

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9

Date: January 11, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Bill Martin, Director of Community Development

SUBJECT: Appeal of Planning Commission Decision to Approve a Conditional Use Permit for a Membrane Filtration/Reverse Osmosis Facility (MF/RO) Located at 1201 E. Washington Avenue

STAFF RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-07 affirming the Planning Commission's approval of a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) (PHG 16-0014) located at 1201 E. Washington Avenue.

PLANNING COMMISSION ACTION:

On December 13, 2016, the Planning Commission approved the Conditional Use Permit for an MF/RO at 1201 E. Washington Avenue. (The vote was 5-0, with Commissioner Cohen absent and one seat currently vacant.) The item was timely appealed by Councilmember Diaz and Everett DeLano. Both appeals have been attached to this staff report.

PROJECT DESCRIPTION:

The project involves a Conditional Use Permit for the development of a City facility designed to provide advanced treatment for recycled water. The recycled water is originally produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF). The MF/RO provides advanced treatment, which is currently proposed for agriculture use. The facility would be sized for a total production capacity of 2.0 million gallons per day. The proposed project would consist of two buildings, both with a maximum height of approximately 31 feet: the MFRO Process Building (21,729 SF) to house the equipment, pumps, electrical rooms, control rooms, and meeting rooms; and the Chemical Building (14,115 SF) to house the transfer pumps and accommodate the storage of chemicals used in the treatment process. The project also includes several above ground storage tanks with a maximum height of approximately 30 feet (300,000 gallon influent tank, 160,000 gallon interprocess tank, and 820,000 gallon product storage tank), and a 1,500 kW backup generator, as well as various above and below ground pipes and support infrastructure. Access to the site will be provided via two driveways on E. Washington Avenue. A more detailed project description can be found in the Planning Commission staff report attached to this report, and the Final Mitigated

Negative Declaration (MND) on file with the Planning Division and City Clerk's Office, and available electronically at the following link:

<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/mfro/isfmnd.pdf>

LOCATION:

The 4.5-acre project site is located on the southeast corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue (APN 230-141-01-00).

FISCAL ANALYSIS:

The estimated construction cost for the facility is \$32.7 million. Funds are presently available in CIP 801508 – MFRO Facility for Agriculture.

PREVIOUS ACTION:

On July 20, 2016, the City Council awarded a Consulting Agreement (Resolution No. 2016-108) to Black and Veatch Corporation for the first phase of the redesign of a Membrane Filtration/Reverse Osmosis Facility for treatment of recycled water for agricultural irrigation in the amount of \$200,000.

GENERAL PLAN ANALYSIS:

The proposed MF/RO is consistent with the purposes of various General Plan goals, policies, and quality of life standards. These goals, policies, and quality of life standards are related to water conservation, reclamation, and recycling, infrastructure planning, hazardous materials, agriculture, and property development. Staff believes that the findings of fact made by the Planning Commission demonstrate consistency of the project with the General Plan. A more detailed General Plan analysis can be found in the Planning Commission staff report, the Planning Commission's findings of fact, and elsewhere in the Planning Commission record.

ENVIRONMENTAL REVIEW:

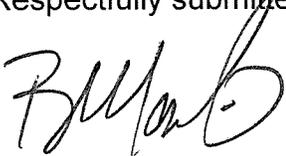
An MND has been prepared for the project in conformance with the California Environmental Quality Act and was adopted by the Planning Commission. All project related impacts that are significant have been mitigated and there will be no significant impacts from the project. A narrative of the environmental review process conducted for the project can be found in the Planning Commission staff report, and the MND can be accessed at the link provided above.

BACKGROUND:

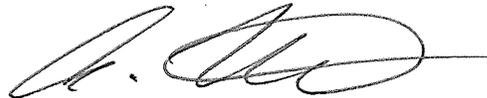
The City's wastewater outfall pipeline is nearing capacity. The outfall pipeline runs under Escondido Creek for more than 14 miles from the HARRF to the San Elijo Lagoon, and ultimately to the Pacific Ocean. The outfall capacity can vary greatly based on factors such as conservation efforts and weather. In heavy rains, the City could exceed capacity limitations in the outfall pipe, which could subject us to substantial fines by the Regional Water Quality Control Board. The MF/RO would provide relief on the pipeline capacity limitation by diverting up to 3 million gallons per day of tertiary treated water from the HARRF. This water could be substituted for potable water currently used by the agricultural community, thus reducing the City's need to import potable water.

