	Installation of PIP Surfacing 5094 sq ft for 5-12 area	1	\$98,950.95

Installation	Installation of Sub base at 8" compaction for 2-5 area	1	\$8,620.50
Installation	Installation of Sub base at 8" compaction for 5-12 area	1	\$16,046.10
			\$249,563.15

Sales Tax **\$0.00**

Shipping, Handling and Non Taxable Services Total \$249,563.15

Grand Total	\$434,358.71
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NOTES AND EXCLUSIONS:

- Pricing per Sourcewell Contract# 010521-LTS
- This estimate shall not become binding until signed and returned for approval.
- A signature indicates acceptance of all terms, conditions, and prices listed.
- A signed quote will not substitute for a Purchase Order if one is required by the Customer. **Make purchase orders out to Miracle Recreation.**
- Exclusions: All Unloading, Storage, Installation, Site Work, Fees & Permits, outside of the quoted above.
- Footing calculations for playground equipment can be added for an additional fee if required
- **All signed quotes and/or purchase orders should be emailed to sales@miracleplayground.com or faxed to 877-215-3869. Hard copies can be mailed to Miracle Playground Sales 1101 California Ave Suite 209 Corona, CA 92881**
-

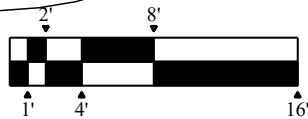
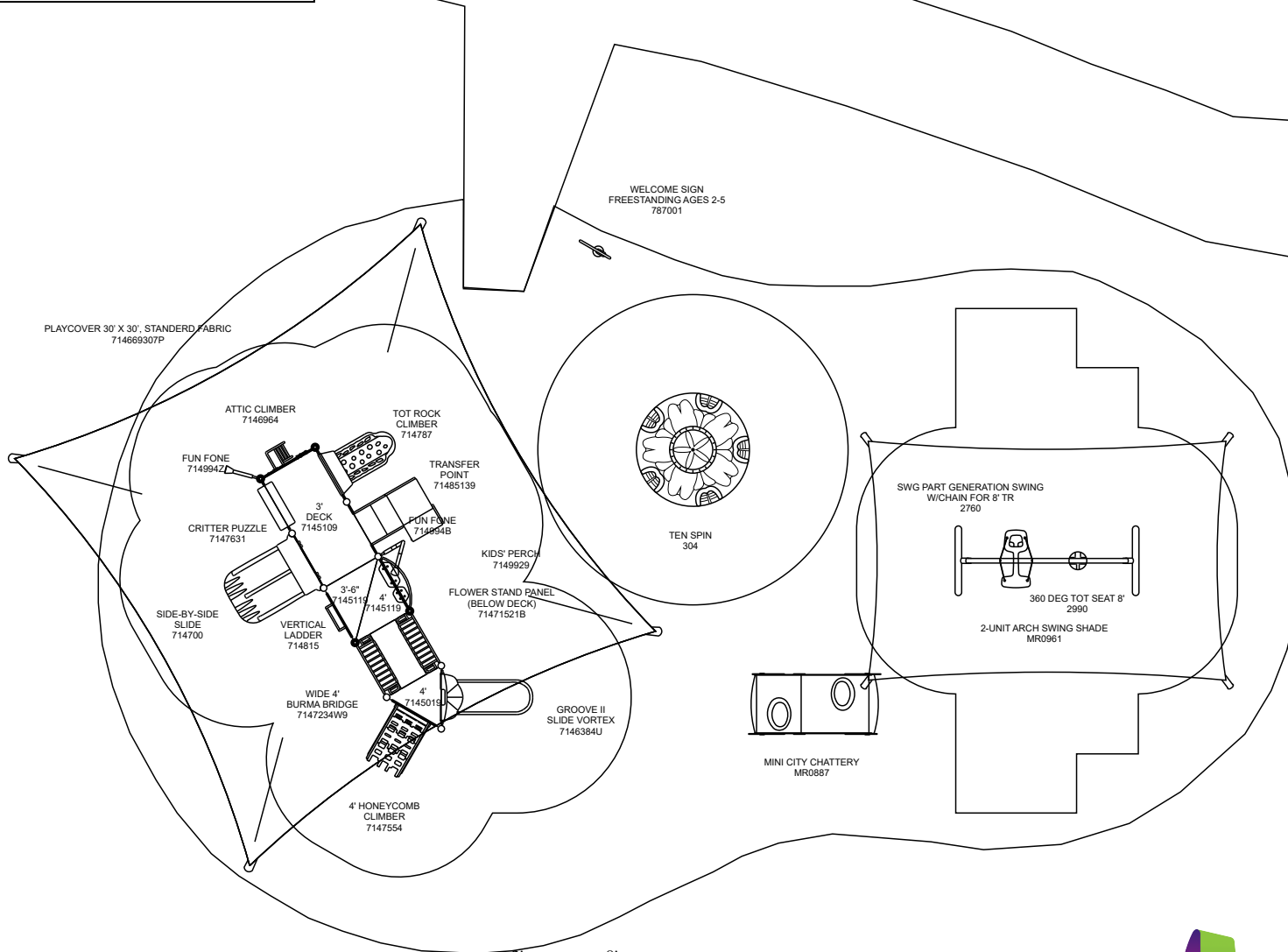
THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by the customer in writing or otherwise, as material alterations, and all such terms shall be void. The customer authorizes Miracle to ship the equipment and pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via a common carrier designated by Miracle. The customer agrees to pay all additional service charges for past due invoices per the terms listed above. The customer must provide proper tax exemption certificates to Miracle and promptly pay and discharge all applicable taxes, license fees, levies, and dismiss other impositions on the equipment at its sole expense.

