



# CITY of ESCONDIDO

## COUNCIL MEETING AGENDA

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**WEDNESDAY, JANUARY 10, 2024**

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

**5:00 PM - Regular Session**

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

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### **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**



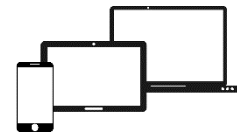
201 N. Broadway

##### **On TV**



Cox Cable Channel 19 and U-verse Channel 99

##### **Online**



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



# CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 10, 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, JANUARY 10, 2024

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### CLOSED SESSION

4:00 PM

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#### 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 LABOR NEGOTIATORS (Government Code § 54957.6)**
  - a. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido Police Officers' Association Sworn Personnel Bargaining Unit
  - b. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido Police Officers' Association Non-Sworn Personnel Bargaining Unit
  - c. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido Firefighters' Association Safety Personnel and Non-safety Personnel Bargaining Unit
  - d. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido City Employees' Association Supervisory Bargaining Unit
  - e. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Maintenance and Operations Bargaining Unit and Administrative / Clerical / Engineering Bargaining Unit, Teamsters Local 911
  - f. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Police Management Association Bargaining Unit

#### ADJOURNMENT



# CITY of ESCONDIDO

## COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 10, 2024

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### REGULAR SESSION

5:00 PM Regular Session

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#### 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

#### CLOSED SESSION REPORT

#### 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.

#### 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) -



# CITY of ESCONDIDO

## COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 10, 2024

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

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

- 379336 – 379507 dated December 6, 2023
- 379508 – 379653 dated December 13, 2023
- 379654 – 379982 dated December 20, 2023

Staff Recommendation: Approval (Finance Department: Christina Holmes)

**3. APPROVAL OF MINUTES: Regular meetings of December 6, 2023 and December 13, 2023**

**4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –**

**5. SUPPORT FOR A CMFA BOLD PROGRAM FOR THE NUTMEG PROJECT**

Request the City Council adopt Resolution No. 2024-09 to approve and support a CMFA BOLD Program for the Nutmeg Project.

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

Presenter: Christopher McKinney, Deputy City Manager/Interim Director of Development Services

a) Resolution No. 2024-09

**6. SAN DIEGO SENIORS COMMUNITY FOUNDATION EMPOWER SAN DIEGO SENIOR CENTERS GRANT - \$12,000**

Request the City Council adopt Resolution No. 2024-01 authorizing the Director of Economic Development to receive a \$12,000 grant from the San Diego Seniors Community Foundation.

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

Presenter: Jilaine Hernandez, Community Services Supervisor

a) Resolution No. 2024-01



# CITY of ESCONDIDO

## COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 10, 2024

**7. FISCAL YEAR 2023-24 STATE OF CALIFORNIA CITIZEN'S OPTIONS FOR PUBLIC SAFETY PROGRAM GRANT AND BUDGET ADJUSTMENT**

Request the City Council adopt Resolution No. 2024-04 authorizing the Escondido Police Department to accept a Fiscal Year 2023-24 Citizens' Option for Public Safety Program Grant in the amount of \$232,909; approving grant expenditures consistent with guidelines in AB1913; authorizing the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

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

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2024-04

**8. FISCAL YEAR 2022-23 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT – LOCAL SOLICITATION AND BUDGET ADJUSTMENT**

Request the City Council adopt Resolution No. 2024-03 to authorize the Police Department to accept a \$46,913 Fiscal Year 2022-23 Edward Byrne Memorial Justice Assistance Grant (JAG); authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

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

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2024-03

**9. CONSENT TO RECORDATION OF AMENDED AND CORRECTED EASEMENT DEED**

Request the City Council adopt Resolution No. 2024-07 consenting to and accepting an Amended and Corrected Easement Deed in real property for recordation with the San Diego County Assessor/Recorder/County Clerk.

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

Presenter: Michael McGuinness, City Attorney

a) Resolution No. 2024-07



# CITY of ESCONDIDO

## COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 10, 2024

**10. REMOVAL OF CONDITION FOR PAYMENT OF DEFICIENCY FEE IN APPROVED DEVELOPMENT APPLICATION FOR ASH STREET PROJECT (PL22-0134/PL22-0154)**

Request the City Council adopt Resolution No. 2024-08 settling a Fee Protest claim by removing a condition of development approval amounting to \$12,500 per unit imposed via adoption of a Tentative Subdivision Map in PL22-0134/PL22-0154.

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

Presenter: Michael McGuinness, City Attorney

a) Resolution No. 2024-08

### **CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)**

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

**11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO ZONING CODE TO ALLOW FOR AN INCREASE IN FENCE HEIGHT ON A CASE BY CASE BASIS IN THE INDUSTRIAL AND COMMERCIAL ZONES THROUGH THE ADMINISTRATIVE ADJUSTMENT PERMIT PROCESS**

Approved on December 6, 2023 with a vote of 5/0.

a) Ordinance No. 2023-16 (Second Reading and Adoption)

**12. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ZONING DISTRICT FOR THE SUBJECT PROPERTY FROM PLANNED DEVELOPMENT – INDUSTRIAL (PD-I) TO GENERAL INDUSTRIAL (M-2)**

Approved on December 6, 2023 with a vote of 5/0.

a) Ordinance No. 2023-17 (Second Reading and Adoption)

**13. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REPEALING AND REPLACING ESCONDIDO MUNICIPAL CODE CHAPTER 16A, MASSAGE REGULATION**

Approved on December 6, 2023 with a vote of 5/0.

a) Ordinance No. 2023-18 (Second Reading and Adoption)



# CITY of ESCONDIDO

## COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 10, 2024

**14. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE SOUTH CENTRE CITY FINAL NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO THE SOUTH CENTRE CITY SPECIFIC PLAN TO EXPAND THE MIXED-USE OVERLAY WITHIN THE ESCONDIDO BOULEVARD DISTRICT**

Approved on December 13, 2023 with a vote of 5/0.

a) Ordinance No. 2023-20 (Second Reading and Adoption)

### CURRENT BUSINESS

**15. REVIEW AND UPDATE CITY COUNCIL INTERAGENCY AND SUBCOMMITTEE ASSIGNMENTS**

Request the City Council review and update the City's current interagency and council subcommittee assignments.

Staff Recommendation: Provide Direction (City Council: Mayor Dane White)

Presenter: Mayor Dane White

### FUTURE AGENDA

**16. 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](http://www.escondido.org).

#### ORAL COMMUNICATIONS

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# CITY *of* ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, JANUARY 10, 2024

## **ADJOURNMENT**

## **UPCOMING MEETING SCHEDULE**

Wednesday, January 24, 2024 4:00 & 5:00 PM Closed Session, Regular Meeting, *Council Chambers*

Wednesday, January 31, 2024 4:00 & 5:00 PM Closed Session, Regular Meeting, *Council Chambers*

## **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 – N O N E**



# STAFF REPORT

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January 10, 2024  
File Number 0400-40

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## **SUBJECT**

APPROVAL OF WARRANT REGISTER (COUNCIL)

## **DEPARTMENT**

Finance

## **RECOMMENDATION**

Request approval for City Council and Housing Successor Agency warrant

numbers: 379336 – 379507 dated December 6, 2023

379508 – 379653 dated December 13, 2023

379654 – 379982 dated December 20, 2023

Staff Recommendation: Approval (Finance Department: Christina Holmes)

## **FISCAL ANALYSIS**

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

November 30, 2023 – December 06, 2023 is \$1,299,526.49

December 07, 2023 – December 13, 2023 is \$2,275,277.79

December 14, 2023 – December 20, 2023 is \$5,664,041.35



# CITY *of* ESCONDIDO

## STAFF REPORT

### **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

### CLOSED SESSION

4:00 PM

### CALL TO ORDER

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

### ORAL COMMUNICATIONS

### CLOSED SESSION

#### I. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Government Code § 54956.9(d)(2))

- a. *Building Industry Association of SD County v. City of Escondido*  
San Diego Superior Court Case No. 37-2021-00008423-CU-MC-NC
- b. *City of Escondido v. Patterson, et. al.*  
San Diego Superior Court Case No. 37-2022-00004144-CU-BC-NC
- c. *All Persons Interested in the Matter of the Issuance and Sale of Pension Obligation Bonds*  
San Diego Superior Court Case No. 37-2022-00025425-CU-PT-NC  
Fourth District Court of Appeal, Div.1, Docket No. D082525
- d. Claim of Escondido School Districts re Successor Agency ROPS (per Government Code § 54956.9(e)(3))

#### II. CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6)

- a. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Maintenance and Operations Bargaining Unit and Administrative / Clerical / Engineering Bargaining Unit, Teamsters Local 911



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

### ADJOURNMENT

Mayor White adjourned the meeting at 4:48 p.m.

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MAYOR

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CITY CLERK



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

### 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 meeting to be led by the City Clerk. The City does not endorse, sponsor or sanction any particular religion and any remarks made are to allow all individuals to personally reflect, contemplate, pray, or meditate as they deem appropriate.

### 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

### CLOSED SESSION REPORT

### ORAL COMMUNICATIONS

Tracy – Expressed concern regarding the Police Department.

Kim Marquardt – Requested a second session of the Table Tennis program at the Escondido Senior Center.

Anzy McWha – Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Amal Jubran – Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Derek Lam – Expressed concern about an interaction he had with Councilmember Morasco.

Angela Calderon – Expressed concern about an interaction she had with Councilmember Morasco.

Mohammed Shalabi - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

Neil Sholander – Requested the City increase pay for essential workers.

Francisco Clabajal – Introduced a new non-profit called Peace, Anger, Love.

Ed Gallo – Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Lulu Heimes – Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Abigail Carnell - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Syndus Alsafadi - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Ed Gallo – Stated that the City Council is not the venue for foreign policy.

Barry Speer – Expressed gratitude for the City Council.

Dan Pritsker – Expressed concern about anti-Semitism and anti-Zionism in the United States.

Michelle Cortes – Expressed concern about an interaction she had with Councilmember Morasco.

Jasper Anda - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Mia Ferguson - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Jeidy Valencia - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Analyze Ramirez - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Cynthia Gonzales - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Jeidy Valencia – Expressed concern about an interaction other students had with Councilmember Morasco.





# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

Analyze Ramirez - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

Cynthia Gonzalez - Requested the City Council pass a resolution calling for a ceasefire between Hamas and Israel.

### CONSENT CALENDAR

Motion: Morasco; Second: Martinez; Approved: 5-0.

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

**2. APPROVAL OF WARRANT REGISTER (COUNCIL) -**

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

- 378599 – 378769 dated November 08, 2023
- 378770 – 378985 dated November 15, 2023

Staff Recommendation: Approval (Finance Department: Christina Holmes)

**3. APPROVAL OF MINUTES: Regular meeting of November 15, 2023**

**4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –**

**5. TREASURER’S INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2023**

Request the City Council approve the Quarterly Investment Report for the quarter ended September 30, 2023. (File Number 0490-55)

Staff Recommendation: Approval (Finance Department: Douglas Shultz, City Treasurer)

Presenter: Douglas Shultz, City Treasurer

**6. ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPMENT IMPACT FEES PER GOVERNMENT CODE SECTION 66006**

Request the City Council receive and file the Annual Financial Report on Development Impact Fees. (File Number 0400-93)

Staff Recommendation: Approval (Finance Department: Christina Holmes, Director of Finance)

Presenter: Christina Holmes, Director of Finance



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

**7. NOTICE OF COMPLETION FOR THE SAN PASQUAL UNDERGROUNDING PROJECT**

Request the City Council adopt Resolution No. 2023-157, authorizing the Interim Director of Utilities to file a Notice of Completion for the San Pasqual Undergrounding Project. (File Number 0600-95)

Staff Recommendation: Approval (Utilities Department: Angela Morrow, Interim Director of Utilities)

Presenter: Angela Morrow, Interim Director of Utilities

a) Resolution No. 2023-157

**8. PURCHASE THREE (3) MEDIX AMBULANCES FROM REPUBLIC EVS**

Request the City Council adopt Resolution No. 2023-161 approving a budget adjustment of \$1,045,814.38 and authorizing the Fleet Services Division of the Public Works Department to purchase three (3) Medix Ambulances from Republic EVS of Huntington Beach, California, by utilizing a cooperative purchase agreement through HGAC, Contract No. AM10-23, and approving the disposal of the surplus vehicles via auction. (File Number 0470-25)

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

Presenter: Jeramiah Jennings, Fleet Maintenance Superintendent

a) Resolution No. 2023-161

**9. SAN DIEGO SENIORS COMMUNITY FOUNDATION GRANT – \$3,000**

Request the City Council adopt Resolution No. 2023-163 authorizing the Director of Economic Development to receive a \$3,000 grant from the San Diego Seniors Community Foundation. (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. 2023-163

**10. MILLS ACT CONTRACT FOR 730 S. BROADWAY - PL23 – 0397**

Request the City Council adopt Resolution No. 2023-167, authorizing the Mayor to execute, on behalf of the City of Escondido, a Historic Property Preservation Agreement (Mills Act Contract), with Edward T. Chambers and Julia D. Chambers for the Property located at 730 S. Broadway. (File Number 0600-10; A-3487)



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

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

Presenter: Alex Rangel, Assistant Planner I

a) Resolution No. 2023-167

**11. ACCEPT HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT FUNDS FOR LOCAL ROADWAY SAFETY PLAN (LRSP) PROJECT NO. 1 AND BUDGET ADJUSTMENT**

Request the City Council adopt Resolution No. 2023-150 authorizing the City Engineer or their designee to accept grant funds in the amount of \$1,326,240; authorizing designated City agents to execute all grant forms and agreements necessary for Local Roadway Safety Plan (LRSP) Project No. 1; and authorizing a budget adjustment allocating grant funds to the project. (File Number 0480-70)

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

Presenter: Edd Alberto, City Traffic Engineer

a) Resolution No. 2023-150

**12. CONSULTING AGREEMENT FOR DESIGN OF SOUTH ESCONDIDO ACCESS IMPROVEMENTS PROJECT**

Request the City Council adopt Resolution No. 2023-132 awarding a consulting agreement to STC Traffic, Inc. ("STC") in the amount of \$299,121 to provide engineering design services for the South Escondido Access Improvements Project ("Project"). (File Number 0600-10; A-3488)

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

Presenter: Jonathan Schauble, Principal Civil Engineer

a) Resolution No. 2023-132

**13. SIDE LETTER BETWEEN CITY OF ESCONDIDO AND THE ESCONDIDO POLICE OFFICER'S ASSOCIATION, NON-SWORN BARGAINING UNIT**

Request the City Council adopt Resolution No. 2023-170 authorizing the City's negotiating team to execute a Side Letter Between the City of Escondido and the Police Officer's Association, Non-Sworn Police. (File Number 0740-20)



# 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. 2023-170

### PUBLIC HEARINGS

**14. CONTINUED - A REQUEST TO REMOVE A CONDITION OF APPROVAL APPLIED TO A MAJOR PLOT PLAN REQUIRING FUNDING OF ONGOING MUNICIPAL SERVICES REQUIRED BY THE PROJECT**

Request the City Council uphold the Planning Commission recommendation of denial (4-2-1) to modify a Major Plot Plan in order to eliminate a condition of approval requiring funding of ongoing municipal services. The request is for a project condition of approval required for a 44-unit apartment project located at 1860, 1866, 1870 & 1896 S. Escondido Blvd. and the City Council may a) adopt Resolution No. 2023-152, denying a modification and upholding a condition of approval; or b) adopt Resolution No. 2023-153, granting the modification and waiving the condition of approval. (File Number 0800-30)

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

Presenter: Veronica Morones, City Planner

- a) Resolution No. 2023-152
- b) Resolution No. 2023-153

Mayor White continued the item to December 13, 2023.