The project site has previously been used as the headquarters and storage yard for the Escondido Mutual Water Company. Quonset huts associated with that use were demolished in 2006. Since then, the project site has been used from time to time as a staging area (construction material, equipment, and vehicle storage) for various off-site construction projects, and for temporary events such as carnivals.

Respectfully submitted,



Bill Martin, AICP
Director of Community Development



Adam Finestone, AICP
Principal Planner

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PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT – PHG 16-0014; ENV 16-0009:

REQUEST: The project involves a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) designed to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF) for agricultural uses. Utility projects, including processing, storage, and distribution facilities for water are permitted uses within commercial zones, subject to the approval of a Conditional Use Permit. The proposed MF/RO would utilize membrane filtration [i.e., microfiltration (MF) or ultrafiltration (UF) membranes] and reverse osmosis (RO) technologies sized for a total production capacity of 2.0 million gallons per day (mgd) with the ability to accommodate the installation of future equipment to provide an additional 1.0 mgd of production capacity. The proposed project would consist of two buildings, both with a maximum height of approximately 31'. The MF/RO Process Building (21,729 SF) would house the MF/RO equipment, pumps, electrical rooms, control rooms, and meeting rooms. The Chemical Building (14,115 SF) would house the transfer pumps and accommodate the storage of chemicals used in treatment process. The project also includes several above ground storage tanks with a maximum height of 30' (300,000 gal influent tank, 160,000 gal inter-process tank, and 820,000 gal product storage tank), and a 1,500 kW emergency backup generator, as well as various above and below ground pipes and support infrastructure.

The perimeter of the site would be secured by a combination of new, six-foot-high masonry walls and decorative wrought iron fencing. Access would be provided via two driveways on E. Washington Avenue. A limited number of employees would visit the site for daily inspections (as needed), monthly routine facility maintenance, and delivery and removal of chemicals.

PROPERTY SIZE AND LOCATION: The 4.5-acre project site is located on the southeastern corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue (APN 230-141-01-00).

Adam Finestone, Principal Planner, and Chris McKinney, Utilities Director, referenced the staff report and noted key staff issues were 1) whether the proposed facility would have any adverse visual, noise, and/or compatibility impacts to surrounding uses; 2) whether the project site was an appropriate location for the facility; and 3) if there are other possible solutions to the City's wastewater outfall capacity limitation, and why the MF/RO project is the most appropriate option. In relation to these key issues, staff recommended approval based on the following: 1) The site is bounded on two sides by Circulation Element roadways, and on a third by the Escondido Creek Flood Control Channel. The

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buildings have been designed and located to address potential visual and compatibility impacts to surrounding uses, with appropriate setbacks from adjacent residential properties. The majority of the MF/RO equipment and systems would be housed inside of buildings designed with commercial facades in order to blend in with the existing neighborhood, and to reduce equipment noise levels. Perimeter landscape planters and new six-foot-high masonry block walls would be installed to provide additional screening, separation and noise attenuation where necessary. The project design and conditions of approval contained herein will help ensure compatibility of the proposed project with adjacent properties; 2) Construction of the MF/RO at the subject site would avoid the need to construct additional recycled water infrastructure, specifically pipelines to carry recycled water and brine to/from the MF/RO. The shortest, technically feasible path through the City for recycled water mains for agricultural reuse is along the Escondido Creek Flood Control Channel. Additional costs would be incurred by placing the MF/RO away from the channel due to requirements for construction of additional pipelines. Additionally, the subject property is currently owned by the Utilities Department, which will also assist in reducing project costs; 3) The subject property is immediately adjacent to the channel, and is located in the General Commercial (CG) zone. The CG zone allows public utility uses, subject to approval of a Conditional Use Permit (CUP). The property is bounded on three sides by either the Escondido Creek Flood Control Channel or Circulation Element roadways, and is sufficiently large enough to accommodate the proposed MF/RO. For these reasons, staff believes that the project site is an appropriate location for the MF/RO; and 4) The MF/RO is one of two possible solutions to the City's wastewater outfall capacity issue. It would address the issue by decreasing the capacity demand placed on the outfall pipeline. The other option would be to replace the existing wastewater outfall pipeline with a larger one in order to increase the capacity. The MF/RO is the appropriate option because it is more affordable, can be completed in a shorter timeframe, and is more sensitive to environmental concerns.