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Mountain View Park 2-5 Area Option A Escondido, CA

FOR KIDS AGES
2-5
YEARS

AGE GROUP: 2-5	
ELEVATED PLAY ACTIVITIES - TOTAL: 8	REQ'D 4
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 8	REQ'D 0
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0	REQ'D 3
GROUND LEVEL ACTIVITY TYPE: 4	REQ'D 3
GROUND LEVEL QUANTITY: 6	REQ'D 3



Miracle Playground Sales, Inc.
9106 Pulsar Ct, Suite C
Corona, CA
PHONE NO: (800) 264-7225
FAX NO: (877) 215-3869

GROUND SPACE: 78'-0" x 42'-0"
PROTECTIVE AREA: 71'-0" x 37'-0"
DRAWN BY: Roxanne Lilly
DATE: 7/20/2023

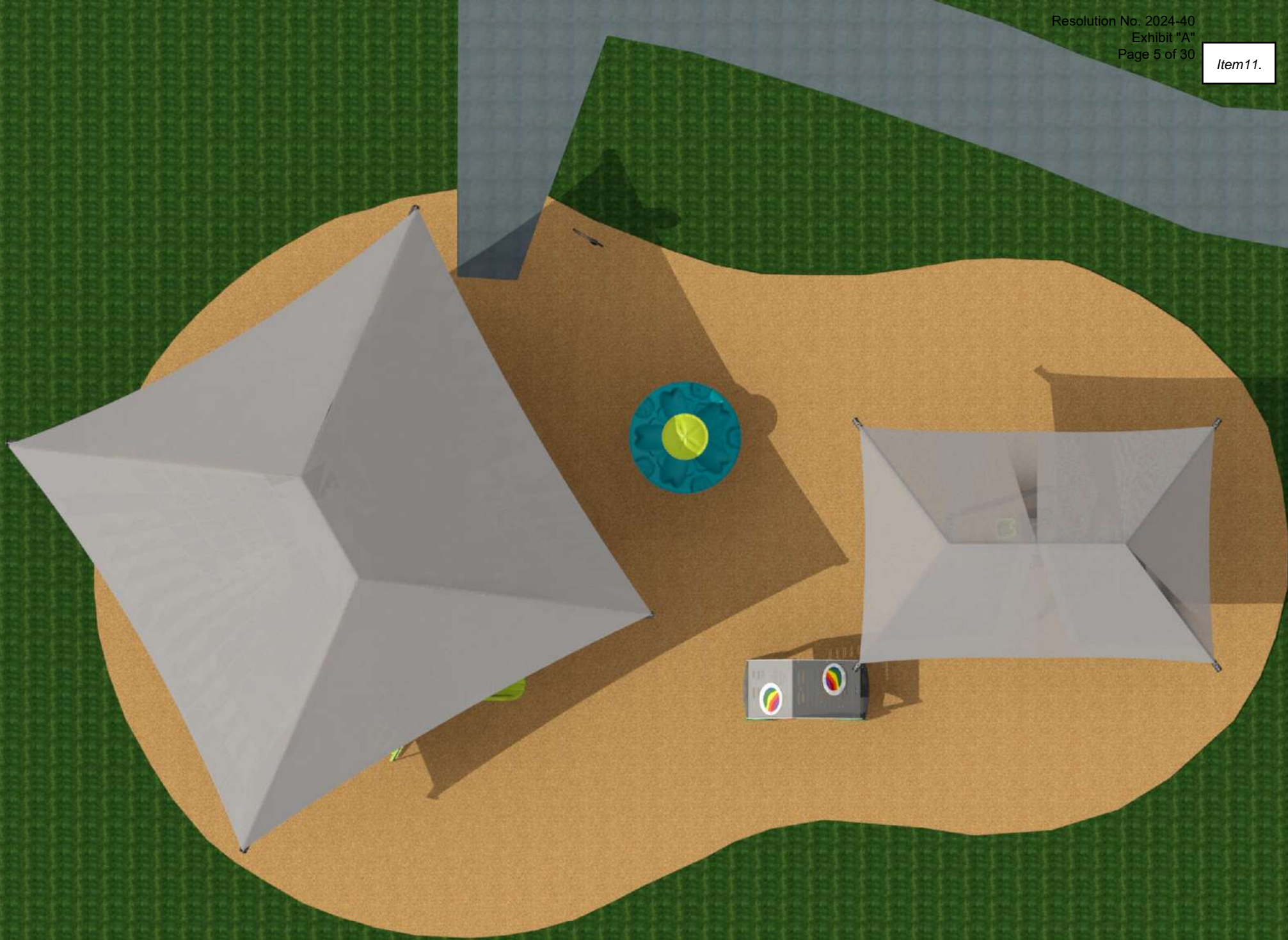
R0001_45237572829	
✓	COMPLIES TO ASTM/CPSC
✓	COMPLIES TO ADA