**15. PL22-0603/PL23-0239/PL22-0604 – A REQUEST FOR A ZONE MAP AMENDMENT, ZONE TEXT AMENDMENT, AND MAJOR PLOT PLAN FOR GOAL LINE BATTERY STORAGE UTILITY**

Request the City Council adopt Resolution No. 2023-160, approving a Major Plot Plan Permit for construction of a lithium-ion battery storage utility, and adoption of a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program prepared for the Project, and make certain Findings of Fact in conformance with the California Environmental Quality Act (CEQA). Introduce Ordinance No. 2023-16, approving a Zone Map Amendment to amend the zoning designation for the subject property from Planned Development – Industrial (PD-I) to General Industrial (M-2). Introduce Ordinance No. 2023-17, approving a Zone Text Amendment to amend the Escondido Zoning Code to allow for an increase fence height on a case-by-cases basis for industrial and commercial zoned properties through issuance of an Administrative Adjustment Permit. (File Number 0810-20)



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

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

Presenter: Ivan Flores, AICP, Senior Planner

- a) Resolution No. 2023-160
- b) Ordinance No. 2023-16 (First Reading and Introduction)
- c) Ordinance No. 2023-17 (First Reading and Introduction)

Motion: J. Garcia; Second: Martinez; Approved: 5-0

### CURRENT BUSINESS

#### 16. UNCLASSIFIED SERVICE SCHEDULE, SALARY PLANS, AND FULL-TIME COMPENSATION SCHEDULE

Request the City Council approve Resolution No. 2023-146, amending the Salary Schedule and Salary and Benefits Plan for the Unclassified and Management Groups; Resolution No. 2023-147, amending the Part-time Salary Plan; and Resolution No. 2023-166, amending the full-time compensation schedule for all employee groups. (File Number 0720-90)

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

Presenter: Jessica Perpetua, Director of Human Resources

- a) Resolution No. 2023-146
- b) Resolution No. 2023-147
- c) Resolution No. 2023-166

Motion: Martinez; Second: Morasco; Approved: 4-1 (Morasco – No)

#### 17. VINEHENGE UPDATE

Request the City Council approve staff's recommendation to remove and dispose of the Vinehenge play structure in Grape Day Park and replace it with a standard playground for 2–5-year-olds, located adjacent to and consistent in theme with the existing 5-12 playground (Option 3). (File Number 0915-07)



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

Staff Recommendation: Approval (Community Services Department and Public Works Department: Jennifer Schoeneck, Director of Economic Development and Joseph Goulart, Director of Public Works)

Presenters: Danielle Lopez, Housing and Neighborhood Services Manager and Wayne Thames, Public Works Superintendent

Item pulled from the agenda.

### 18. COUNCIL COMPENSATION

Request the City Council make factual findings supporting a salary increase and consider the adoption of Ordinance No. 2023-19 providing for an amendment to Escondido Municipal Code § 2-28(a) and § 2-28(b) increasing the salary for councilmembers and the mayor, respectively, as required by Government Code § 36516, as amended by Senate Bill (SB) 329, and Council Rules of Policy and Procedure Section B(9). (File Number 0610-90)

Staff Recommendation: Provide Direction (City Attorney's Office: Michael McGuinness, City Attorney)

Presenter: Michael McGuinness, City Attorney

a) Ordinance No. 2023-19 (First Reading and Introduction)

Motion to increase Mayoral salary 6.0% and the City Council salary 7.5%: Morasco; Second: C. Garcia; Approved: 3-2 (Martniez – No; J. Garcia – No)

### 19. ESCONDIDO MUNICIPAL CODE CHAPTER 16A, MASSAGE REGULATION

Request the City Council introduce Ordinance No. 2023-18 to amend the Chapter 16A of the Escondido Municipal Code. (File Number 0680-10)

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

Presenter: David Cramer, Police Captain

a) Ordinance No. 2023-18 (First Reading and Introduction)

Motion: C. Garcia; Second: J. Garcia; Approved: 5-0

## FUTURE AGENDA

### 20. 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



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

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)

Mayor White – Interagency assignments. Resolution regarding priority lanes.

### 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](http://www.escondido.org).

#### ORAL COMMUNICATIONS

Yussef Miller – Requested the City not use pesticides in its parks.

#### ADJOURNMENT

Mayor White adjourned the meeting at 7:08 p.m.

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MAYOR

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CITY CLERK



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

### CLOSED SESSION

4:00 PM

### CALL TO ORDER

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

### ORAL COMMUNICATIONS

None.

### CLOSED SESSION

#### I. CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6)

- a. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido Police Officers' Association Sworn Personnel Bargaining Unit
- b. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido Police Officers' Association Non-Sworn Personnel Bargaining Unit
- c. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido Firefighters' Association Safety Personnel and Non-safety Personnel Bargaining Unit
- d. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Escondido City Employees' Association Supervisory Bargaining Unit
- e. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Maintenance and Operations Bargaining Unit and Administrative / Clerical / Engineering Bargaining Unit, Teamsters Local 911
- f. Agency Representative: Sean McGlynn, City Manager, or designee  
Employee Organization: Police Management Association (Unrecognized) Bargaining Unit





# CITY *of* ESCONDIDO

## COUNCIL MEETING MINUTES

### ADJOURNMENT

Mayor White adjourned the meeting at 4:37 p.m.

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MAYOR

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CITY CLERK



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

### 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 meeting to be led by the City Clerk. The City does not endorse, sponsor or sanction any particular religion and any remarks made are to allow all individuals to personally reflect, contemplate, pray, or meditate as they deem appropriate.

### 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

### CLOSED SESSION REPORT

### ORAL COMMUNICATIONS

### CONSENT CALENDAR

Motion to approve items 1-7: Morasco; Second: C. Garcia; Approved: 5-0

1. **AFFIDAVITS OF PUBLICATION, MAILING, AND POSTING (COUNCIL/RRB) -**
2. **APPROVAL OF WARRANT REGISTER (COUNCIL) -**  
Request the City Council approve the City Council and Housing Successor Agency warrant numbers:
  - 378986 – 379168 dated November 21, 2023
  - 379169 – 379335 dated November 29, 2023

Staff Recommendation: Approval (Finance Department: Christina Holmes)

3. **APPROVAL OF MINUTES: None**



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

**4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –**

**5. APPROVAL OF THE FISCAL YEAR 2024/25 RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

Request the City Council adopt Resolution No. 2023-149 approving the Fiscal Year 2024/25 Recognized Obligation Payment Schedule (“ROPS”) so that the Successor Agency may continue to make payments due for enforceable obligations. (File Number 0440-35)

Staff Recommendation: Approval (Finance Department: Christina Holmes, Director of Finance)

Presenter: Christina Holmes, Director of Finance

a) Resolution No. 2023-149

**6. CALTRANS CLEAN CALIFORNIA LOCAL GRANT PROGRAM \$3,503,000 FOR ESCONDIDO CREEK TRAIL ROSE TO MIDWAY**

Request the City Council adopt Resolution No. 2023-162, authorizing receipt of Clean California Local Grant Program funds for the Escondido Creek Trail Rose to Midway Project in the amount of \$3,503,000, and authorizing execution of all grant-related agreements and forms. (File Number 0480-70)

Staff Recommendation: Approval (City Manager’s Office: Joanna Axelrod, Deputy City Manager)

Presenter: Joanna Axelrod, Deputy City Manager

a) Resolution No. 2023-162

**7. 220 AND 240 S. BROADWAY LEASE AGREEMENTS WITH THE ESCONDIDO EDUCATION COMPACT**

Request the City Council adopt Resolution No. 2023-173 authorizing the Mayor to execute, on behalf of the City, two Lease Agreements with the Escondido Education COMPACT for the properties located at 220 and 240 S. Broadway. (File Number 0600-10; A-3490-A, A-3490-B, A-3490-C, A-3490-D)

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

Presenter: Jennifer Schoeneck, Director of Economic Development

a) Resolution No. 2023-173

Jack Anderson – Expressed support for this item.



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

### **8. SETTLEMENT OF TOUCHSTONE LITIGATION AND FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT FOR MUNICIPAL PARKING LOT #1 PROJECT**

Request the City Council approve Resolution No. 2023-164 to (1) authorize the settlement of the litigation titled *Touchstone MF Fund I, LLC v. City of Escondido*; and (2) approve the First Amendment to Purchase & Sale Agreement. (0170-12; 0600-10; A-3489)

Staff Recommendation: Approval (City Attorney's Office: Michael R. McGuinness, City Attorney)

Presenter: Michael R. McGuinness, City Attorney

a) Resolution No. 2023-164

Motion: Morasco; Second: C. Garcia; Approved: 4-1 (Martinez – No)

### **9. COUNCIL COMPENSATION**

Request the City Council adopt Ordinance No. 2023-19R providing for an amendment to Escondido Municipal Code § 2-28(a) and § 2-28(b) increasing the salary for councilmembers and the mayor, respectively, pursuant to Government Code § 36516 and Council Rules of Policy and Procedure Section B(9). (File Number 0610-90)

Staff Recommendation: Approval (City Attorney's Office: Michael R. McGuinness, City Attorney)

Presenter: Michael R. McGuinness, City Attorney

a) Ordinance No. 2023-19R (Second Reading and Adoption)

James Cassidy – Expressed opposition to this item.

Motion: Morasco; Second: C. Garcia; Approved: 3-2 (Martinez, J. Garcia – No)

Note: Deputy Mayor Joe Garcia stated he would decline the increase when it goes into effect.

## **CURRENT BUSINESS**

### **10. FISCAL IMPACT ANALYSIS OF FUTURE DEVELOPMENT AND CONSIDERATION OF CHANGES TO THE CITY'S SERVICES COMMUNITY FACILITIES DISTRICT LEVIES**

Request the City Council receive and file the Fiscal Impact Analysis ("FIA") of Future Development. Additionally, staff recommends the City Council adopt Resolution No. 2023-156 amending the previously set levy of special taxes ("levy" or "levies") for the City's Services Community Facilities District ("Services CFD"). (File Number 0685-10)



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

Staff Recommendation: Receive and File FIA and adopt Resolution No. 2023-156, selecting “Option H”. (Development Services Department: Christopher W. McKinney, Deputy City Manager/Interim Director of Development Services)

Presenter: Christopher W. McKinney, Interim Director of Development Services

a) Resolution No. 2023-156

Andrea Contreras – Expressed support for the staff recommendation.

Jim Simmons – Expressed support for the staff recommendation.

Motion: Morasco; Second: J. Garcia; Approved: 5-0

### PUBLIC HEARINGS

**11. CONTINUED - A REQUEST TO REMOVE A CONDITION OF APPROVAL APPLIED TO A MAJOR PLOT PLAN REQUIRING FUNDING OF ONGOING MUNICIPAL SERVICES REQUIRED BY THE PROJECT**

Request the City Council uphold the Planning Commission recommendation of denial (4-2-1) to modify a Major Plot Plan in order to eliminate a condition of approval requiring funding of ongoing municipal services. The request is for a project condition of approval required for a 44-unit apartment project located at 1860, 1866, 1870 & 1896 S. Escondido Blvd. and the City Council may a) adopt Resolution No. 2023-152, denying a modification and upholding a condition of approval; or b) adopt Resolution No. 2023-153, granting the modification and waiving the condition of approval. (File Number 0800-30)

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

Presenter: Veronica Morones, City Planner

a) Resolution No. 2023-152

b) Resolution No. 2023-153

Motion to approve applicants request to waive the CFD condition: Morasco; Second: C. Garcia; Approved: 5-0

**12. SPECIFIC PLAN AMENDMENT, MAJOR PLOT PLAN AND DENSITY BONUS FOR A 21-UNIT, MULTI-FAMILY RESIDENTIAL/MIXED-USE PROJECT - PHG20-0036**

Request the City Council introduce Ordinance No. 2023-20 adopting an Addendum to the Final Negative Declaration adopted for the South Centre City Specific Plan and approve an



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

amendment to the South Centre City Specific Plan. Additionally, adopt Resolution No. 2023-171 approving a Major Plot Plan and Density Bonus for a 21-unit mixed-use project. (File Number 0810-20)

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

Presenter: Jay Paul, Senior Planner

a) Ordinance No. 2023-20 (First Reading and Introduction)

b) Resolution No. 2023-171

Motion: Morasco; Second: C. Garcia; Approved: 5-0

### CURRENT BUSINESS

**13. DEPUTY MAYOR APPOINTMENT**

Request the City Council appoint a Deputy Mayor in accordance with Ordinance No. 2020-28. (File Number 0610-70)

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk

Motion to appoint Councilmember Christian Garcia: Morasco; Second: White; Approved: 4-1 (Martinez – No)

**14. COUNCIL RESOLUTION OPPOSING THE REMOVAL OR REPURPOSING OF ANY EXISTING ROADWAY TRAFFIC LANES**

Request the City Council adopt Resolution No. 2023-172, objecting to the removal or repurposing of any travel lanes for purposes of accommodating state or NCTD Climate Goals. (File Number 0680-20)

Staff Recommendation: Approval (City Council: Mayor Dane White)

Presenter: Mayor Dane White

a) Resolution No. 2023-172

Item moved to January 10, 2024.

### FUTURE AGENDA



# CITY of ESCONDIDO

## COUNCIL MEETING MINUTES

### 15. **FUTURE AGENDA**

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

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

### **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](http://www.escondido.org).

#### **ORAL COMMUNICATIONS**

Jasper Anda – Requested the City Council pass a resolution for a ceasefire between Hamas and Israel.

Esmeralda Arbizu – Requested the City Council pass a resolution for a ceasefire between Hamas and Israel.

Samya Noori – Requested the City Council pass a resolution for a ceasefire between Hamas and Israel.

Leve Falasteen – Requested the City Council pass a resolution for a ceasefire between Hamas and Israel.

Cynthia Gruchy – Requested the City Council pass a resolution for a ceasefire between Hamas and Israel.

Cynthia Gonzalez – Requested the City Council pass a resolution for a ceasefire between Hamas and Israel.

#### **ADJOURNMENT**

Mayor White adjourned the meeting at 6:08 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



# STAFF REPORT

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## ITEM NO. 4

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### 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

January 10, 2024  
File Number 0440-15

## SUBJECT

**A RESOLUTION IN SUPPORT OF AN APPLICATION BY THE DEVELOPERS OF THE NUTMEG CONDOMINIUM PROJECTS FOR TAX-EXEMPT BOND FUNDING OF DEVELOPMENT IMPACT FEES VIA THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY'S BOND OPPORTUNITIES FOR LAND DEVELOPMENT PROGRAM**

## DEPARTMENT

Development Services

## RECOMMENDATION

Request the City Council adopt Resolution No. 2024-09 in support of an application by the developer of the Nutmeg Projects for tax-exempt bond funding of development impact fees. The application will be submitted to the California Municipal Finance Authority's ("CMFA") for consideration of funding via the Bond Opportunities for Land Development ("BOLD") Program.