Adam Finestone, Principal Planner, also indicated that the application proposal included the adoption of the environmental determination. An Initial Study/Mitigated Negative Declaration was prepared for the project and all project impacts studied were found to be less than significant or would be reduced to a less than significant level. Staff concluded that the Mitigated Negative Declaration was adequate for this project at this location.

Prior to receiving public testimony, Vice-chairman McQuead asked if the gravel areas, which were half the site, were intended for future expansion. Mr. McKinney replied in the affirmative.

Commissioner Spann asked if the proposed plant was basically the same plant that was proposed for the Washington site. Mr. McKinney replied the affirmative.

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Commissioner Spann asked if the pipe that carried the water from the HAARF to the subject plant and then up to the Hogback Station was in place. Mr. McKinney replied in the affirmative as well as noting that the pipe extended to Citrus. Commissioner Spann and staff discussed the demand for recycled water.

Commissioner Weiler asked who prepared and ultimately approved the hazardous materials business plan. He also asked whether the chemical delivery travel routes were part of the business plan. Mr. McKinney noted that the owner/operator would prepare and approve the plan along with the County. He also noted that the travel routes were part of the business plan.

Commissioner Weiler and staff discussed the proposed noise levels for the site, which were lower than the ambient noise levels in the area.

Discussion ensued regarding a clarification of where the screening walls, fencing and landscaping were proposed for the property in question.

Commissioner Romo and staff discussed the operations for the site.

Discussion ensued regarding a clarification of the height of the tanks on site.

Stacey Clark Weber, Escondido, stated that she lived near the subject site. She suggested re-evaluating the Reveal the Creek plans, feeling that a better use for the site would be a park and/or a shared space for retail apartments with an entrance and exit coming off of Ash and Washington.

Erik Larson, Carlsbad, Executive Director for the San Diego County Farm Bureau, stated they were in favor of the project. He noted that agricultural was a large part of the community and was being threatened by the price of water. He stated that the City was being challenged about its outfall capacity. He indicated that the subject project would provide the opportunity to take care of wastewater and at the same time provide affordable water to agriculture. He noted that the subject property was correctly zoned, had existing piping for the need, and mitigated all impacts. He also expressed his concern with the farmers having to wait for recycled water and losing their farms.

Kelly Weber, Escondido, was opposed to the project, feeling the property could be used for a better use. He also expressed his concern with the aesthetics of the project.

Colleen MacKennon, Escondido, was opposed to the project. She stated that subject property was in the heart of the Escondido, noting there were schools, residences, churches, businesses and a residential care facility in close proximity.

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She felt a better use for the property would be affordable housing, noting the area was depressed and needed something that would enhance the area. She also expressed her concern with the amount of crime in the subject area and suggested that if the project was approved that security be addressed.

Carey Algaze, San Diego, representing Pacifica Senior Living Community, stated that their primary concern was for the health and safety of their senior residents, which related to the health and hazard component of the subject project. She noted that they housed independent, assisted, and soon to be memory care residents who would be adversely impacted by the project. She stated they were concerned with the chemicals that would be used onsite and the impacts they would have on the sensitive receptors of the residents. She asked that the Commission request a full assessment of the chemicals being used on the site and require the Hazardous Business Plan be completed so public and decision maker review could occur prior to a decision being made.

Russell Nakaoka, Escondido, Manager of The Springs of Escondido, noted that he was appearing on behalf of himself and The Springs of Escondido. He stated he was opposed to the project at the subject location. He expressed his concern for the 100 plus residents at his facility ranging from 57 to 101 years old. He felt they would be impacted by the unfamiliarity of the construction and buildings on the site. He noted that the west facing units of his property would be within ten feet of the subject property and would have views of the facility. He indicated that the subject project would not provide any benefit to the surrounding neighbors. He asked that the project be built in another location.

Geraldine Teutsch, Escondido, noted that she lived at The Springs of Escondido. She was opposed to the project. She stated that most of the residents in her facility would have to consider moving, noting change was very hard for the residents at her facility to handle.

David Dryden, Escondido, noted that he lived at The Springs of Escondido. He stated that he was speaking on behalf of the Spring's residents, surrounding neighbors, and future residents. He indicated that the subject site was being targeted as an industrial site. He expressed his concern with the illustrations not being consistent, questioning what the site would look like when finished. He felt the proposed use would be inappropriate for the site, noting this was the core of the neighborhood. He also questioned whether there were customers who would use the sites product. In conclusion, he asked that the poor of the community not suffer because the rich did not want it in their neighborhood.