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND PLAY SYSTEMS

Item 11.





Item 11.





Item 11.

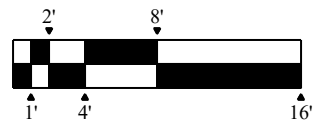
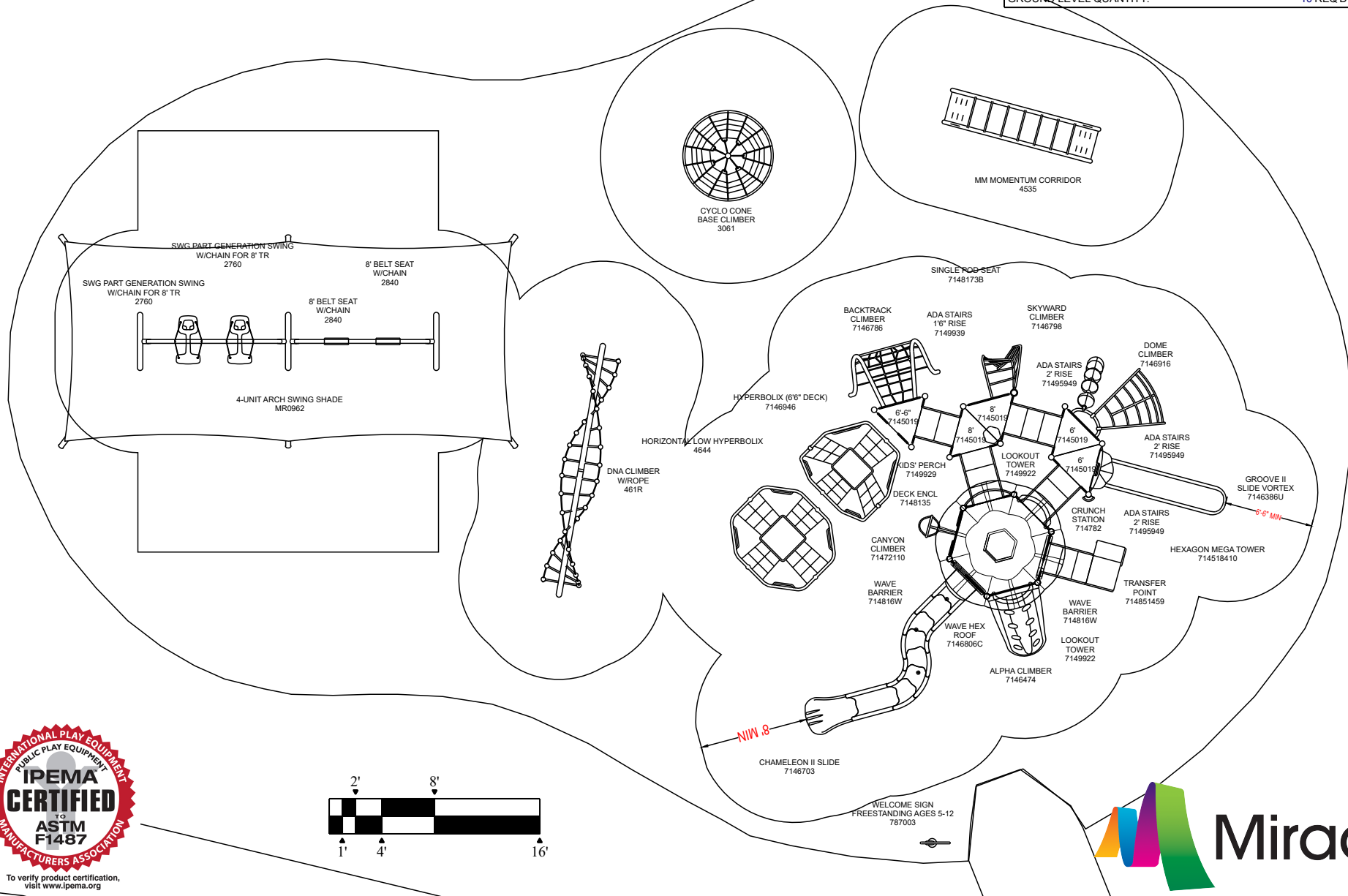


Child Capacity: 128

Mountain View Park Age 5-12 Opt A Escondido, CA

AGE GROUP: 5-12	Page 10 of 30
ELEVATED PLAY ACTIVITIES - TOTAL: 9	ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 7 REQ'D
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0 REQ'D	GROUND LEVEL ACTIVITY TYPE: 5 REQ'D
GROUND LEVEL ACTIVITY TYPE: 5 REQ'D	GROUND LEVEL QUANTITY: 10 REQ'D

Item 11.