Recommendation: Approval (Development Services: Christopher W. McKinney, Deputy City Manager)

Presenter: Christopher W. McKinney, Deputy City Manager

## FISCAL ANALYSIS

There is no direct expenditure of funds by the City. All costs related to the formation, issue of bonds, and ongoing administration for any Community Facilities District ("CFD") formed by the BOLD program as a result of the application is the responsibility of CMFA. If bond funds are issued to fund facilities projects in the City, Finance Department staff will be responsible for monitoring the timely and appropriate expenditure of the project funds. Staff and processes are already in place to monitor other sources of bond financing (e.g., Water and Wastewater bond funding), so the additional monitoring is not anticipated to additionally burden staff. All future City project costs, including project management cost, would be funded through the bond proceeds. The bonds themselves would be repaid through property assessments on future homeowners.

The table on the following page shows the funding that the developer is planning to submit to the CMFA BOLD Program to cover development impact fees of the 134-unit Nutmeg Projects. If tax-exempt bonds are sold to fund the project's impact fees, the City will have 3 years to identify specific projects within the City and expense the funds. These levels of funding – both the amounts in each category and the total amount – are not final and are pending CMFA's processing of the developer's application.



# CITY of ESCONDIDO

## STAFF REPORT

### **PROPOSED FEES TO BE FUND VIA CMFA BOLD PROGRAM TAX-EXEMPT BOND FUNDING**

	<u>Per Unit</u>	<u>Total</u>
Attached Condominium Units (37 2BR and 97 3BR)		134
<b>City of Escondido Development Impact Fees [a]</b>		
Public Facility Fee	\$ 4,970	\$ 665,979
Drainage Facilities Fee	469	62,875
Water Connection Fee	-	-
Wastewater Connection Fee (Per Unit Average)	6,982	935,625
Parks	6,664	892,944
Local Traffic Fee	2,095	280,780
Regional Traffic Fee	2,688	360,220
Infrastructure Deposit Fee ***	1,500	201,000
Habitat Mitigation ***	3,645	488,464
Total	<u>\$ 29,014</u>	<u>\$ 3,887,887</u>

### **PREVIOUS ACTION**

On November 15, 2023, the City Council held a Public Hearing and adopted Resolution No. 2023-155 authorizing City participation in the California Municipal Finance Authority's ("CMFA") Bond Opportunities for Land Development ("BOLD") Program.

### **BACKGROUND**

#### Nutmeg Projects

The Nutmeg Projects are two condominium projects totaling 134 units. Both projects are located immediately to the west of Centre City Parkway on either side of Nutmeg Street in northern Escondido. The smaller project, comprised of 37 units on 2.33 acres, is located on the north side of Nutmeg Street and was approved in 2019. The larger project, comprised of 97 units on 4.37 acres, is located on the south side of Nutmeg Street and was approved in 2020. As shown in the table above, the developer will likely apply for bond funding to cover water and wastewater fees, as well as Parks Fees and Traffic Fees, among others. The developer will also seek bond funding for fees owed to the Rincon del Diablo Municipal Water District and the Vista Irrigation District, both of which are CMFA members and BOLD Program participants. The anticipated BOLD Program application will be the first such application since the City Council approved participation by the City of Escondido.



# CITY of ESCONDIDO

## STAFF REPORT

### BOLD Program

CMFA instituted the BOLD program to aid municipalities in their mission to provide infrastructure and other public facilities, such as schools. The BOLD Program offers a means to finance new or continuing construction of infrastructure and public facilities through bonds. These bonds are issued by CMFA as an alternative to issuance of land-secured bonds directly by the City. The BOLD Program is designed to help local governments, including cities and schools, and land developers throughout the State to work together to cost effectively finance public infrastructure projects and development fees.

Under the BOLD Program, bonds are issued by a community facilities district (“CFD”) formed by CMFA under the Mello-Roos Community Facilities Act of 1982 (California Government Code Section 53311 et seq.) (“Act”). The Act offers great financing flexibility and is commonly used by cities, schools and other local agencies throughout the State to generate funds for the payment of public facilities, including development fees for facilities.

The BOLD Program is managed by CMFA through a team of bond industry professionals with experience in CFDs in the State. According to CMFA, all bond industry professionals engaged by CMFA have expertise in CFD bond issues. Presently, the BOLD Program uses Jones Hall for bond counsel, Koppel & Gruber for special tax consulting services, and Piper Sandler & Co. for underwriting services. The City, at its option, may use a municipal advisor of its choosing to review future BOLD Program applications and/or other program documents, with all related costs payable from bond proceeds.

### **STAFF RECOMMENDATION**

Staff recommends adoption of Resolution No. 2024-09 supporting an application by the developer of the Nutmeg Projects for tax-exempt bond funding of development impact fees via the CMFA BOLD Program.

### **RESOLUTIONS**

- a. Resolution No. 2024-09

RESOLUTION NO. 2024-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, IN SUPPORT OF AN APPLICATION BY THE DEVELOPERS OF THE NUTMEG CONDOMINIUM PROJECTS FOR TAX-EXEMPT BOND FUNDING OF DEVELOPMENT IMPACT FEES VIA THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY’S BOND OPPORTUNITIES FOR LAND DEVELOPMENT PROGRAM

WHEREAS, the California Municipal Finance Authority (the “CMFA”) is a joint exercise of powers authority, the members of which include numerous cities, counties and other local agencies in the State of California (the “State”); and

WHEREAS, the City of Escondido (the “City”) is currently a member of CMFA in good standing; and

WHEREAS, the City Council authorized, via adoption of Resolution No. 2023-155, the City’s participation in the CMFA’s Bond Opportunities for Land Development Program (the “BOLD Program”), which allows the financing of certain public facilities and/or certain development impact fees through the levy of special taxes under the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, the City Council approved two condominium developments in 2019 and 2020 to the west of Centre City Parkway on both the north side (37 units) and south side (97 units) of Nutmeg Street in the City of Escondido (“the Nutmeg Condominium Properties”); and

WHEREAS, the property owner and developer of Nutmeg Condominium Properties wish to apply to CMFA for tax-exempt bond financing for certain development fees via the BOLD Program; and

WHEREAS, the City finds that the BOLD program offered by the CMFA can provide significant public benefits, and in conformance with Government Code Section 6586.5 relating to the issuance of bonds by a joint powers authority of which the City is a member.

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

1. The City of Escondido supports an application by the developers of the Nutmeg Condominium Projects for tax-exempt bond funding of development impact fees via the CMFA's BOLD Program.

2. The City's responsibilities during the application submission, application review, potential issue of bonds, and future expenditure of bond funds are those described in Resolution No. 2023-155, which approved the City's participation in the BOLD Program.



# STAFF REPORT

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January 10, 2024  
File Number 0480-70

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## SUBJECT

**SAN DIEGO SENIORS COMMUNITY FOUNDATION EMPOWER SAN DIEGO SENIOR CENTERS GRANT – \$12,000**

## DEPARTMENT

Economic Development, Community Services Department

## RECOMMENDATION

Request the City Council adopt Resolution No. 2024-01 authorizing the Director of Economic Development to receive a \$12,000 grant from the San Diego Seniors Community Foundation.

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

Presenter: Jilaine Hernandez, Community Services Supervisor

## FISCAL ANALYSIS

This action will have no impact on the General Fund Budget and does not require matching funds.

## PREVIOUS ACTION

None.

## BACKGROUND

The City of Escondido has been awarded \$12,000 from the San Diego Seniors Community Foundation for the Empower San Diego Seniors Grant. The Empower Grant is designed to provide funding to grow public awareness, increase clientele, and develop a long-term planned giving strategy for the Park Avenue Community Center (“PACC”), Home of the Escondido Senior Center.

The San Diego Senior Community Foundation will select a marketing consultant, at their expense, that will provide general strategies for publicizing programmatic activities at grant selected senior centers. The consultant will then work individually with the supervisor at the PACC to develop customized marketing and public relations programs and collateral which is designed to increase the visibility of the senior center thereby growing participation and associated revenue. The awarded grant funding shall be used to pay for the resources and marketing materials identified by the consultant as a part of this outreach effort. These may include but are not limited to digital marketing through social media and email, print media



# CITY *of* ESCONDIDO

## STAFF REPORT

such as flyers and newspapers, or non-traditional advertising through street banners and movie theatre ads as advised by the consultant.

As a part of the work with the consultant, City staff will also be exploring opportunities for establishing a long-term philanthropic giving program. This could provide the foundation for a lasting funding mechanism that would potentially alleviate some of the senior center's reliance on the general fund. The development of such a program could provide continued low-cost enrichment and socialization activities that would not be dependent on or subject to municipal funding.

The grant period spans calendar year 2024 with final reporting due no later than January 31, 2025.

### **RESOLUTIONS**

- a. Resolution No. 2024-01

### **ATTACHMENTS**

- a. Attachment "1" – Budget Adjustment
- b. Attachment "2" – Empower San Diego Seniors Centers Grant Award Letter



# BUDGET ADJUSTMENT REQUEST

Department:	Community Services Department	<b><u>For Finance Use Only</u></b>  BA # _____  Fiscal Year _____
Department Contact:	Robert Rhoades	
City Council Meeting Date: <i>(attach staff report)</i>	01/10/2024	

**EXPLANATION OF REQUEST**

Acceptance of \$12,000 grant from the San Diego Seniors Community Foundation. The grant will support opportunities to grow public awareness, increase clientele, and develop a long-term planned giving strategy for the Park Avenue Community Center (PACC), Home of the Escondido Senior Center.

**BUDGET ADJUSTMENT INFORMATION**

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Miscellaneous Agencies	<b>4121-401-New Project</b>	<b>\$12,000.00</b>	
San Diego Seniors Community Foundation Empower Grant	<b>0000-401-New Project</b>	<b>\$12,000.00</b>	

**APPROVALS**

DocuSigned by:  FEB75BFBF5F84F6...	DocuSigned by:  99A33925FA6B449...
_____ <b>DEPARTMENT HEAD</b>	_____ <b>FINANCE</b>
_____ <b>DATE</b>	_____ <b>DATE</b>



December 7, 2023

**Board of Directors**

Bob Kelly  
Founder

Ted Chan  
Chair

Derek Quackenbush  
Treasurer

John Wylie  
Secretary

Abigail Sahn

Adrienne Vargas

Daniel L. Gross

Joaquin Anguera

Pam Smith

Randi Larsson

**Team Members**

Bob Kelly  
Founder, CEO

Jerry Ray  
Co-Founder,  
Chief Financial  
& Operating Officer

Joe Gavin  
Chief Programs and  
Community Engagement  
Officer

Kristoffer Kelly  
Director of Development  
& Partnerships

City of Escondido  
Escondido Park Avenue Senior Center  
201 Broadway  
Escondido, CA 92025

Attn: Jilaine Hernandez [jahernandez@escondido.org](mailto:jahernandez@escondido.org)

Re: December 2023 SDSCF **Empower San Diego Senior Centers** Grant Award

Hello Jilaine,

Congratulations! Escondido Park Avenue Senior Center has been selected to receive a grant from the San Diego Seniors Community Foundation (the "Foundation") in the amount of \$12,000 ("the Grant"). The Grant is awarded in response to the Letter of Interest you submitted for the Foundation's December 2023 Empower San Diego Senior Centers grant cycle. The Foundation's Board of Directors approved funding to support the following purposes:

- Marketing/PR funding for growing public awareness, increasing clientele and membership, and developing long-term planned giving strategies.
  - **Note:** SDSCF will be interviewing and selecting one or two marketing firms to ensure reliable representation and consistent messaging. Grantees awarded funding for marketing will be required to use one of those firms. **Grant awards for marketing will be issued once this process is completed.** Your agency will then be able to work directly with the marketing firm.

Please note that we are bypassing the "Full Application" process, relying instead on the information provided in your Letter of Interest. To supplement that information, our Chief Program Officer, Joe Gavin, may reach out to you to discuss grant outputs, outcomes, and key measurements, so that there is mutual understanding and agreement on how impact will be assessed and evaluated.

The period for this Grant is from January 1, 2024, to December 31, 2024. In July 2024, please submit a two-to-three-page mid-term report on letterhead, 12 pt font, describing your progress to-date, and any interim outcomes. A final report will be required in January 2025, to be submitted in the SmarterSelect software application. A link will be provided at that time. In your final report, please inform us of your successes and challenges in attaining your projected outcomes.

Grant funds awarded by the Foundation may be expended only for charitable, scientific, literary, or educational purposes as described under Internal Revenue Code Section 501(c)(3) and only for the specific purposes stated in this letter. You agree that the Grant funds will be used only for such purposes and that no material variances will be made from the stated purpose of the Grant without the Foundation's prior written approval. Any Grant funds not expended for the purpose of the Grant will be returned to the Foundation.

If this letter correctly sets forth your understanding of the terms of this Grant, please signify your organization's agreement to such terms by completing the information below and having the appropriate officer sign where indicated. Then scan and email a copy of both pages of the signed original to [joe@sdsf.org](mailto:joe@sdsf.org) and [jerry@sdsf.org](mailto:jerry@sdsf.org). This will expedite the issuance and receipt by you of the grant check. There is no need to mail a hard copy original.

If you have any questions, please contact Joe Gavin at [joe@sdsf.org](mailto:joe@sdsf.org).

Once again, congratulations on the grant award and best wishes for a successful project.



Bob Kelly  
Founder, Director



\_\_\_\_\_ ACCEPTS AND HEREBY AGREES TO THE TERMS OF THE GRANT.

AGENCY NAME

BY: \_\_\_\_\_

AUTHORIZED SIGNATURE

TITLE

PRINTED NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

FEDERAL ID NUMBER: \_\_\_\_\_

STATE Corporate ID NUMBER: (see note below \*) \_\_\_\_\_

CORRECT PAYEE NAME FOR GRANT CHECK: \_\_\_\_\_

CORRECT ADDRESS TO SEND GRANT CHECK: \_\_\_\_\_

\_\_\_\_\_

**\* We are looking for the seven-digit State of California Corporate ID number. You can find it on your recorded Articles of Incorporation or on your annual Form 199 filing with the Franchise Tax Board. If the number begins with the digit "0", please include that. Federal ID and State ID numbers are used to verify that your organization is in good standing with the California State Franchise tax board, the California Attorney General's office, and the IRS. Thank you for your help in this due diligence process.**

RESOLUTION NO. 2024-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE DIRECTOR OF ECONOMIC DEVELOPMENT TO RECEIVE A \$12,000 GRANT FROM THE SAN DIEGO SENIOR COMMUNITY FOUNDATION

WHEREAS, in the last census the City of Escondido's senior population (60+) grew to 28,885 or 19.1% of the general population; and

WHEREAS, the Older Adult Services Division of the Community Services Department offers outreach and support to isolated seniors through socially connected programming and socialization events; and

WHEREAS, the San Diego Seniors Community Foundation is dedicated to increase awareness and action toward issues impacting seniors and to increase philanthropy to senior-focused organizations; and

WHEREAS, the Director of Economic Development recommends the acceptance of \$12,000 Empower San Diego Senior Centers Grant from the San Diego Seniors Community Foundation.

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

1. That the above recitations are true.
2. That the City Council authorizes the Director of Economic Development, or her designee, to execute all necessary documents, in forms approved by the City Attorney's Office, to accept all grant funds.
3. That the City Council approves of any necessary budget adjustments to expend funds received for the purposes stated herein.