Alfred Roebuck, Escondido, was opposed to the project. He expressed his concern with not knowing the site would become an industrial site with chemical

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storage. He felt the proposed facility was not appropriate for the site since it was not residential or commercial.

Norman Maxwell, Escondido, noted he was a resident of The Springs of Escondido. He felt the project would have tremendous impacts on the surrounding residents, noting his concern with the City staff report indicating that there would be no significant impacts. He felt the proposed facility was not appropriate for the site because the area was residential and light commercial. He expressed his concern with the potential noise, dust and dirt during construction of the site, which would be harmful to the lifestyle of the surrounding residents. He felt the equipment needed to operate the site would disrupt the traffic in the area. He expressed concern with the City Engineer indicating that the project would take over ten years to construct and the residents being impacted during this time. He also noted that property values in the area would be reduced.

Steve Dickson, Escondido, was opposed to the project due to economics, moral, and ethical issues. He stated that the Escondido Creek plan could attract hundreds of thousands of visitors and generate millions of dollars. He noted that the Escondido Creek Conservancy showed the subject property as a top design site to transform the Escondido Creek into a thriving recreational attraction for the residents and visitors, noting this could make Escondido a destination City. He suggested utilizing half of the property for the Escondido Creek Plan and the other for mixed use. He felt commercial property was more valuable than industrial, noting that utilizing the subject property for commercial/recreational would enhance property values, bring more money to the City, and enhance lifestyles for the residents. In conclusion, he felt it was inappropriate to put an industrial use on the subject property.

Patricia Borchmann, Escondido, noted that most of the audience was opposed to the project. She stated that the subject project was proposed at another location where the surrounding property owners were also opposed and denied due to being incompatible with the area. She felt the same findings would apply to the subject property along with challenging the adequacy of the mitigated negative declaration to fully disclose the full intent of the site.

Arthur Devine, Escondido, questioned who proposed the subject project in the residential heart of City. He felt the property could be used for a library, fairgrounds for the farmers market, or something that would benefit the residents. He asked why the subject project could not be put adjacently west of the Hale facility or to use Lake Hodges as a reservoir, which was unsuitable for drinking water. He also expressed his concern with the loss of the Vineyard. In conclusion, he felt there were better places for the subject facility. He also stated that he was in favor of Item 2 on the agenda.

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Marshall Byer, Escondido, was in favor of the project. He stated that he lived at The Springs of Escondido and faced the subject lot, noting that it currently was being used to park heavy equipment and building materials. He felt the project would have little impacts to the area as well as The Springs of Escondido, noting that there were a total of 20 apartments that would face the site, which meant that 80 percent would not be visually impacted by the site. He felt that if the project was denied, the property would continue to be used as a building material site which he felt was more impactful.

Ms. C. Mitchell, Escondido, expressed her concern with any amount of noise impacting the quality of life for residents. She expressed her concern with the City selling itself as a retirement community and then proposing the subject facility next to a retirement development. She felt the subject facility should be located near the agricultural farmers such as in the San Pasqual Valley or Lake Hodges. She expressed her concern with the chemicals impacting the seniors and residents in the area.

Consuela Martinez, Escondido, stated she was opposed to the project at the subject location due to being the urban core. She also felt more individuals would have attended the neighborhood meeting held at The Springs of Escondido if the notice would have been distributed to more than 500 feet of the project's property. She recommended finding a more suitable location.

Randal Roberts, Escondido, noted that he was part of the opposition to the proposed third location for the subject facility. He stated that he was a former certified wastewater facility operator with a family history in water systems. He noted that he supported the goals of the project but did not support the location due to being near residential as well as a residential care facility. He felt the full intent of the project was not being presented. He stated that the previous plant was denied due to public safety concerns, being inconsistent with the General Plan, conflicting with zoning ordinances and CUP requirements, and being incompatible with the neighborhood. He asked that the Commission consider another location.

Chris Nova, Escondido, was opposed to the project. She felt there was a lack of information related to the Negative Declaration, feeling the City needed to delay the project until all of the information was available. She felt environmental justice was at issue according to the EPA with regard to the environmental health hazards and equal decision making of the process. She questioned whether the project would promote a higher sense of community. She felt the project would be inconsistent with the area. She then asked how the City would protect the residents against the toxins, increased traffic, and address long-term impacts on the water supply.