Miracle Playground Sales, Inc.
 9106 Pulsar Ct, Suite C
 Corona, CA
 PHONE NO: (800) 264-7225
 FAX NO: (877) 215-3869
 GROUND SPACE: 89'-6" x 58'-0"
 PROTECTIVE AREA: 96'-0" x 62'-6"
 DRAWN BY: Roxanne Lilly
 DATE: 10/20/2023

R0036_45211485358	
✓	COMPLIES TO ASTM/CPSC
✓	COMPLIES TO ADA

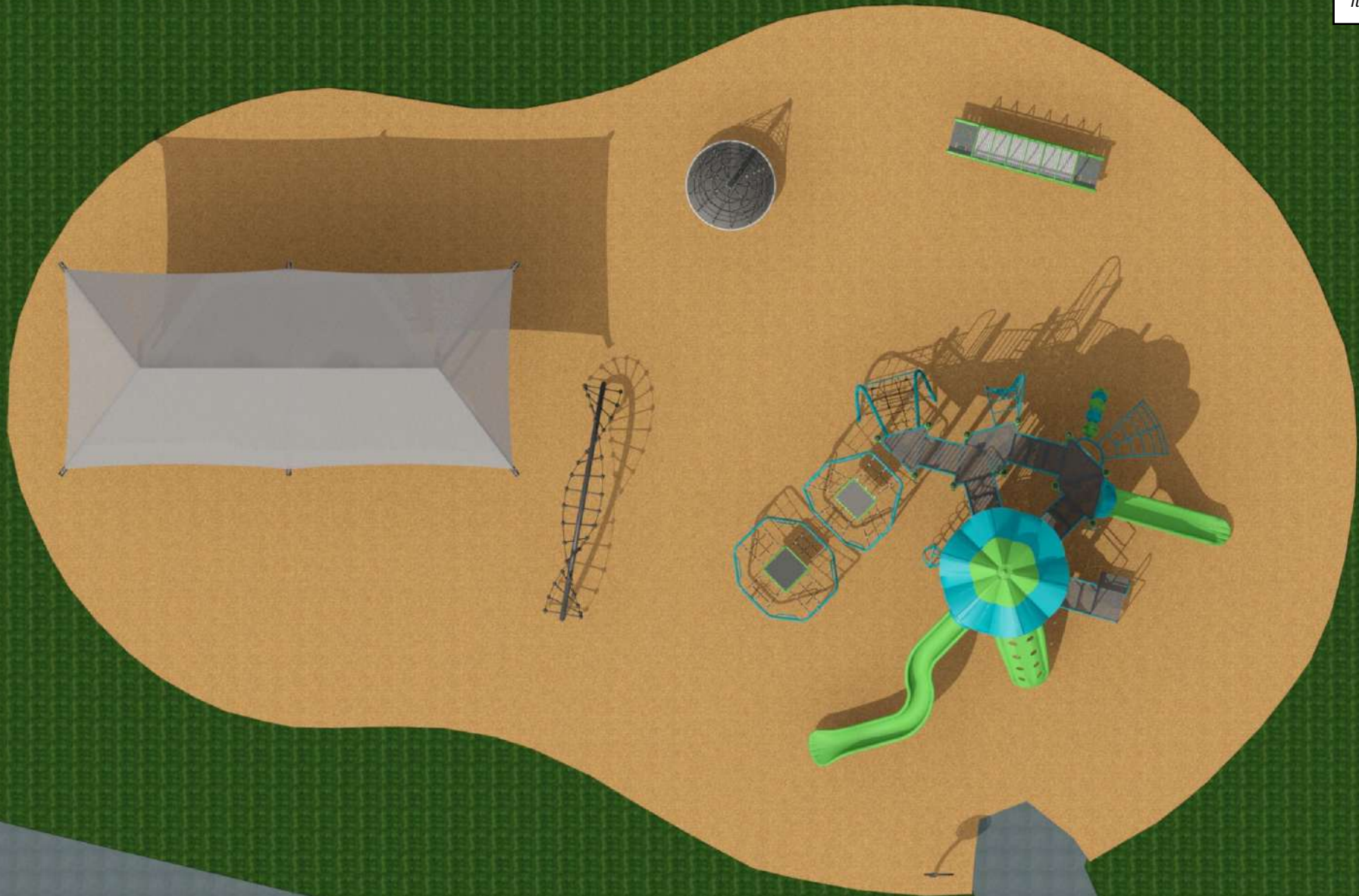
To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each play system's main entry point(s) to inform parents and supervisors of the age appropriateness of the play system and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND PLAY SYSTEMS

320

Item 11.