4. The Community Services Department shall expend \$12,000 grant funds in accordance with the terms and requirements of the grant agreement.



# STAFF REPORT

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January 10, 2024  
File Number 0480-70

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## SUBJECT

### **FISCAL YEAR 2023-24 STATE OF CALIFORNIA CITIZEN'S OPTIONS FOR PUBLIC SAFETY PROGRAM GRANT AND BUDGET ADJUSTMENT**

## DEPARTMENT

Police Department

## RECOMMENDATION

Request the City Council adopt Resolution No. 2024-04 authorizing the Escondido Police Department to accept a FY 2023-24 Citizens' Option for Public Safety Program Grant in the amount of \$232,909; approving grant expenditures consistent with guidelines in AB1913; authorizing the Chief of Police or his designee to execute grant documents on behalf of the City; and approving budget adjustments needed to spend grant funds. Grand Funds will cover salary expenses for part-time Police Department employees.

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

Presenter: Edward Varso, Chief of Police

## FISCAL ANALYSIS

Grant funds will be used to augment the Escondido Police Department Operating Budget and will have no impact on the General Fund Budget.

## PREVIOUS ACTION

On November 16, 2022, the City Council accepted FY 2022-2023 State of California Citizens' Option for Public Safety Program Grant in the amount of \$232,722, to cover salary expenses for part-time Police Department employees.

## BACKGROUND

Existing law establishes Supplemental Law Enforcement Services Funds and requires monies from these funds to be allocated to counties and cities for purposes of the Citizens' Option for Public Safety Program. In September 2000, the California State Legislature chaptered AB 1913, the Schiff-Cardenas Crime Prevention Act of 2000, which increased appropriations for these funds and established new formulas for State Citizens' Option for Public Safety allocations.



# CITY of ESCONDIDO

## STAFF REPORT

The Escondido Police Department received a FY 2023-24 Citizens’ Option for Public Safety Program Grant award in the amount of \$232,909. This grant supports front-line law enforcement services with the intention of enhancing public safety within the community.

The Police Department proposes to use its allocation to cover part-time employees’ salaries and benefits. Positions funded by the allocation include Department Specialists in the Traffic Division, Patrol Division, Investigations Bureau, Services Bureau, and the Internal Affairs Unit. These part-time employees perform support services that allow front-line law enforcement officers to handle high-priority calls.

These grant funds have been an integral component for the Escondido Police Department’s operations for nearly twenty years. Without this funding, the Police Department would be unable to maintain its part-time staff. Approximately 45 part-time employees are funded by this grant. These employees perform administrative and operational duties that would otherwise fall to sworn officers. This necessary funding has allowed for support staff to remain a vital part of the operations of the Escondido Police Department.

### RESOLUTIONS

- a. Resolution No. 2024-04

### ATTACHMENTS

- a. Attachment “1” – Budget Adjustment

## RESOLUTION NO. 2024-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT THE FISCAL YEAR 2022-23 STATE OF CALIFORNIA CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM GRANT IN THE AMOUNT OF \$232,909; AND EXECUTE ALL NECESSARY BUDGET ADJUSTMENTS

WHEREAS the City of Escondido desires to improve efficient law enforcement services to the community; and

WHEREAS, the Escondido Police Department has designated the Fiscal Year 2023-24 State of California Citizen's Option for Public Safety Program Grant to fund salary and benefit expenses of part-time personnel to address this goal; and

WHEREAS, the Fiscal Year 2023-24 State of California Citizen's Option for Public Safety Program Grant is made available by the California State Legislature AB 1913 through the Schiff-Cardenas Crime Prevention Act of 2000 in the amount of \$232,909.

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

1. That the above recitations are true.
2. That the City Council authorizes the Chief of Police of the City of Escondido to accept the Fiscal Year 2023-24 State of California Citizen's Option for Public Safety Program Grant in the amount of \$232,909 and execute all documents necessary for the management and completion of the grant scope including any extensions and amendments thereof.
3. That the City Council approves and adopts the budget adjustment to accept and expend the grant funds.



# BUDGET ADJUSTMENT REQUEST

Department:	Police Department	<b>For Finance Use Only</b> BA # _____ Fiscal Year _____
Department Contact:	Barbara MarLett	
City Council Meeting Date: <i>(attach staff report)</i>	January 10, 2024	

**EXPLANATION OF REQUEST**

A budget adjustment is needed to spend FY 2023-24 grant funds for part-time salaries and overhead to support Escondido Police Department activities.

(Request new project # GCOP24)

**BUDGET ADJUSTMENT INFORMATION**

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue	4127-450-New Project Number	\$232,909	
Police Grants	450-New Project Number	\$232,909	

**APPROVALS**

DocuSigned by:  DC4B0C7FA65B4BD...	1/3/2024	DocuSigned by:  99A33925FA6B449...	1/3/2024
<b>DEPARTMENT HEAD</b>	<b>DATE</b>	<b>FINANCE</b>	<b>DATE</b>





# STAFF REPORT

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January 10, 2024  
File Number 0480-70

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## SUBJECT

**FY 2022-23 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT – LOCAL SOLICITATION AND BUDGET ADJUSTMENT**

## DEPARTMENT

Police Department

## RECOMMENDATION

Request the City Council adopt Resolution No. 2024-03 to authorize the Police Department to accept a \$46,913 FY 2022-23 Edward Byrne Memorial Justice Assistance Grant (JAG); authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. Grant funds will cover salary expenses for part-time patrol technicians.

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

Presenter: Edward Varso, Chief of Police

## FISCAL ANALYSIS

This action will have no impact on the FY 2023-24 Operating Budget. Grant funds will be used for expenses related salary and benefits of part-time patrol technicians.

## PREVIOUS ACTION

On November 16, 2022, the City Council approved a FY 2020-21 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Local Solicitation Grant.

## BACKGROUND

The Escondido Police Department has been awarded a \$46,913 FY 2022-23 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant. Grant funds will cover salary and benefit expenses for two part-time patrol technicians.

Patrol Technicians are assigned to the Patrol Division and are utilized to augment front-line law enforcement services allowing officers to focus on crime-prevention and suppression efforts.



# CITY *of* ESCONDIDO

## STAFF REPORT

Patrol Technicians are an asset to the community. They take non-violent crime reports, prepare and process paperwork, impound found property and evidence, bring important paperwork to the District Attorney and the courts, as well as other necessary tasks. All of these duties would otherwise be performed by sworn police officers. The support of the Patrol Technicians allows for sworn police officers to handle their patrol duties, more serious crime investigations, and other vital assignments.

### RESOLUTIONS

- A. Resolution No. 2024-03

### ATTACHMENTS

- B. Attachment "1" – Budget Adjustment

RESOLUTION NO. 2024-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT THE FISCAL YEAR 2022-23 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$46,913; AND EXECUTE ALL NECESSARY BUDGET ADJUSTMENTS

WHEREAS, the City of Escondido desires to improve efficient law enforcement services to the community; and

WHEREAS, the Escondido Police Department has designated the Fiscal Year 2022-23 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) to fund salary and benefit expenses of part-time personnel to address this goal; and

WHEREAS, the Fiscal Year 2022-23 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant funds are made available through the U.S. Department of Justice in the amount of \$46,913.

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

1. That the above recitations are true.
2. That the City Council authorizes the Chief of Police of the City of Escondido to accept the Fiscal Year 2022-23 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant in the amount of \$46,913, and execute all documents necessary for the management and completion of the grant scope, including any extensions and amendments thereof.

3. That the City Council approves and adopts the budget adjustment to accept and expend the grant funds.



# BUDGET ADJUSTMENT REQUEST

Department:	Police Department	<b>For Finance Use Only</b>  BA # _____  Fiscal Year _____
Department Contact:	Barbara MarLett	
City Council Meeting Date: <i>(attach staff report)</i>	January 10, 2024	

**EXPLANATION OF REQUEST**

A budget adjustment is needed to spend FY 2022-23 Edward Byrne Memorial Justice Assistance Grant (JAG) funds for part-time personnel.

(Request new project # GEBM23)

**BUDGET ADJUSTMENT INFORMATION**

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue	4128-451-New Project Number	\$46,913	
Police Grants	451-New Project Number	\$49,913	

**APPROVALS**

DocuSigned by:  Edward Varso 1/3/2024 <small>DC4B0C7FA65B4BD...</small>	DocuSigned by:  Lorena Rocha 1/3/2024 <small>99A33925FA6B449...</small>		
<b>DEPARTMENT HEAD</b>	<b>DATE</b>	<b>FINANCE</b>	<b>DATE</b>



# STAFF REPORT

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January 10, 2023  
File Number 0690-80

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## SUBJECT

### CONSENT TO RECORDATION OF AMENDED AND CORRECTED EASEMENT DEED

## DEPARTMENT

City Attorney

## RECOMMENDATION

Request the City Council adopt Resolution No. 2024-07 consenting to and accepting an Amended and Corrected Easement Deed in real property for recordation with the San Diego County Assessor/Recorder/County Clerk.

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

Presenter: Michael McGuinness, City Attorney

**ESSENTIAL SERVICE** – Yes, internal requirement in support of Clean Water, Sewer, and Public Works/Infrastructure.

## FISCAL ANALYSIS

The recordation of the Amended and Corrected Deed is a component of a settlement of litigation and as a public agency, there is no cost to the City for this service pursuant to Government Code §§ 6103, 27383 and 27388.1.

## PREVIOUS ACTION

On December 6, 2023, the City Council approved the resolution of litigation in the case of *City of Escondido v. Patterson*, San Diego Superior Court Case No. 37-2022-00004144-CU=BC-NC ("Litigation"). A condition of that settlement included the recordation of an Amended and Corrected Easement Deed related to the real property owned by the defendant in the lawsuit reflecting revisions to the original easement deed recorded on November 17, 2020, Instrument No. 2020-0722625, in the Official Records of the County of San Diego.

## BACKGROUND

On December 6, 2023, the Council authorized settlement of the Litigation related to claims, including inverse condemnation, arising out of the Recycled Water Easterly Agricultural Distribution System Project ("Project"). As part of that settlement, the Defendant in the action agreed to execute, and has duly



# CITY of ESCONDIDO

## STAFF REPORT

executed, an Amended and Corrected Easement Deed to reflect corrections to an earlier easement deed executed and recorded November 17, 2020, as Instrument No. 2020-0722625, in the Official Records of the San Diego County Assessor/Recorder's Office.

A settlement agreement was fully executed by all parties to the litigation on December 8, 2023. As part of that settlement, and for the benefit and interests of the City, it must record an updated easement on Assessor's Parcel Number 241-020-10 for the operation and location of the Project pipeline and related easement area. Before recording, and for purposes of protecting a public entity from having individuals with no authority to record instruments on behalf of a public entity, Government Code § 27281 requires any instrument conveying an easement to a public entity be accompanied by evidence that the public entity consents to the grant.

The County Recorder's Office has requested a Certificate of Acceptance of the Amended and Corrected Easement Deed in substantially the form attached hereto as Attachment "1" and as Exhibit "A" to Resolution No. 2024-XX.

In support of perfecting the amended and corrected easement deed needed for this Project, and made a part of the settlement of the Litigation, staff recommends the adoption of Resolution No. 2024-XX granting authority to the City Manager to execute Exhibit "A," a Certificate of Acceptance related to a portion of real property APN 241-020-010-00, and/or such other forms as required by the San Diego County Recorder's Office to implementing all terms of the Litigation settlement agreement.

### RESOLUTIONS

- a. Resolution No. 2024-XX
- b. Resolution No. 2024-XX - Exhibit "A" Certificate of Acceptance

### ATTACHMENTS

- a. Attachment "1" - Certificate of Acceptance

**CERTIFICATE OF ACCEPTANCE**  
(California Government Code Section 27281)  
(Related to a portion of APN 241-020-010-00)

This is to certify that the interest in real property conveyed by that certain Amended and Corrected Easement Deed dated December 8, 2023, from Robin L. Patterson, as Trustee of the Robin L. Patterson Family Trust Dated October 17, 2008, to the City of Escondido, which is a California municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of Escondido and Escondido City Council pursuant to the authority conferred by resolution of the Escondido City Council on January 10, 2024, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: January \_\_\_\_, 2024

CITY OF ESCONDIDO

By \_\_\_\_\_  
Sean McGlynn, City Manager  
of the City of Escondido



RESOLUTION NO. 2024-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, CONSENTING TO AND GRANTING THE CITY MANAGER AUTHORITY TO EXECUTE THE CERTIFICATE OF ACCEPTANCE OF AN AMENDED AND CORRECTED EASEMENT DEED FOR REAL PROPERTY RELATED TO APN 241-020-010-00 AND RELATED DOCUMENTS

WHEREAS, on December 6, 2023, the City Council of the City of Escondido approved the settlement of litigation in the case of *City of Escondido v. Patterson*, San Diego Superior Court Case No. 37-2022-00004144-CU=BC-NC (“Litigation”). The Litigation related to claims, including inverse condemnation, arising out construction of the Recycled Water Easterly Agricultural Distribution System Project (“Project”). A condition of that settlement included the recordation of an Amended and Corrected Easement Deed a copy of which is attached hereto as Exhibit “A” related to the real property owned by the defendant in the Lawsuit reflecting revisions to the original easement deed recorded on November 17, 2020, Instrument No. 2020-0722625, Assessor's Parcel Number 241-020-10, in the Official Records of the County of San Diego (“Property”); and

WHEREAS, a settlement agreement of the Litigation was fully executed by all parties to the litigation on December 8, 2023. As part of that settlement and for the benefit, and in the interests, of the City, a corrected easement deed related to the Property must be recorded with the San Diego County Recorder’s Office (“Recorder’s Office”) for the easement granted to the City for the operation of the Project pipeline; and

WHEREAS, Government Code § 27281 and the Recorder’s Office requires any instrument conveying an easement to a public entity be accompanied by evidence that the public entity consents to the grant; and

WHEREAS, the Recorder’s Office has requested a Certificate of Acceptance of the Amended and Corrected Easement Deed in substantially the form attached hereto as Exhibit “B;” and

WHEREAS, in support of perfecting the Amended and Corrected Easement Deed needed for this Project, and made a part of the settlement of the Litigation, the City Council on behalf of the City agrees and consents to the recordation of Exhibit “A” the Amended and Corrected Easement Deed and hereby grants authority to the City Manager to execute Exhibit “B,” a Certificate of Acceptance related to a portion of the Property, and/or any other documents and forms as required by the Recorder’s Office required to implement all terms of the Litigation settlement agreement and compliance with all relevant state and county law provisions to accomplish the recordation of the Amended and Corrected Easement Deed related to the Property.

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

1. The above recitations are true and are incorporated herein as though fully set forth.
2. That the City Council of the City of Escondido hereby agrees, accepts and consents to the recordation of the Amended and Corrected Easement Deed, a copy of which is attached hereto as Exhibit “A.”
3. That the City Council of the City of Escondido hereby grants the City Manager authority to execute Exhibit “B” attached hereto and/or any other documents as may be required by state law or the Recorder’s Office to perfect and record the Amended and Corrected Easement Deed and such other documents required to comply with the settlement agreement for the Litigation.