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Barbara Takahara, President of the Cedarbrook Neighborhood, stated they were opposed to the project. She expressed her concern with the written material about the project not being available in Spanish. She then submitted a petition with 103 signatures from the neighbors who opposed the project. She noted that during the last 15 years the creek was becoming a place of peace and harmony. She asked that the City not develop the property as industrial.

Carol Rea, Escondido, felt the question for the commissioners was whether they would like to live near the subject facility. She questioned what type of visual impacts the project would have on the Escondido Creek and its future plans. She also expressed concern with what would occur on the site in the future.

Don Green, Escondido, stated that he was not opposed to the fact that the project needed to be built but was opposed to the proposed location being in a residential and commercial area. He felt the project was not in line with the City's General Plan with regard to taking employment land away. He indicated that CEQA Law 21002 stated that a public agency must not approve a project if feasible alternatives exist, which he felt did. He requested the Commission deny the CUP, reject the MND, and request a full EIR.

Everett Delano, Escondido, representing The Springs of Escondido, stated that the question was whether the project was appropriate for the site, noting his view that it was inappropriate for the site. He felt the subject site had the same, if not more, issues than the previous site that was denied. He indicated that the project did not respect the residential neighborhood, commercial and the Escondido Creek. He felt the project was an affront to environmental justice to the extent that it directly impacted low-income and communities of color. He stated that the proposed facility would be inconsistent with the uses and goals for the GC zone. Mr. Delano noted that the project was not based on sound principles of land use, noting that the project would not help revitalize the area, caused deterioration of boarding land uses, and had detrimental impacts to community and neighborhood plans. He then referenced the Escondido Creek Plan, noting a park or mixed-use project would be more appropriate.

Edward Grangetto, Escondido, Co-Founder for Escondido Growers for Agricultural Preservation, (EGAP), noted that their organization was dedicated to the preservation of the agricultural heritage for Escondido citizens. He then provided a brief summary for the goals of EGAP. He noted that their purpose was to create a self-sustaining grower district that used recycled water as their primary water source. He stated that EGAP would provide an option to the City to avoid a potential construction cost of \$450 million and an additional \$500 million to increase the size of its outfall pipe for treated wastewater to the ocean. He stated that EGAP supported the plant at the proposed location, noting their view that it would address wastewater issues, improve the appearance of the site, reduce

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vagrancy, and free up one gallon of potable water for every gallon of recycled water. He also noted that they were expecting recycled water in 2015 and could be waiting until 2019. He asked that the Commission approve the project.

Vice-chairman McQuead requested information about the other site near the HARRF. Mr. McKinney noted that the site near HARRF did not have adequate space due to future process expansion.

Vice-chairman McQuead asked if the previous site location was residential. Mr. Finestone replied in the affirmative. He also noted the use was allowed under a CUP.

Vice-chairman McQuead asked if vandalism was prevalent at the site. Mr. Finestone noted that he was unaware of vandalism but noted according to the public there was criminal activity occurring on the site.

Commissioner Weiler asked staff to comment on the locations considered as well as why the site could not be located closer to the growers.

Mr. McKinney stated that the three primary factors when considering a location from a utilities perspective was acquisition costs, suitability of the space and the location relative to the source water and ultimate disposition of the water. He indicated that the growers were the potential customers for the subject facility but locating the site near the growers would add enormous costs to future drinking water reuse. He noted that locating the site near Lake Hodges would be too far from agricultural users. The sites considered included the site across from the HARRF, a site near Washington and El Norte Parkway, and a site adjacent to Mountain View Park. He noted that the subject site was located centrally and minimized the future costs for piping.

Vice-chairman McQuead stated that the subject site was where the water department existed in the past, noting that the use was not new to the location. He indicated that the buildings would be 250 feet away from the east property line. He felt it would be appropriate to use half of the property as a park, given the amount of time to build out the site.

Commissioner Spann asked if the tanks and buildings could be lowered. Mr. McKinney noted that the tanks could not be lowered due to the depth of the ground water. He also noted that the buildings could be lowered at a significant cost.

Commissioner Spann concurred with Vice-chairman McQuead comment regarding using half of the property as a park or something that would help enhance the creek.

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Commissioner Romo suggested locating the buildings and pushing them more toward the street if a park was being considered for the site. Mr. McKinney noted the property was owned by the utilities fund and would have to be compensated for the land if used for parkland. Commissioner Romo felt the amount saved by keeping the facility in the subject location outweighed the amount it would cost to sell off a piece of the property. He felt the location was the best site for the facility but felt some additional mitigation was needed to be a better neighbor to screen the industrial use.