Item 11.



Item 11.



Item 11.



Item 11.



Item 11.



Payment Address
 Miracle Recreation Equipment Company
 PO Box 734154
 Dallas TX 75373-4154
 Phone # (800) 264-7225
 Fax # (877) 215-3869
 sales@miracleplayground.com
 www.miracle-recreation.com

Estimate Number	MREC 5694
Estimate Date	2-5-2024
Expiration Date	03-07-2024

Customer	City of Escondido
Name	Wayne Thames
Phone	760-839-4600
Email	wthames@escondido.org

Sales Rep	Eddie Lozada
Email	eddie.lozada@miracleplayground.com

Payment Terms	Net 30
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Project Name	Kit Carson Park - City of Escondido - Public Works Dept. MREC
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Item # & Description	Quantity	Total
MREC 5-12 Custom 5-12 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0001_45219372491	1	\$98,264.25
Integrated Shade Engineering Playcover pyramid 20' x 20'	1	\$850.00
MREC 2-5 Custom 2-5 Year Old Playground from Miracle recreation Equipment Company. Drawing Number R0001_45219547927	1	\$43,037.25

Integrated Shade Engineering 4 Unit arch swing shade Playcover hexagon shade 26'	2	\$1,700.00
MREC Swing Area: 3.5" Arch swing w/ (2) belt seat Accelerator bird Nest	1	\$11,548.84
		\$155,400.34

7.75%-Sales Tax **\$12,043.53**

Product Total \$167,443.87

Item	Description	Quantity	Rate
Freight Miracle	Freight Miracle Shipping and Handling Charges for Miracle Recreation Equipment. All prices are FOB Monett MO.	1	\$9,394.00
Installation	Installation of 2-5 area play equipment	1	\$19,993.05
Installation	Installation of 5-12 area play equipment	1	\$36,961.05
Installation	Installation of swing area	1	\$10,479.00
Installation	Installation of PIP Surfacing 3101 sq ft for 2-5 area	1	\$60,237.45
Installation	Installation of PIP Surfacing 4591 sq ft for 5-12 area	1	\$89,179.65
Installation	Installation of PIP for swing area	1	\$30,303.00
Installation	Installation of Sub base at 8" compaction for 2-5 area	1	\$8,707.65
Installation	Installation of Sub base at 8" compaction for 5-12 area	1	\$16,046.10

Installation	Installation of Sub base at 8" compaction for swing area	1	\$4,914.00
Installation	Installation- Temporary fencing for 2-5, 5-12 and swing areas	1	\$4,200.00
			\$290,414.95

Sales Tax **\$0.00**

Shipping, Handling and Non Taxable Services Total \$290,414.95

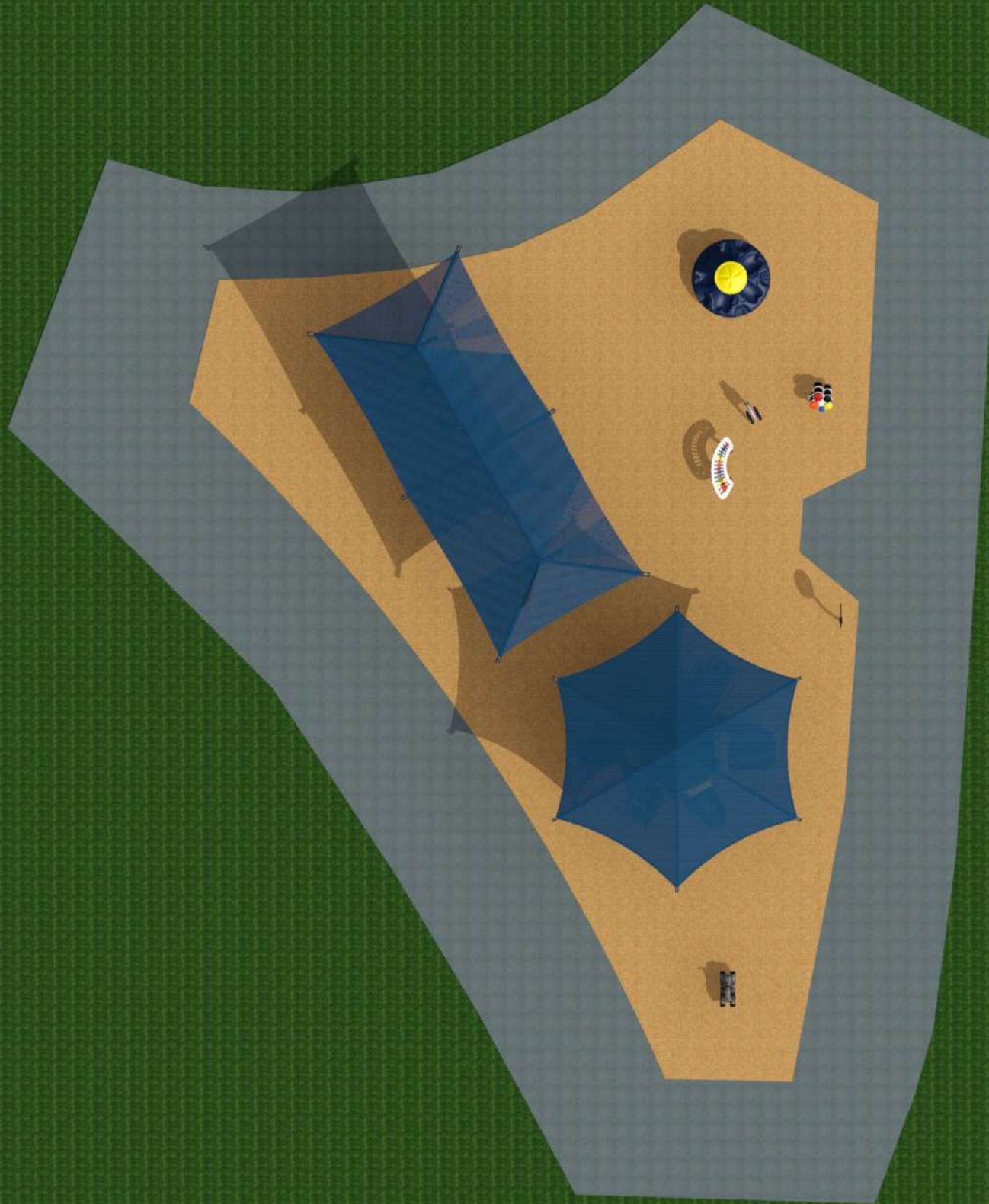
Grand Total	\$457,858.82
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NOTES AND EXCLUSIONS:

- Pricing is per Sourcewell Contract # 010521-LTS
- This estimate shall not become binding until signed and returned for approval.
- A signature indicates acceptance of all terms, conditions, and prices listed.
- A signed quote will not substitute for a Purchase Order if one is required by the Customer. **Make purchase orders out to Miracle Recreation.**
- Exclusions: All Unloading, Storage, Installation, Site Work, Fees & Permits, outside of the quoted above.
- Footing calculations for playground equipment can be added for an additional fee if required
- **All signed quotes and/or purchase orders should be emailed to sales@miracleplayground.com or faxed to 877-215-3869. Hard copies can be mailed to Miracle Playground Sales 1101 California Ave Suite 209 Corona, CA 92881**

THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by the customer in writing or otherwise, as material alterations, and all such terms shall be void. The customer authorizes Miracle to ship the equipment and pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via a common carrier designated by Miracle. The customer agrees to pay all additional service charges for past due invoices per the terms listed above. The customer must provide proper tax exemption certificates to Miracle and promptly pay and discharge all applicable taxes, license fees, levies, and dismiss other impositions on the equipment at its sole expense.

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Item 11.



Item 11.



Item 11.



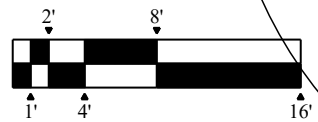
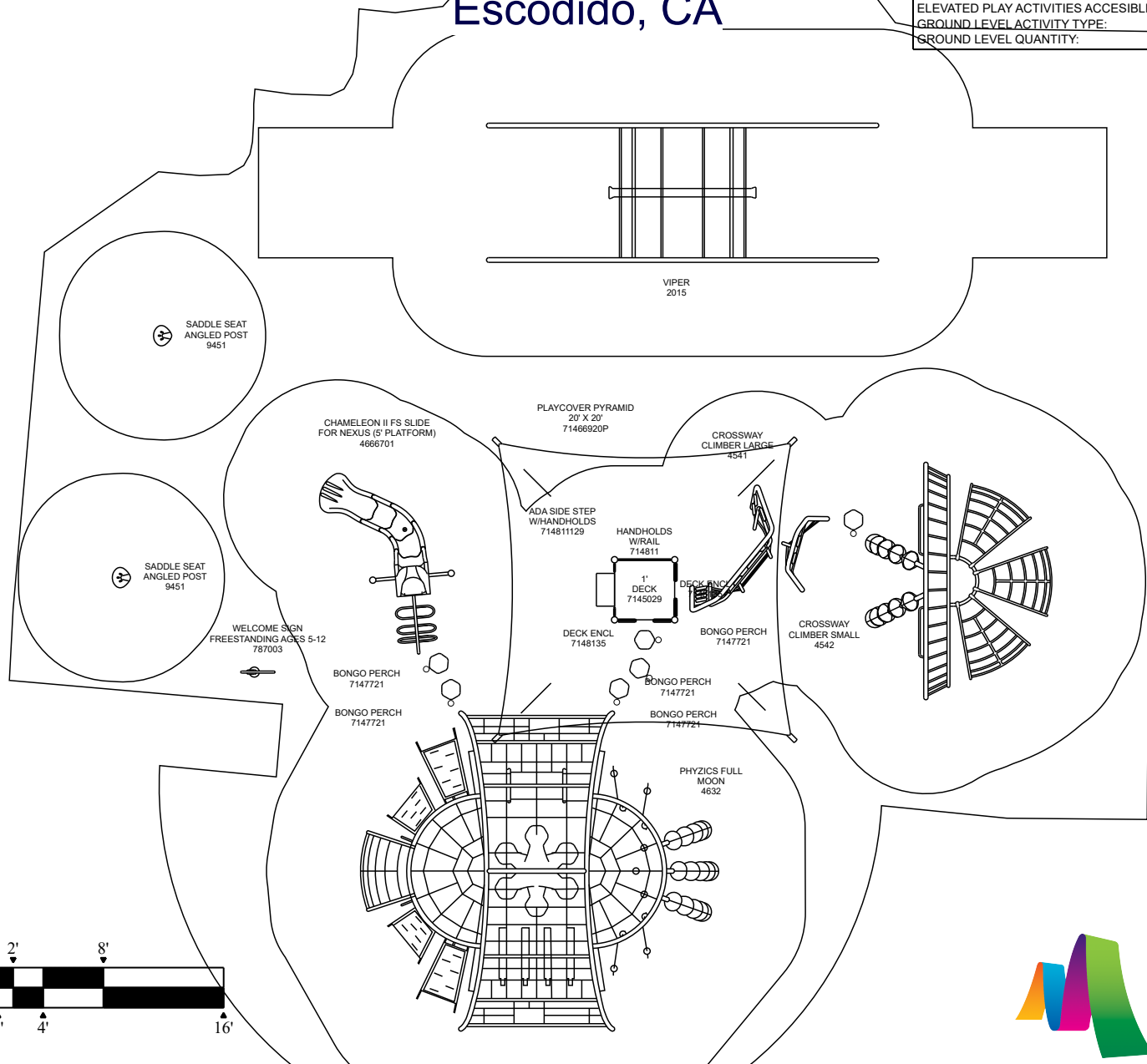


Child Capacity: 116

Kit Carson 5-12 Area Opt A Escodido, CA

AGE GROUP: 5-12	Page 25 of 30
ELEVATED PLAY ACTIVITIES - TOTAL: 2	0 REQ'D
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 2	0 REQ'D
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0	0 REQ'D
GROUND LEVEL ACTIVITY TYPE: 5	5 REQ'D
GROUND LEVEL QUANTITY: 12	12 REQ'D

Item 11.



Miracle Playground Sales, Inc.
 9106 Pulsar Ct, Suite C
 Corona, CA
 PHONE NO: (800) 264-7225
 FAX NO: (877) 215-3869
 GROUND SPACE: 62'-6" x 60'-6"
 PROTECTIVE AREA: 75'-0" x 73'-0"
 DRAWN BY: Roxanne Lilly
 DATE: 10/20/2023