RECORDED FOR THE BENEFIT OF  
CITY OF ESCONDIDO

WHEN RECORDED RETURN TO:

City Clerk's Office  
City of Escondido  
201 North Broadway  
Escondido, CA 92025  
ATTN: Real Property Manager

No Fee Document – per Gov't Code §§ 6103, 27383,  
and 27388.1 (filing requested by municipality)  
No Document Transfer Tax - per R&T Code 11922

APN: 241-020-10-00 (portion of)

SPACE ABOVE THE LINE FOR RECORDER'S USE

**AMENDED AND CORRECTED  
EASEMENT DEED**

The undersigned Grantor declares: Documentary Transfer Tax is: \$0.00 (County Tax): and \$0.00 (City Tax).

- Unincorporated area of County of San Diego
- computed on full value of property conveyed, or
- computed on full value less liens or encumbrances remaining at time of sale

For Valuable Consideration, receipt so hereby acknowledged, ROBIN L. PATTERSON, AS TRUSTEE OF THE ROBIN L. PATTERSON FAMILY TRUST DATED OCTOBER 17, 2008 (GRANTOR) does hereby GRANT to the City of Escondido (GRANTEE), a California municipal corporation of the State of California, an Easement interest in that certain real property situated in the City of Escondido, County of San Diego, State of California, described as follows:

**SEE EXHIBIT "A", LEGAL DESCRIPTION, AND EXHIBIT "B", PLAT MAP ATTACHED  
HERETO AND MADE A PART HEREOF.**

Deed is executed and recorded to correct the legal description and plat map on that certain Easement Agreement recorded November 17, 2020, Instrument No. 2020-0722625, Official Records.

IN WITNESS WHEREOF, the undersigned Grantor has executed this Amended and Corrected Easement Deed as of this 8 day of December, 2023.

GRANTOR: Robin L. Patterson, as Trustee of the Robin L. Patterson Family Trust Dated October 17, 2008

By: Robin L. Patterson

Name: Robin L. Patterson

Its: Trustee of Robin L. Patterson Family Trust dated 10/17/2008

**EXHIBIT A**  
**(behind this page)**

J-19719

EXHIBIT "A"  
WATERLINE EASEMENT

APN 241-020-10

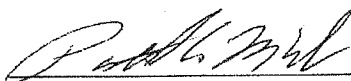
ALL THAT PORTION OF LOT 4 IN BLOCK 266 OF THE SUBDIVISION OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 725 BY J.M. GRAHAM FILED ON AUGUST 13<sup>TH</sup>, 1892 IN THE OFFICE OF SAID COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

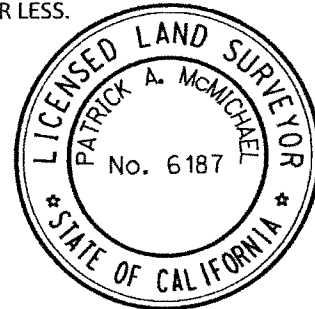
THE SOUTHERLY 20.00 FEET OF THAT PORTION OF SAID LOT 4 IDENTIFIED AS ASSESSOR PARCEL NUMBER 241-020-10, DESCRIBED IN GRANT DEED TO ROBIN L. PATTERSON AS DOCUMENT NO. 2019-0421268 OF OFFICIAL RECORDS, RECORDED ON SEPTEMBER 24<sup>TH</sup>, 2019.

ALSO;

BEGINNING AT THE EASTERLY TERMINOUS OF THE NORTHERLY LINE OF THE SOUTHERLY 20.00 FEET OF SAID LOT 4; THENCE ALONG SAID NORTHERLY LINE, NORTH 58°47'00" WEST. 330.16 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 61°23'38" EAST 326.63 FEET TO THE EASTERLY LINE OF SAID LOT 4 ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERDALE ROAD; THENCE ALONG SAID EASTERLY LINE, SOUTH 16°40'18" WEST 15.37 FEET TO THE POINT OF BEGINNING.

DESCRIBED PORTIONS MORE CLEARLY DEPICTED ON PAGES 2 AND 3 OF EXHIBIT "A" AND ATTACHED HERETO, CONTAINING AN AREA OF 0.68 ACRES (29,628 SQ. FT.), MORE OR LESS.


 8-28-2023  
PATRICK A. MCMICHAEL LS 6187



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**EXHIBIT B**  
**(behind this page)**

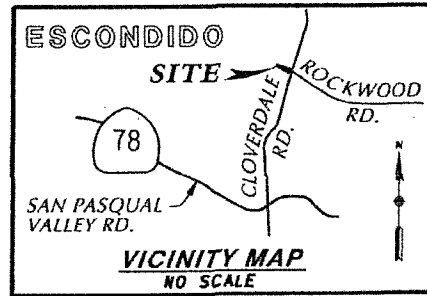
**LEGEND**

 WATERLINE EASEMENT GRANTED  
 CONTAINS 29,628± SQ. FT. (0.68 AC)

**POB** POINT OF BEGINNING

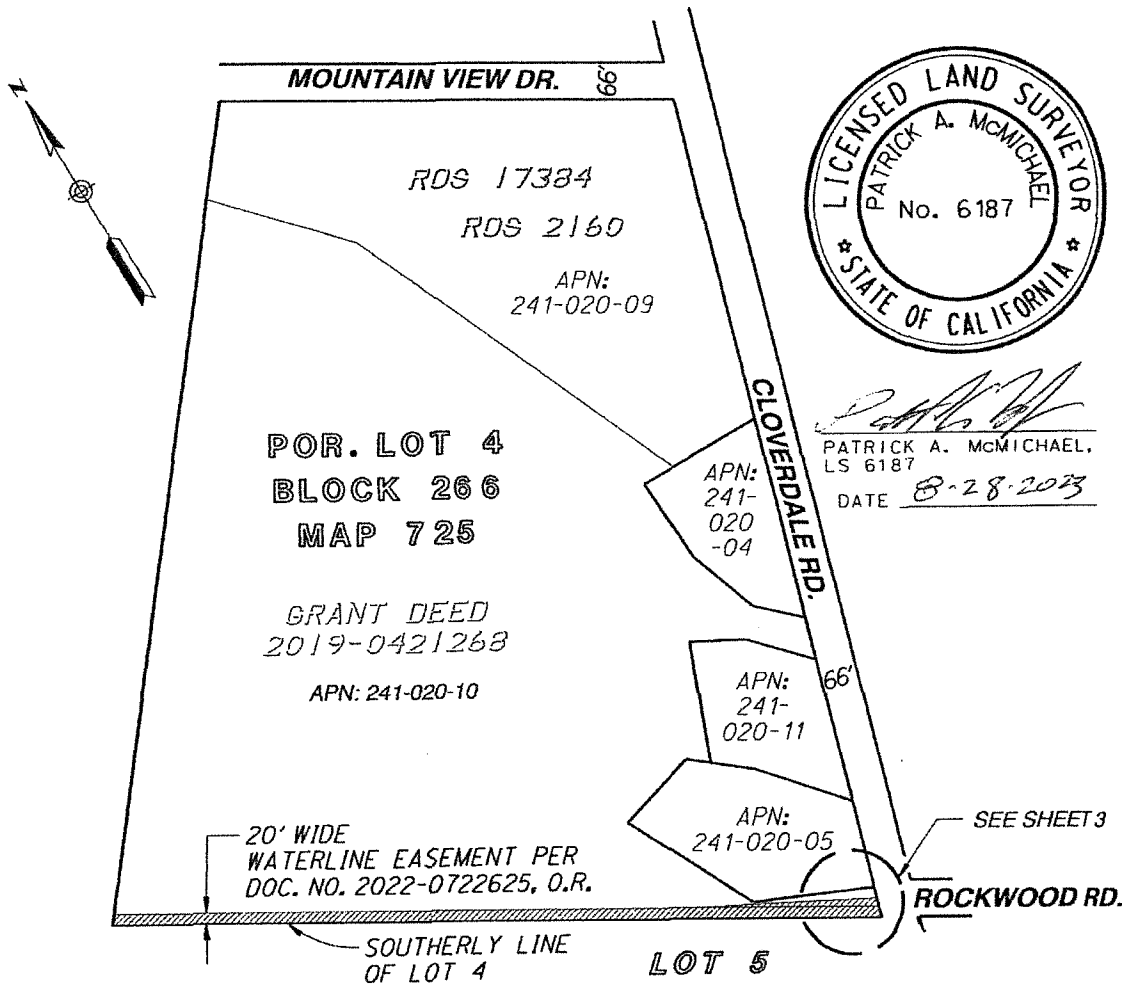
**BASIS OF BEARINGS**

BASIS OF BEARINGS FOR THIS PLAT IS  
 THE SOUTHERLY LINE OF LOT 4 PER  
 ROS 2160, I.E. N 58°47'00"W



300 150 0 300

GRAPHIC SCALE 1" = 300'



*Patrick A. McMichael*  
 PATRICK A. McMICHAEL,  
 LS 6187  
 DATE 8-28-2023

© 2023 Rick Engineering Company

Prepared by:



J. 19719

5620 FRIARS ROAD 619.291.0707  
 SAN DIEGO, CA 92110 (FAX)619.291.4165

PUBLIC WORKS DEPARTMENT, Engineering Division  
 201 North Broadway, CA 92025 (760) 839-4651

WATERLINE EASEMENT PLAT

EXHIBIT "A"

APN: 241-020-10



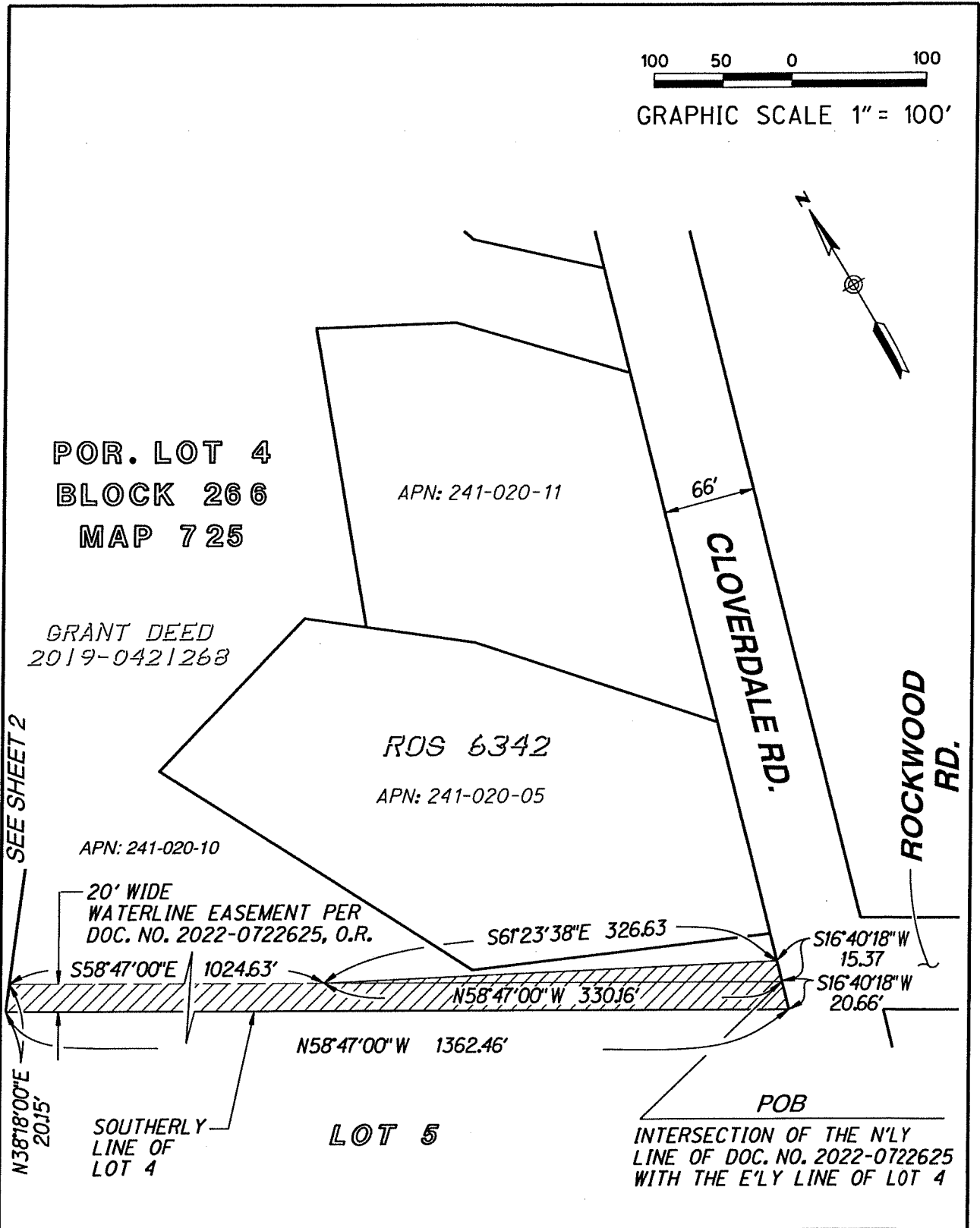
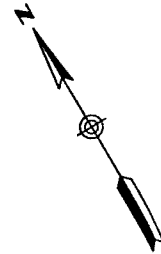
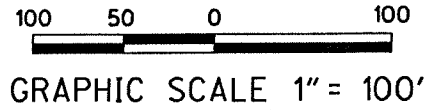
DOC NO:

SHEET 2 OF 3

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 28-AUG-2023 10:37



Item 9.



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Prepared by:  
**RICK**  
 ENGINEERING COMPANY J. 19719  
 5620 FRIARS ROAD 619.291.0707  
 SAN DIEGO, CA 92110 (FAX) 619.291.4165

PUBLIC WORKS DEPARTMENT, Engineering Division  
 201 North Broadway, CA 92025 (760) 839-4651

WATERLINE EASEMENT PLAT  
 EXHIBIT "A"  
 APN: 241-020-10

**ESCONDIDO**  
 City of Choice

DOC NO:  
 SHEET 3 OF 3

65

### ACKNOWLEDGMENT

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

State of California  
County of SAN DIEGO )

On December 8, 2023 before me, Maria G. Rocamora, Notary Public  
(insert name and title of the officer)

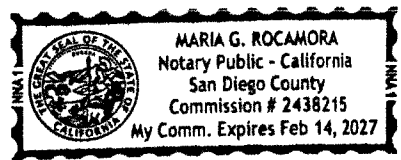
personally appeared Robin L. Patterson,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their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

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

WITNESS my hand and official seal.

Signature *Maria G. Rocamora*

(Seal)



**CERTIFICATE OF ACCEPTANCE**  
(California Government Code Section 27281)  
(Related to a portion of APN 241-020-010-00)

This is to certify that the interest in real property conveyed by that certain Amended and Corrected Easement Deed dated December 8, 2023, from Robin L. Patterson, as Trustee of the Robin L. Patterson Family Trust Dated October 17, 2008, to the City of Escondido, which is a California municipal corporation, is hereby accepted by the undersigned officer on behalf of the City of Escondido and Escondido City Council pursuant to the authority conferred by resolution of the Escondido City Council on January 10, 2024, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: January \_\_\_\_, 2024

CITY OF ESCONDIDO

By \_\_\_\_\_  
Sean McGlynn, City Manager  
of the City of Escondido



# STAFF REPORT

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January 10, 2024  
File Number 0480-55

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## SUBJECT

**REMOVAL OF CONDITION FOR PAYMENT OF DEFICIENCY FEE IN APPROVED DEVELOPMENT APPLICATION FOR ASH STREET PROJECT (PL22-0134/PL22-0154)**

## DEPARTMENT

City Attorney

## RECOMMENDATION

Request the City Council adopt Resolution No. 2024-08 settling a Fee Protest claim by removing a condition of development approval amounting to \$12,500 per unit imposed via adoption of a Tentative Subdivision Map in PL22-0134/PL22-0154.

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

Presenter: Michael McGuinness, City Attorney

## FISCAL ANALYSIS

If upheld by the court, the City could recover the subject deficiency fee amounting to \$12,500 per unit, or \$250,000 if the project is constructed according to the approved plans. If the court finds the condition of approval violates state law, the City would recover no deficiency funds and would be subject to the Developer's litigation costs and attorney's fees.

## PREVIOUS ACTION

On July 20, 2022, the City Council authorized the intake and processing of annexation request for the subject project.

On June 14, 2023, the City Council approved Resolution No. 2023-70 approving a Tentative Subdivision Map for a 20-unit Residential Subdivision; Authorizing Submittal of an Application for the Local Agency Formation Commission ("LAFCO") for Initiation of Proceedings for an Annexation and Reorganization of a 5.09 Acre Parcel at 0 Ash Street; and Adopting a Mitigated Negative Declaration Prepared for the Project.

On November 15, 2023, the City Council conferred with its legal counsel in Closed Session regarding a September 12, 2023 Fee Protest submitted by Escondido North LLC, Developer of the Project ("Developer" or "Claimant"). The Fee Protest claimed that a condition of approval requiring payment of a \$12,500 per unit deficiency fee violated state law including Government Code § 66001(g). The City Council voted 5-0 to settle the claim by removing the condition.



# CITY of ESCONDIDO

## STAFF REPORT

### BACKGROUND

Escondido North, LLC applied for a Tentative Subdivision Map and Annexation for a 20-unit residential subdivision (Planning Case No. PL22-0134/PL22-0154) (“Project”). The Project is located in the northern portion of the City of Escondido and is bounded by Stanley Avenue to the north, Ash Street to the east, and Lehner Avenue to the south. The Project site is addressed at 0 Ash Street (APN:224-130-10-00).

The Project would consist of 20 lots for residential purposes (19 market rate and 1 affordable) and 2 letter lots for open space and biofiltration system. The Project includes a request for a density bonus which enables an increase in the otherwise allowable residential density in exchange for the provision of affordable housing units. A complete Project description can be found in the June 14, 2023, City Council Staff Report (Attachment “1”).

A subject of contention between City staff and the Developer before both the Planning Commission and the City Council’s consideration of the Project was the imposition of a per unit deficiency fee related to the impacts of the Project on the surrounding infrastructure (“Deficiency Fee” or “Fee”). Before the matter was heard by the Planning Commission, City staff received a request by the Developer to remove the Deficiency Fee condition. Nevertheless, staff sought the Fee amounting to \$12,500 per lot for new development to facilitate the construction of needed infrastructure, such as sewer and water to service the area. Historically, the City had collected fees from development applicants in the area through a Development Agreement. Here, there being no Development Agreement, staff recommended the Fee requirement via a condition of approval. On May 23, 2023, the City’s Planning Commission adopted staff’s recommendation and conditioned its recommendation of approval on the payment of the Deficiency Fee.

On June 14, 2023, the City Council heard and considered the Developer’s application which included approval of a Tentative Subdivision Map of the Project, authorization to submit an application to LAFCO for initiation of proceedings for the annexation and reorganization of the parcel, and adoption of a Mitigated Negative Declaration. The City Council adopted Resolution No. 2023-70, approving the application and including the condition of the payment of the Fee as fair share contribution by the Developer for needed infrastructure improvements.

On September 12, 2023, Developer timely filed a Fee Protest pursuant to Government Code § 66020 (Attachment “2”). Developer contends that the imposition of the Deficiency Fee violates Government Code § 6600(g) because, *inter alia*, the Fee addresses existing deficiencies in an adjacent area codified in the Escondido Municipal Code unrelated to the Project location and amounts to an unsupported fee to address impacts that are not caused by the project.

The City does not concede the merits of the Developer’s protest but seeks to resolve the matter without further litigation, claims or costs. The protest raises claims related to the level of evidentiary support for the Fee which, if decided against the City, would eliminate any Fee recovery and will expose the City to



# CITY of ESCONDIDO

## STAFF REPORT

litigation costs and attorney's fees. The resolution of this specific claim does not constitute any past, present or future precedent to the lawfulness of deficiency fee conditions on other projects.

### ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. CEQA Guidelines Section 15367 states that a lead agency, in this case, the City of Escondido, is the agency that has the principal responsibility for carrying out or approving a project and is responsible for compliance with CEQA. As lead agency, the City completed an environmental review to determine if implementation of the Project would result in significant adverse environmental impacts. In compliance with CEQA, an Initial Study ("IS") was prepared to assist in making that determination. Based on the nature and scope of the Project and the evaluation contained in the IS environmental checklist, the City concluded that a Mitigated Negative Declaration ("MND") was the appropriate level of analysis for the Project. The Final IS/MND was included as Exhibit "C" to Resolution No. 2023-70 and remains unchanged by this action.

### CONCLUSION

The Project constitutes a residential subdivision that is compatible with the surrounding uses, makes efficient use of the subject property, includes much-needed affordable housing, and provides opportunities for home-ownership in a suburban setting where such housing is not typically available. The Project is also consistent with the provisions of Article 67 of the Escondido Zoning Code and State Density Bonus law.

The promotion of residential land development is a City Council priority. The imposition of fees which may negatively impact interest in future developments in the City, and those fees which expose the City to claims of violating state housing laws, should be carefully evaluated. The instant protest raises sufficient claims related to evidentiary support for the amount of the Fee such that the resolution by adoption of Resolution No. 2024-08 without admission of liability by any party is reasonable.

### RESOLUTIONS

- a. Resolution No. 2024-08

### ATTACHMENTS

- a. Attachment "1" – June 14, 2023 City Council Staff Report (without attachments)
- b. Attachment "2" – September 12, 2023 Ash Street Subdivision – Fee Protest

## RESOLUTION NO. 2024-08

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REMOVING A CONDITION OF APPROVAL FOR THE ASH STREET DEVELOPMENT APPLICATION PL22-0134/PL22-0154 TO PAY A PER UNIT DEFICIENCY FEE

WHEREAS, Escondido North, LLC (“Developer”) applied for a Tentative Subdivision Map and Annexation for a 20-unit residential subdivision (Planning Case No. PL22-0134/PL22-0154) (“Project”). The Project is located in the northern portion of the City of Escondido and is bounded by Stanley Avenue to the north, Ash Street to the east, and Lehner Avenue to the south. The Project site is addressed at 0 Ash Street (APN:224-130-10-00); and

WHEREAS, the Project would consist of 20 lots for residential purposes, including 19 market rate and 1 affordable, and 2 letter lots for open space, and biofiltration system. The Project includes a request for a density bonus which enables an increase in the otherwise allowable residential density in exchange for the provision of affordable housing units; and

WHEREAS, City staff and the Developer dispute whether the City may impose of a per unit Deficiency Fee related to the impacts of the Project on the surrounding infrastructure (“Deficiency Fee” or “Fee”); and

WHEREAS, the Deficiency Fee, amounting to \$12,500 per unit to facilitate the construction of needed infrastructure such as sewer and water to service the area, had historically been collected from development applicants through a development agreement and there being no development agreement in this Project, staff recommended the imposition of the Fee pursuant to a condition of approval; and

WHEREAS, on May 23, 2023, the City's Planning Commission adopted staff's recommendation and conditioned its recommendation of approval of the Project on the payment of the Deficiency Fee; and

WHEREAS, on June 14, 2023, the City Council heard and considered the Developer's application which included approval of a Tentative Subdivision Map of the Project, authorization to submit an application to LAFCO for initiation of proceedings for the annexation and reorganization of the parcel, and adoption of a Mitigated Negative Declaration and thereafter adopted Resolution No. 2023-70, approving the application and including the condition of the payment of the Fee as a fair share contribution by the Developer for needed infrastructure improvements; and

WHEREAS, on September 12, 2023, the Developer timely filed a Fee Protest pursuant to Government Code § 66020 ("Fee Protest") wherein it contends that the imposition of the Deficiency Fee violates Government Code § 6600(g) because, *inter alia*, the Fee addresses existing deficiencies in an adjacent area codified in the Escondido Municipal Code unrelated to the Project location and amounts to an fee to address impacts that are not caused by the Project; and

WHEREAS, on November 15, 2023, the City Council conferred with its legal counsel in Closed Session regarding the Fee Protest submitted by the Developer of the Project and determined it was in the best interests of the City to settle this claim by removing the condition and allowing the Project application to proceed in all other respects; and

WHEREAS, the City does not concede the merits of the Developer's protest but seeks to resolve the matter without further litigation, claims or costs based solely on the level of evidentiary support for the Fee for this specific Project which, if decided against the City, would eliminate any Fee recovery and will expose the City to litigation costs and attorney's fees; and



WHEREAS, the City's resolution of this specific claim does not constitute any past, present or future precedent to the lawfulness of deficiency fee conditions on other projects, which the City maintains have been and are lawful and reasonable; and

WHEREAS, the Project constitutes a residential subdivision that is compatible with the surrounding uses, makes efficient use of the subject property, includes much-needed affordable housing, and provides opportunities for home-ownership in a suburban setting where such housing is not typically available; and

WHEREAS, the promotion of residential land development is a City Council priority and the imposition of fees which may negatively impact interest in future developments in the City, and those fees which expose the City to claims of violating state housing laws, should be carefully evaluated such that the resolution of this Fee dispute without admission of liability by any party is reasonable and in the best interests of the City.

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

1. The above recitations are true and are incorporated herein as though fully set forth.
2. That the City Council of the City of Escondido hereby amends Exhibit "F" in its previously adopted Resolution No. 2023-70, and any other references to payment of the Fee by removing as a condition of approval the Developer's obligation to pay a Deficiency Fee contribution to the City in the amount of \$12,500 per unit prior to Final Map recordation.
3. That the City Council of the City of Escondido hereby re-adopts and re-affirms Resolution No. 2023-70 in that no other conditions of approval except that provided for herein has been added, rescinded, amended or modified.





# STAFF REPORT

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June 14, 2023

File Number 0800-10; 0850-20

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## SUBJECT

**PL22-0134/PL22-0154 – ASH STREET TENTATIVE SUBDIVISION MAP AND ANNEXATION/REORGANIZATIONS**

## DEPARTMENT

Development Services Department, Planning Division

## RECOMMENDATION

Request the City Council adopt Resolution No. 2023-70, approving a Tentative Subdivision Map and Annexation/Reorganization for a 20-unit residential subdivision located at 0 Ash Street (APN: 224-130-10-00) ("Project"). Ancillary to the Project, a property at 508 Stanley Avenue would also be annexed into the City of Escondido. The request also includes the adoption of a Final Mitigated Negative Declaration prepared for the Project pursuant to the California Environmental Quality Act (CEQA).

Staff Recommendation: Approval (Development Services Department: Andrew Firestine, Director of Development Services)

Presenter: Ivan Flores, Associate Planner

## PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered the Project at its May 23, 2023 meeting, and the staff report has been included as Attachment "1." The Planning Commission voted 6 – 0 recommending approval of the Project to City Council with modified conditions of approval (See Attachment "2"). Furthermore, the Planning Commission's recommendation of approval was contingent on requiring the applicant to pay the North Broadway Deficiency Area (NBDA) fee; additional information, and analysis are provided below.

## PROJECT DESCRIPTION

Escondido North, LLC ("Applicant") applied for a Tentative Subdivision Map and Annexation for a 20-unit residential subdivision (Planning Case No. PL22-0134/PL22-0154). The subdivision would consist of 20 lots for residential purposes (19 market rate and 1 affordable) and 2 letter lots for open space, and biofiltration system. The Project includes a request for a density bonus which enables an increase in the otherwise allowable residential density in exchange for the provision of affordable housing units.

A complete project description can be found on the May 23, 2023, Planning Commission staff report (Attachment "1").



# CITY of ESCONDIDO

## STAFF REPORT

### PREVIOUS ACTION

On July 20, 2022, the City Council authorized the intake and processing of the annexation request. That authorization does not commit the City Council to any future action on the Project.

### LOCATION

The Project is located in the northern portion of the City of Escondido and is bounded by Stanley Avenue to the north, Ash Street to the east, and Lehner Avenue to the southern. The Project site is addressed at 0 Ash Street (APN:224-130-10-00).

### ANALYSIS

The Project is located within the Suburban (S) General Plan Land Use designation and Single Family Residential (R-1-10; 10,000 sq. ft. minimum lot size) zoning district. The parcel was pre-zoned R-1-10 during a previous annexation effort; however, the annexation was not finalized. The Project proposes parcels which are smaller than those typically allowed in the subject zone. Because the Project includes a density bonus request, the lot sizes are permitted pursuant to the State Density Bonus Law and Article 67 of the Escondido Zoning Code. A complete analysis of the Project can be found in Attachment "1."

### NORTH BROADWAY DEFICIENCY AREA (NBDA)

On May 18, 2023, City staff received a request by the applicant to remove and/or modify conditions of approval associated with the project. Staff and the Planning Commission agreed to modify a number of conditions, including a fee related to the North Broadway Deficiency Area. The applicant will be responsible for payment of the fee which amounts to \$12,500 per lot in the new development.

The NBDA was established in May 1994 (Ordinance No. 94-16; "Growth Management Ordinance") to facilitate development in an area of the City that lacked the necessary infrastructure, such as sewer and water to service the area. The City has collected fees from applicants as the area has been developed and traditionally was done through a Development Agreement; however, in this case, staff is recommending to collect the fee via a condition of approval. The fee reflects previous payments made by surrounding developments.

During the May 23, 2023, Planning Commission meeting the applicant's lawyer made public comment regarding the legality of the NBDA, and its application to this Project. While staff agrees that the Project currently is not within the NBDA area, the Project will be within the geographic area upon annexation into the City (see Attachment 3). The City's policy and past practice for surrounding developments (Lexington and Pradera) have been payment of the NBDA fee upon annexation into the City's jurisdiction. As shown on page 2 of Attachment 3, the surrounding developments were required to pay the fee upon annexation due their contribution to deficiencies identified in the Growth Management Ordinance.



# CITY of ESCONDIDO

## STAFF REPORT

At the time of the adoption of the NBDA area, the affected parcels were only City parcels; however, subsequent annexations have been required to pay the fee. Staff and the Planning Commission recommend approval of the Project with the condition that the Project pays the fee as has been the practice.

### FISCAL ANALYSIS

The Project is a private development project that will require the payment of development impact fees in effect at the time permits are requested. In addition, as part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon the City's general fund and ability to provide ongoing public services. To avoid the need to subsidize new development, current City policy requires the developer of a private development project to establish a special funding mechanism to ensure that new development pays for itself.