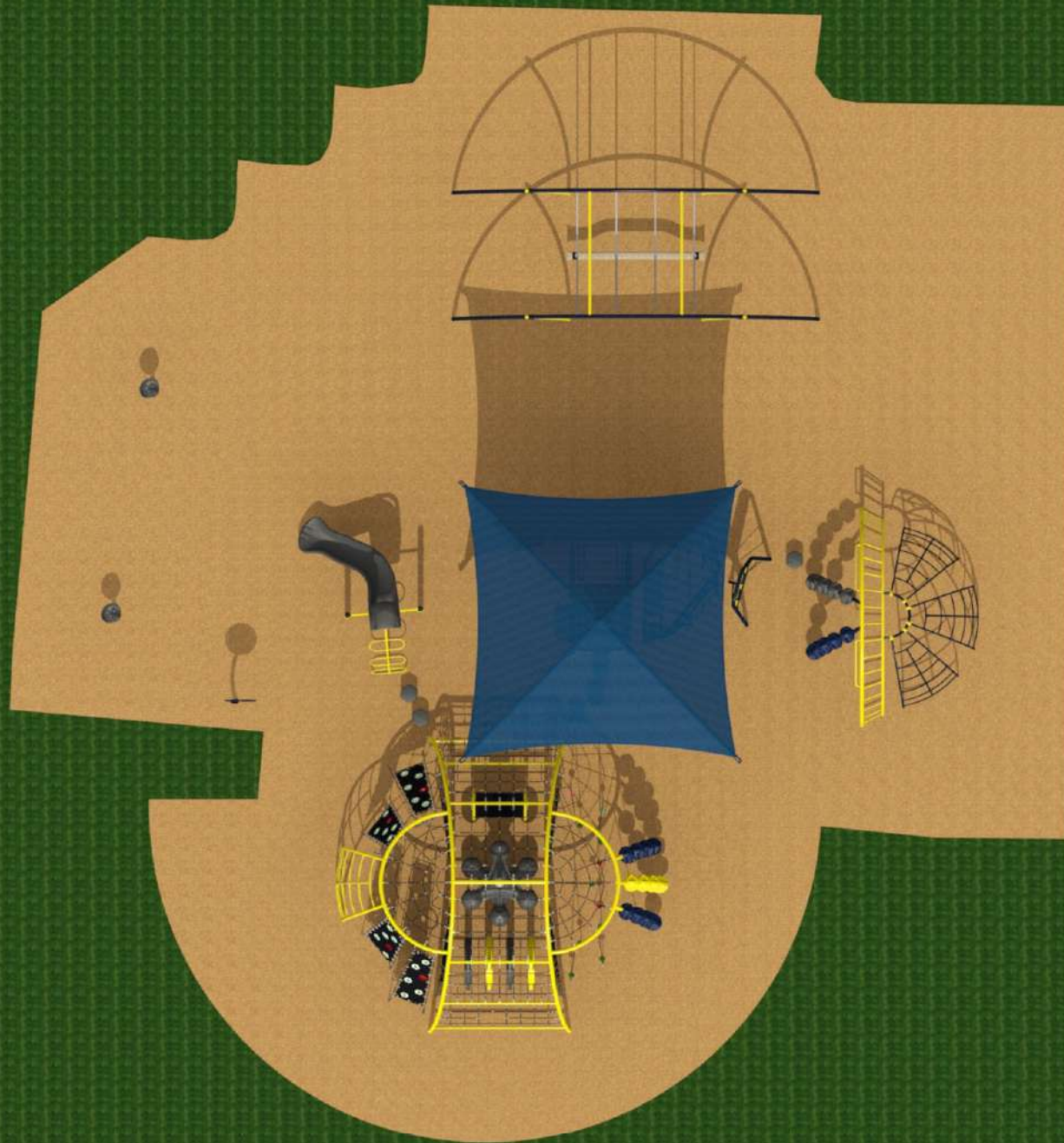
R0001_45219372491	
✓	COMPLIES TO ASTM/CPSC
✓	COMPLIES TO ADA

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Item 11.



Item 11.





CITY of ESCONDIDO
FUTURE AGENDA

5/1/2024 - NO MEETING (SPRING BREAK)

5/8/2024

PROCLAMATION/PRESENTATION - National Water Safety Month, May-2024

CONSENT CALENDAR - (J. PERPETUA) - ADOPTION OF MASTER SERVICE AGREEMENT WITH ORIGAMI RISK FOR RISK MANAGEMENT INFORMATION
ESSENTIAL SERVICES: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY:

CONSENT CALENDAR - (D. SHULTZ) - THE CITY OF ESCONDIDO'S INVESTMENT POLICY
ESSENTIAL SERVICES: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT

CONSENT CALENDAR - (D. SHULTZ) - TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2024
ESSENTIAL SERVICES: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT

CONSENT CALENDAR - (C. MCKINNEY) - RICK ENGINEERING PROFESSIONAL SERVICES - It is requested that the City Council approve the contract services for staff augmentation to process development reviews for Storm Water, Planning, Land Development and Real Property documents.
ESSENTIAL SERVICE: YES, LAND USE/DEVELOPMENT
COUNCIL PRIORITY: Encourage Housing Development

PUBLIC HEARING - (C. HOLMES) - CITY USER FEES
ESSENTIAL SERVICE: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT

CURRENT BUSINESS - (C.MCKINNEY) - HOUSING ELEMENT PROGRESS REPORT - Request the City Council to review and receive the 2023 calendar year annual progress report for the Housing Element of the General Plan ("Housing Element APR") and authorize submittal of the report to the State Office of Planning and Research ("OPR"), the State Department of Housing and Community Development ("HCD"), and the San Diego Association of Governments ("SANDAG").
ESSENTIAL SERVICE: YES - LAND USE/DEVELOPMENT
COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT; IMPROVE PUBLIC SAFETY; INCREASE RETENTION AND ATTRACTION OF PEOPLE AND BUSINESSES TO ESCONDIDO

CURRENT BUSINESS - (Z. BECK) - CALIFORNIA ELECTIONS CODE SECTION 9212 - It is requested that the City Council provide direction of whether or not to refer the proposed Escondido Community Investment Initiative measure to a city agency or agencies for a report pursuant to CA Elections Code Section 9212
ESSENTIAL SERVICES: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY:

CURRENT BUSINESS - (C. MCKINNEY) - CALIFORNIA CENTER FOR THE ARTS REQUEST FOR PROPOSALS
ESSENTIAL SERVICE:

COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT; INCREASE RETENTION AND ATTRACTION OF PEOPLE AND BUSINESSES TO ESCONDIDO