Community Facilities District ("CFD") No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020 as a means by which a developer can offset its impacts to the provision of ongoing public services. The special tax that would be assessed on projects that opt to annex into the CFD is based upon the Fiscal Impact Analysis (FIA) that was prepared to support the creation of CFD No. 2020-01. While other means of offsetting general fund impacts are available, the benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

At the time of this writing, an applicant is required to fully offset potential impacts to the General Fund created by their project. This can be accomplished through either formation of a CFD, annexation into CFD No. 2020-01, or establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). Should an applicant desire to utilize the streamlined process available through annexation into CFD No. 2020-01, they would be required to sign a Unanimous Consent to Annex, which serves as their authorization to annex. The Applicant declined to sign a Unanimous Consent to Annex at this time because they intend to sell the entitled Project to another developer. This would allow that developer an opportunity to decide whether they want to join citywide CFD No. 2020-1 or explore different options for the funding of ongoing public services. A Letter of Intent to Offset and Fund Ongoing Public Services has been provided by the applicant to this effect and is included as Attachment 3 to the Planning Commission staff report. Additionally, a condition of approval has been included as part of Exhibit "F" to draft City Council Resolution No. 2023-70 to reflect the requirement to establish a funding mechanism as described above prior to the recordation of the Final Map. (It should be noted, however, that the City Council has directed staff to look at the current policy and bring back recommendations that may modify this requirement.)

If the future developer opts to annex into CFD No. 2020-01, the Project would fall into Category 1. The maximum established levy for Category 1 is \$575.19 per unit for the tax year 2023/24, subject to annual adjustments which currently are based on the Consumer Price Index or 2%, whichever is greater. The City



# CITY of ESCONDIDO

## STAFF REPORT

Council retains the discretionary authority to set the levy each year which could be set an amount less than the maximum levy. The costs for providing ongoing municipal services to the 20-unit Project is estimated at \$11,504. If annexation into CFD No. 2020-01 is the way by which the developer opts to provide the ongoing funding source, the affordable housing units would be included in the annexation; however, State law provides an exemption from CFDs for affordable housing owners that meet specific criteria (referred to as the welfare exemption) Should the developer opt to pursue a funding mechanism other than CFD No. 2020-01, such mechanism, including the assessment rate, would be subject to approval by City Council.

### ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. CEQA Guidelines Section 15367 states that a lead agency, in this case, the City of Escondido, is the agency that has the principal responsibility for carrying out or approving a project and is responsible for compliance with CEQA. As lead agency, the City must complete an environmental review to determine if implementation of the Project would result in significant adverse environmental impacts. In compliance with CEQA, an Initial Study ("IS") was prepared to assist in making that determination. Based on the nature and scope of the Project and the evaluation contained in the IS environmental checklist, the City has concluded that a Mitigated Negative Declaration ("MND") is the appropriate level of analysis for the Project.

As provided in CEQA Statute Section 21064.5, and stated in CEQA Guidelines section 15070, an MND can be prepared when "(a) the initial study shows that there is not substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or (b) the initial study identifies potentially significant effects, but (1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment." The MND prepared for the Project identified potentially significant impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, and Tribal Cultural Resources. However, through the incorporation of mitigation measures, the impacts can be reduced to a less-than-significant level.

A Draft IS/MND was released for a 20-day public review period from March 30, 2023, to April 19, 2023. Two comment letters were received and identified the inclusion of an affordable unit as an area of concern. Responses to those comments were prepared and have been incorporated into a Final IS/MND. The Final IS/MND has identified no new environmental impacts which have not been addressed through the aforementioned mitigation measures. The Final IS/MND has been included as Exhibit "C" to Resolution No. 2023-70.



# CITY of ESCONDIDO

## STAFF REPORT

### CONCLUSION

The Project proposes a residential subdivision that is compatible with the surrounding uses and makes efficient use of the Property. Additionally, the Project would include much-needed affordable housing and provide opportunities for home-ownership in a suburban setting where such housing is not typically available. Because the Project must be reviewed and processed consistent with the State Density Bonus Law, it is therefore consistent with the General Plan land use designation for the site, as well as other applicable General Plan goals and policies. Additionally, the provision of 1 affordable housing unit will assist the City in meeting the housing goals established by the Regional Housing Needs Allocation. The project is consistent with the provisions of Article 67 of the Escondido Zoning Code and State Density Bonus law.

Both the Planning Commission and City staff recommend the City Council approve the Project, including the adoption of the final Mitigated Negative Declaration prepared for it, and make an application to LAFCO for annexation/reorganization of a portion of the Project site.

### RESOLUTIONS

- a. Resolution No. 2023-70
- b. Resolution No. 2023-70, Exhibit A - F

### ATTACHMENTS

- a. Attachment "1" – May 25, 2023 Planning Commission Staff Report
- b. Attachment "2" – May 25, 2023 Planning Commission Memo from Staff
- c. Attachment "3" – North Broadway Deficiency Area Boundary

## LOUNSBERY FERGUSON ALTONA & PEAK LLP

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September 12, 2023

Honorable Mayor and City Council  
City of Escondido  
201 N Broadway  
Escondido, CA 92025

RE: Ash Street Subdivision - Fee Protest

Mayor and Members of the City Council,

This office represents Escondido North LLC, and is authorized to make the representations contained in this letter.

Pursuant to California Government Code Section 66020, the deficiency fee of \$12,500 per unit imposed on PL-0134/PL22-0154 – the Ash Street Tentative Subdivision Map and Annexation/Reorganization – on June 23, 2014 is hereby protested on the basis that it violates California Government Code Section 66001(g) and cannot be legally imposed. As described below, imposition of the deficiency fee violates Section 66001(g) because the City Council adopted findings that the subdivision “would not result in any significant impacts to the environment”, certified an MND stating that the project will not result in any significant traffic or drainage impacts, and the record contains no evidence of any subdivision impacts reasonably related to the alleged deficiencies.

As required by Section 66020(2)(A), Escondido North LLC, hereby certifies that the project will pay the fee of \$250,000 under protest prior to final map recordation as required by Repayments and Fees condition #1 of the tentative map approval.

As further required by Section 66020(2)(B), the following is a summary of the factual elements and legal theory forming the basis of the protest.

On June 14<sup>th</sup>, 2023, the City Council approved a 20-unit subdivision and annexation (“Ash Subdivision”) submitted by Escondido North LLC. The approval was subject to the condition



Honorable Mayor and City Council  
September 12, 2023  
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that the project pay a fee of \$12,500/unit to address existing deficiencies in an adjacent moratorium area. Known as the North Broadway Deficiency Fee, this fee was originally adopted by Escondido and codified in the Escondido's Growth Management Ordinance (GMO) in 1994. The GMO established a moratorium area known as the North Broadway Deficiency Area ("NBDA") and only allows projects within the NBDA to be processed if they agree to pay the North Broadway Deficiency Fee.

Initially, Escondido attempted to impose the North Broadway Deficiency Fee on the Ash Subdivision on the basis that the project was located within the defined moratorium area. A copy of the initial Conditions of Approval stated:

"This parcel is located within the North Broadway deficiency area. It is subject to annexation which will require a development agreement. The agreement will include payment of its fair share contribution to the deficiency area." (see page 22 of the attached COA).

When Escondido North pointed out that the project was not located within the North Broadway deficiency area, the condition of approval was changed on the day of the Planning Commission hearing (5-23-23) to read

"This parcel is subject to a contribution for its fair share amount for the North Broadway deficiency area and shall pay its fair share contribution of \$12,500.00 per lot prior to Final Map recordation." (see page 3 of the attached Supplemental Staff Report).

At the project's 6-14-23 City Council hearing the City Attorney stated that the project was not being annexed into the North Broadway deficiency area, and while the \$12,500 fee is identical to the North Broadway Deficiency Fee, it is just a "fair share contribution" to the "traffic, drainage, water, and sewer deficiencies associated with the project". Neither the City Attorney, nor City staff, provided any evidence of how the Ash Subdivision impacted any deficiencies in the moratorium area, nor how the \$12,500 fee was calculated to mitigate any such impacts. City staff merely alluded to a 2013 study for the North Broadway Deficiency Area. The report was neither attached to the staff report, nor produced at the hearing.

The North Broadway Deficiency Fee was originally based on a 1994 study of the existing drainage and traffic deficiencies in the defined moratorium area. The deficiencies were determined by comparing the existing facilities with the standards set forth in Escondido's General Plan Circulation Element and Drainage Master Plan.

The study estimated that the number of future homes that could be built in the defined moratorium area was 668. The study then calculated the amount of the North Broadway Deficiency Fee by dividing the cost of the identified improvements by 668.

Honorable Mayor and City Council  
September 12, 2023  
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LOUNSBERY FERGUSON ALTONA & PEAK LLP

In 2005, the North Broadway Deficiency Fee was raised to \$11,200 per unit. As can be seen in the attached staff report, the fee only covered drainage and traffic improvements (not water and sewer as alleged by staff at the 6-14-23 hearing), and only included the 668 potential homes within the defined moratorium area.

In 2013 City staff asked the City Council to increase the North Broadway Deficiency Fee to \$17,000/unit based on updated cost estimates for improvements to the drainage and traffic deficiencies. Although the cost estimates were updated, the new proposed fee only applied to traffic and drainage and the number of homes affected remained at 668 estimated for the area defined by the original study. The Council rejected the increased fee, instead increasing it only to the current \$12,500. The \$12,500 fee is, therefore, not based on the actual cost of the identified impacts/deficiencies of the Ash subdivision. Rather, it is a number chosen by the Council ad hoc to apply to the 668 potential homes in the North Broadway deficiency area.

Before the City can legally apply the North Broadway Deficiency Fee to the Ash Subdivision, it would need to identify the actual impacts of the project, calculate the actual cost of mitigating those impacts, and make the proper written findings thereof. This was not done. Although City staff described the fee as a "fair share contribution" to existing deficiencies, no study describing the impacts or calculating the appropriate fair share was produced. No written findings to support the assertion were adopted.

To the contrary, the City Council adopted findings that the project will not cause any significant impacts to traffic or drainage. Tentative Map Determination # 6 adopted by the City Council on 6-14-23 states:

"... All necessary public facilities and services are in place or can be extended to serve the Project, which comes with support from fire, sewer, water, and school services providers, indicating that existing facilities are available to service the Project."

Further the City Council adopted the Final MND for the Ash subdivision and found that the project "would not result in any significant impacts to the environment." The MND certified by the Council specifically states that the Ash subdivision will not result in any significant traffic or drainage impacts.

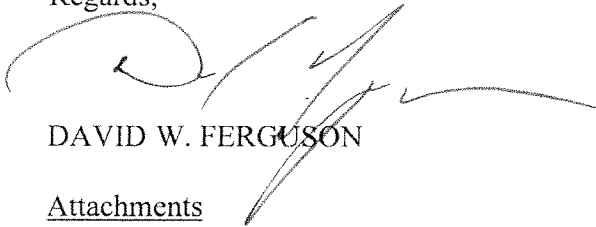
Without a study demonstrating or quantifying any actual traffic or drainage impacts caused by the Ash subdivision, and in view of the fact the Council adopted findings and certified an MND stating that the project has no significant traffic or drainage impacts, there is no nexus justifying the imposition of the deficiency fee. Accordingly, it violates California Government Code Section 66001(g) which prohibits cities from imposing fees "attributable to existing deficiencies in public facilities" unless such fees are attributable to the increased demand for public facilities

Honorable Mayor and City Council  
September 12, 2023  
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reasonably related to the development project. Here the only justification relied on by the City was a 10-year old study that, was not produced, did not include the Ash subdivision, did not calculate the impacts of the project, and did not quantify the cost of mitigating the project's impacts. Absent those project specific findings, the imposition of the deficiency fee violates Section 66001(g).

Regards,



DAVID W. FERGUSON

Attachments

1. Draft Conditions of Approval
2. 5-23-23 Supplemental Staff Report
3. 2005 North Broadway Deficiency Area Fee Calculations

cc (via email): Sean McGlynn, City Manager  
Christopher Mckinney, Deputy City Manager  
Michael McGuinness, City Attorney  
John Kaye, Owner  
Dylan Bird, Owner

**EXHIBIT "E"****PLANNING CASE NOS. PL22-0134/PL22-0154****CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on **March 18, 2022**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all **recommended for approval on May 23, 2023**, and shall not be altered without express authorization by the Development Service Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, and the Applicant's successors in interest, as may be applicable.

**A. General:**

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
  
2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall expire 36 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map or Planned Development application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
  
3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET	CLASSIFICATION
North Ash Street	Local Collector (66/42)
Stanley Avenue	Local Collector (66/42)
Lehner Avenue	Residential Street (56/36)

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. Vehicular access rights to all lots fronting on Major roads and Prime Arterials shall be relinquished and waived to the City of Escondido.
5. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the Final Map. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed. The initial submittal of the plat and legal shall include the required Street Vacation fee in effect at the time of the submittal.

### **CITYWIDE COMMUNITY FACILITIES DISTRICT (CFD)**

1. In accordance with the General Plan, the applicant shall offset the cost of public services through an approved funding mechanism. The applicant has indicated their intent to meet this requirement through annexation to the Citywide Community Facilities District (CFD). The applicant shall submit a complete Annexation Application, Unanimous Approval signed by the property owner, a title report issued within the last 30-days, and processing fees to the Engineering Department prior to the first submittal of the Building Permit. The Annexation Application and the Unanimous Approval forms are available on the following webpage: <https://www.escondido.org/community-facilities-districts>

### **REPAYMENTS AND FEES**

1. This parcel is located within the North Broadway deficiency area. It is subject to annexation which will require a development agreement. The agreement will include payment of its fair share contribution to the deficiency area.
2. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
3. This subdivision is contiguous to the facilities of another public agency. This agency may be required to review and/or sign the improvement plans. It will be the responsibility of the developer to establish an account with this jurisdiction to pay for all fees for plan checking and permit approval.
4. The developer shall be required to pay all development fees of the City in effect at the time, and in such amounts as may prevail when building permits are issued.

### CC&R's

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the homeowners' association of the driveways, parking areas, drainage swales, private street lighting, storm drains and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The developer shall make provisions in the CC&R's for maintenance, repair and access to all brow ditches which pass from one lot through an adjacent lot. Copies of an approved wording and format for this section of the CC&R's may be obtained from the Engineering Department.
4. The CC&R's must state that the property owners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.



## PLANNING COMMISSION

Agenda Item No.: 2  
Date: May 23, 2023

TO: Planning Commissioners  
FROM: Planning Staff  
SUBJECT: Ash Street Subdivision and Annexation – Conditions of Approval

On May 18, 2023, City staff received a request from the applicant regarding several Conditions of Approval (Exhibit 5 of Resolution No. 2023-09). Staff has reviewed the request and proposes modifications to the following Conditions of Approval. The underline text is the revised language and a ~~strike-out~~ is language removed.

### Housing and Neighborhood Services Condition (H.1, pg. 80)

**Original language:** The Project shall provide a minimum of 1 dwelling unit for very-low income households (those earning less than 50% of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to or concurrent with final map recordation, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements (Within the affordable housing agreement, the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits). The agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for all target units as described in Government Code section 65915(c)). Income qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.

**Revised language:** The Project shall provide a minimum of 1 dwelling unit for very-low income households (those earning less than 50% of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to or concurrent with final map recordation, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements (Within the affordable housing agreement, the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits). The agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for all target units as described in Government Code section 65915(c)). Income qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.

PL22-0134/PL22-0154

Memo

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- a. If the affordable dwelling unit is a for-sale unit, the affordable housing agreement shall ensure that the unit is either:
- i. Initially occupied by persons or families of very-low income, is offered at an affordable housing cost, and is subject to an equity sharing agreement in compliance with Government Code Section 65915 (c)(2); or
  - ii. Purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in Government Code Section 65915 (c) (2).

### **Engineering Conditions of Approval**

#### **Street Improvements and Traffic (S.T. 7 pg. 86)**

**Original Language:** Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.

**Revised Language:** Sidewalk construction shall be contiguous to the curb or may be non-contiguous in certain areas as approved by the City Engineer in accordance with current Escondido Design Standards.

#### **Water Supply (W.S. 1, pg. 86)**

**Original language:** The Developer is required at their sole expense to design and construct a looped 8inch public water main. This 8-inch water main shall connect to the existing 12" water main at the intersection of Lehner Avenue and proposed Street A and extend from this intersection down Street A, through lots 11 and 12 and into Stanley Avenue. The 8-inch water main shall be designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.

**Revised language:** The Developer is required at their sole expense to design and construct a looped 8-inch public water main. This 8-inch water main shall connect to the existing 12" water main at the intersection of Lehner Avenue and proposed Street A and extend from this intersection down Street A, through lots 11 and ~~12~~ and into Stanley Avenue. The 8-inch water main shall be designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer.

#### **Sewer (S. 6, pg. 88)**

**Original language:** All sewer laterals shall be considered a private sewer system. The Home Owners Association shall be responsible for all maintenance of sewer laterals to the public sewer main.



PL22-0134/PL22-0154

Memo

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**Revised language:** All sewer laterals shall be considered a private sewer system. The Home Owners Association or homeowners shall be responsible for all maintenance of sewer laterals to the public sewer main.

**CC&Rs (CC&Rs 2, pg. 90)**

**Original language:** The developer shall make provisions in the CC&R's for maintenance by the homeowners' association of the driveways, parking areas, drainage swales, private street lighting, storm drains and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.

**Revised language:** The developer shall make provisions in the CC&R's for maintenance by the homeowners' association of the ~~driveways~~, parking areas, drainage swales, private street lighting, storm drains and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.

**Repayments and Fees (RF 1, pg. 89)**

**Original language:** This parcel is located within the North Broadway deficiency area. It is subject to annexation which will require a development agreement. The agreement will include payment of its fair share contribution to the deficiency area.

**Revised language:** This parcel is subject to a contribution for its fair share amount for the North Broadway deficiency area and shall pay its fair share contribution of \$12,500.00 per lot prior to Final Map recordation.

COPY

## Traffic and Drainage Deficiencies in North Broadway Area

Traffic infrastructure deficiencies were determined based on current and future traffic improvement needs to accommodate for the vehicular and pedestrian related improvements required for the growth in North Broadway area.

### Traffic related improvements are as follows:

#### 1) Roadway Segments:

- a) Ash Street (Sheridan to Rincon Avenue)  
Required Interim Improvements: Local Collector  
Existing Classification: Collector  
Estimated Construction Cost = \$1,000,000
- b) Conway Drive (Vista Avenue to Rincon Avenue)  
Required Improvements: Local Collector  
Existing Classification: Local Collector  
Estimated Construction Cost = \$250,000
- c) Vista Avenue (Conway to Broadway)  
Required Improvements: Collector  
Estimated Construction Cost = \$500,000
- d) Lehner Avenue (Conway to Ash)  
Required Improvements : Residential  
Estimate Construction Cost = \$250,000
- e) Stanley Avenue (Ash to Brodway)  
Required Improvements : Local Collector  
Estimated Construction Cost = \$300,000

**Total Cost for Roadway Segments : \$2,300,000**

#### 2) Intersections:

- a) Rincon Avenue and Conway Drive  
Required Improvements: New Traffic Signal  
Construction Cost = \$200,000

- b) Ash Street and Vista Avenue  
Required Improvement: New Traffic Signal  
Construction Cost = \$200,000
- c) Ash Street and Sheridan Avenue  
Required Improvements: New Traffic Signal  
Construction Cost = \$200,000
- d) Vista Avenue and Lehner Avenue  
Required Improvements: New Traffic Signal  
Estimated Cost = \$ 175,000

**Total Cost for Intersections: \$775,000**

**Total Cost of Traffic Improvements: \$3,075,000**

**Based on 668 total potential lots within the North Broadway  
Deficiency Area, share of traffic improvements per lot = \$4,600**

### **DRAINAGE METHODOLOGY**

- 1) In accordance with the existing boundaries as defined in the Growth Management Ordinance No. 94-16, the Drainage Master Plan was used to determine facilities that must be built or upgraded. The cost estimate was based on those shown in Table 6.5 of the Drainage Master Plan.

**Estimated Construction Cost = \$4,400,000**

**Based on 668 total potential lots within the North Broadway  
deficiency Area**

**Share of Drainage improvements per lot = \$6,600**

**Total \$ per lot for Drainage and Traffic Imp. = \$11,200**

## ORDINANCE NO. 2023-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO ZONING CODE TO ALLOW FOR AN INCREASE IN FENCE HEIGHT ON A CASE BY CASE BASIS IN THE INDUSTRIAL AND COMMERCIAL ZONES THROUGH THE ADMINISTRATIVE ADJUSTMENT PERMIT PROCESS

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

SECTION 1. The City Council makes the following findings:

a) Onward Energy (“Applicant”) filed a land use development application (Planning Case Nos. PL22-0603, PL22-0604, and PL23-0239), constituting a request for a Zone Map Amendment to amend the zoning designation from Planned Development Industrial (PD-I) to General Industrial (M-2); a Zone Text Amendment to amend the Escondido Zoning Code to allow for an increase in fence height for commercial and industrial zone properties through the Administrative Adjustment Permit process; and a Major Plot Plan Permit, to permit construction of a lithium-ion battery storage utility (“Project”) on a 6.2 gross acre site location at 555 N Tulip Street (APN: 232-131-25-00), in the Planned Development (PD-I) zone; and

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

c) The intent and purpose of the Zone Text Amendment is to amend the Escondido Zoning Code to allow for an increase in fence height in commercial and industrial zone properties through the Administrative Adjustment Permit process; and

d) A verified application was submitted to, and processed by the Planning Division of the Development Services Department as Planning Case No. PL23-0239, and seeks approval of a Zone Text

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

## ORDINANCE NO. 2023-17

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ZONING DISTRICT FOR THE SUBJECT PROPERTY FROM PLANNED DEVELOPMENT – INDUSTRIAL (PD-I) TO GENERAL INDUSTRIAL (M-2)

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

SECTION 1. The City Council makes the following findings:

a) Onward Energy (“Applicant”) filed a land use development application (Planning Case Nos. PL22-0603, PL22-0604, and PL23-0239), constituting a request for a Zone Map Amendment to amend the zoning designation from Planned Development Industrial (PD-I) to General Industrial (M-2); a Zone Text Amendment to amend the Escondido Zoning Code to allow for an increase in fence height for commercial and industrial zone properties through the Administrative Adjustment Permit process; and a Major Plot Plan Permit, to permit construction of a lithium-ion battery storage utility (“Project”) on a 6.2 gross acre site location at 555 N Tulip Street (APN: 232-131-25-00), in the Planned Development (PD-I) zone;

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

c) The intent and purpose of the Zone Map Amendment is to amend the Escondido Zoning Map to allow for construction of a lithium-ion battery storage utility in the M-2 zoning district;

d) A verified application was submitted to, and processed by the Planning Division of the Development Services Department as Planning Case No. PL22-0603, and seeks approval of a Zone Map Amendment to rezone the subject property from Planned Development – Industrial (PD-I) to General Industrial (M-2); and

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ORDINANCE IS ON FILE IN  
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CLERK FOR YOUR REVIEW.**

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REPEALING AND REPLACING ESCONDIDO MUNICIPAL CODE CHAPTER 16A, MASSAGE REGULATION

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

SECTION 1. The City Council of the City of Escondido makes the following findings:

WHEREAS, the City of Escondido last updated the City's Massage Regulations in January 2015; and

WHEREAS, the Escondido Police Department manages the permitting process for massage establishments in the City of Escondido; and

WHEREAS, the City of Escondido Chief of Police has found that updating the City's Massage Regulations will better support legitimate massage businesses and will continue to allow the Police Department to promptly investigate allegations of illegitimate activities at massage establishments.

SECTION 2. That Escondido Municipal Code Chapter 16A, Massage Regulation, is repealed and replaced as set forth in Exhibit "A" to this Ordinance and Exhibit "A" is incorporated by this reference.

SECTION 3. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 4. That if any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by a 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.

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

## ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE SOUTH CENTRE CITY FINAL NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO THE SOUTH CENTRE CITY SPECIFIC PLAN TO EXPAND THE MIXED-USE OVERLAY WITHIN THE ESCONDIDO BOULEVARD DISTRICT

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

SECTION 1. The City Council makes the following findings:

a) 9TH Avenue Escondido, LLC ("Applicant") filed a land use development application (Planning Case No. PHG20-0036) constituting a request for an Amendment to the South Centre City Specific Plan (Escondido Boulevard District), Plot Plan and Density Bonus for a 21-unit multi-family residential mixed-use development ("Project"), on approximately 0.46 acres generally located on the northwest corner of S. Escondido Boulevard and W. Ninth Avenue, addressed at 829-849 S. Escondido Boulevard and 332 W. Ninth Avenue (Assessor's Parcel Numbers 233-371-14-00 and 233-371-15-00); as more particularly described in Exhibit "A," which is attached hereto and made a part hereof as though fully set forth herein ("Property"); and

b) The Application was submitted to, and processed by, the Planning Division of the Development Services Department as Planning Case No PHG20-0036. The Applicant seeks approval of an Amendment to the South Centre City Specific Plan as shown on Exhibit "B", and on file in the Planning Division, and incorporated herein as though fully set forth.

c) A Final Negative Declaration was adopted for the South Centre City Specific Plan (City File Nos. PHG15-00003/ENV17-0005), and an Addendum to the Final Negative Declaration has been prepared for the Project in conformance with the California Environmental Quality Act ("CEQA").

d) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for November 28, 2023. Following the public hearing, the Planning Commission adopted Resolution No. 2023-23, which

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



# STAFF REPORT

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January 10, 2024  
File Number 0610-55

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## **SUBJECT**

### **REVIEW AND UPDATE CITY COUNCIL INTERAGENCY AND SUBCOMMITTEE ASSIGNMENTS**

## **DEPARTMENT**

City Clerk's Office

## **RECOMMENDATION**

Request the City Council review and update the City's current interagency and council subcommittee assignments.

Staff Recommendation: Provide Direction (Mayor: Dane White)

Presenter: Mayor Dane White

## **BACKGROUND**

On December 6, 2023, Mayor White requested an item be placed on the Future Agenda to review City Council interagency and subcommittee assignments (Attachment 1) specifically with respect to the San Diego County Water Authority appointment.

## **ATTACHMENTS**

1. Attachment "1" – Current Council Interagency and Subcommittee Appointment List



# INTERAGENCY APPOINTMENTS

	COUNCIL REPRESENTATIVE	STAFF
<b>01 AIR POLLUTION CONTROL</b>	CONSUELO MARTINEZ	CHRISTOPHER MCKINNEY
<b>02 CLEAN ENERGY ALLIANCE</b>	CHRISTIAN GARCIA MIKE MORASCO (ALTERNATE)	CHRISTOPHER MCKINNEY
<b>03 ESCONDIDO CREEK WATERSHED</b>	JOE GARCIA CONSUELO MARTINEZ (ALTERNATE)	ANGELA MORROW
<b>04 LEAGUE OF CA CITIES</b>	CHRISTIAN GARCIA JOE GARCIA (ALTERNATE)	SEAN MCGLYNN
<b>05 NORTH COUNTY TRANSIT DISTRICT</b>	JOE GARCIA DANE WHITE (ALTERNATE)	CHRISTOPHER MCKINNEY
<b>06 REGIONAL SOLID WASTE ASSOC.</b>	MIKE MORASCO DANE WHITE (ALTERNATE)	ANGELA MORROW
<b>07 SANDAG</b>	DANE WHITE MIKE MORASCO (ALTERNATE) JOE GARCIA (SECOND ALTERNATE)	SEAN MCGLYNN
<b>08 SD COUNTY WATER AUTHORITY</b>	CONSUELO MARTINEZ DANE WHITE (ALTERNATE)	ANGELA MORROW
<b>09 SAN DIEGUITO RIVERPARK JPA</b>	CONSUELO MARTINEZ DANE WHITE (ALTERNATE)	JOANNA AXELROD
<b>10 NORTH COUNTY DISPATCH JPA</b>	JOE GARCIA MIKE MORASCO (ALTERNATE)	JOHN TENGER

## LOCAL SUBCOMMITTEES

	COUNCIL REPRESENTATIVE	STAFF
<b>01 BOARDS AND COMMISSIONS</b>	CONSUELO MARTINEZ DANE WHITE	ZACK BECK
<b>02 BUDGET</b>	CONSUELO MARTINEZ MIKE MORASCO	CHRISTINA HOLMES
<b>03 CCAE</b>	CONSUELO MARTINEZ CHRISTIAN GARCIA	CHRISTOPHER MCKINNEY
<b>04 DOWNTOWN PARKING</b>	DANE WHITE CHRISTIAN GARCIA	CHRISTOPHER MCKINNEY
<b>05 ECONOMIC DEVELOPMENT</b>	DANE WHITE JOE GARCIA	JENNIFER SCHOENECK
<b>06 HOMELESSNESS</b>	DANE WHITE JOE GARCIA	CHRISTOPHER MCKINNEY
<b>07 HOUSING</b>	MIKE MORASCO CHRISTIAN GARCIA	CHRISTOPHER MCKINNEY
<b>08 SCHOOLS</b>	JOE GARCIA CHRISTIAN GARCIA	JENNIFER SCHOENECK
<b>09 UTILITIES</b>	CHRISTIAN GARCIA MIKE MORASCO	ANGELA MORROW
<b>10 DEFICIT</b>	DANE WHITE JOE GARCIA	SEAN MCGLYNN

KEY-

CONSENT CALENDAR CURRENT BUSINESS

PUBLIC HEARING WORKSHOP

Item 16.



# CITY of ESCONDIDO

FUTURE AGENDA

1/17/2024- NO MEETING (MLK DAY)

1/24/2024

**CONSENT CALENDAR** - BID AWARD FOR RFP NO. 24-11 ESCONDIDO LIBRARY CRITICAL INFRASTRUCTURE AND MODERNIZATION PROJECT - Request the City Council adopt Resolution No. 2024-06, authorizing the Mayor to execute, on behalf of the City, a Consulting Services Agreement with IDS Group, in an amount not to exceed \$747,000 for architectural and engineering services for the Escondido Public Library Critical Infrastructure and Modernization Project ("Project").

**PUBLIC HEARING** - (C. MCKINNEY) - PL23-0075 145 W. GRAND AVE MASTER AND PRECISE PLAN - Request the City Council approve the Master and Precise Development Plan.

**CURRENT BUSINESS** - (Z. BECK) - DISSOLUTION OF HISTORIC PRESERVATION COMMISSION

**CURRENT BUSINESS** - (D. WHITE) - COUNCIL RESOLUTION OBJECTING TO ANY NEW TAXES, CHARGES OR FEES PROPOSED BY SANDAG ON MOTORISTS TO USE ALREADY BUILT LOCAL ROADS AND HIGHWAYS - Request the City Council approve a resolution objecting to any new taxes, charges, or fees proposed by SANDAG on motorists to use already built local roads and highways.