Vice-chairman McQuead stated that he was not suggesting selling a portion of the property but allowing a portion of the property to be used as a community use. Mr. McKinney asked if the suggestion was to find a community use for the unused portion of the property until at a later time expansion was needed. Vice-chairman McQuead replied in the affirmative.

Chairman Weber noted that the Escondido Creek along with the subject plan were conceptual plans. He noted that the subject property had always been a storage/water utilities yard, noting his view that the site had some limitations, which prevented it from being developed in the past. He felt the facility was a necessary component for the greater good of the development of the City. He stated that the plant at the Escondido Country Estates had operated for years safely without any issues that he was aware of. He did not feel there would be any visual, safety, or noise impacts from the subject project.

Chairman Weber motion to approve staff's recommendation. The motion included a condition that the Utility Department do their utmost to make a presentable view from surrounding neighbors.

Vice-chairman McQuead asked if the motion pertained to only the view from surrounding neighbors. Chairman Weber noted that Utility Department was prohibited from using funds to construct and maintain a park.

Vice-chairman McQuead asked staff if there was a mechanism that would allow another department to construct a park on the site. Attorney Phillips noted that there would have to be an appraisal of the property and the Utility Department would have to be reimbursed for the property. Mr. McKinney noted that even a temporary use would have to be funded by the General Fund.

Commissioner Weiler suggested that staff explore utilizing a portion of the property for landscaping and a possible park versus making this a condition.

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ACTION:

Moved by Chairman Weber, seconded by Commissioner Weiler, to approve staff's recommendation. The motion included a recommendation to City Council that they request the Utility Department to be the best good neighbor with regard to screening and views from surrounding neighbors. Motion carried unanimously. (5-0)

Chairman Weber recessed the meeting at 9:05 p.m. and reconvened the meeting at 9:12 p.m.

2. CONDITIONAL USE PERMIT – PHG 16-0015:

REQUEST: The project involves a Conditional Use Permit for the installation of two Combined Heat and Power (CHP) units and associated biogas conditioning equipment at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF). The units (one generating 800 kW and one generating 400 kW, for a total production capacity of 1,200 kW) would use biogas for combustion that is produced from three (3) existing sludge digesters at the HARRF. Currently, the biogas produced by the digesters is being flared at the facility. Energy and heat produced by the project would be used to offset the utility power demand and heating needs for the HARRF. The generators would operate 24 hours per day. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Approximately 20 acres, on the northwest side of S. Hale Avenue, north of Avenida Del Diablo, addressed as 1521 S. Hale Avenue (APN 235-051-01 and 235-051-02).

Adam Finestone, Principal Planner, referenced the staff report and noted staff issues were whether the proposed generators are consistent with the standards for electric generating facilities, and whether adequate screening would be provided for the proposed generators. Staff recommended approval based on the following: 1) The proposed generators are consistent with the standards for electric generating facilities since it meets the requirements of the Noise Ordinance and the Environmental Quality Regulations requirements for emissions; 2) adequate screening would be provided for the proposed generators and gas conditioning system. No adverse visual impacts would occur, since the equipment would be screened from view by the existing surrounding structures within the HARRF facility; and 3) The proposed project helps reduce the City's contributions to greenhouse gas emissions, which helps advance environmental initiatives including air quality and climate protection.

Vice-chairman McQuead asked if the burning flare was visible. Mr. McKinney noted that the flare was very difficult to see.

Adam C. Phillips

From: Graham Mitchell
Sent: Thursday, December 15, 2016 9:48 AM
To: Adam C. Phillips
Cc: Bill Martin
Subject: FW: Water Treatment Facility - Washington & Ash

From: Olga Diaz
Sent: Wednesday, December 14, 2016 7:24 AM
To: Graham Mitchell <gmitchell@escondido.org>; Jeffrey Epp <Jepp@escondido.org>
Cc: info@olgadiaz.com
Subject: Water Treatment Facility - Washington & Ash

Jeff & Graham,

I understand that the Planning Commission has approved the CUP for the water treatment facility at Washington & Ash. I would like to formally request an appeal of this decision.

For reference, an appeal of Planning Commission decisions by a councilmember has occurred twice before during my tenure. Once by Marie Waldron regarding the Interfaith shelter and a second time by myself regarding John Paul the Great Catholic University. In both of those cases, an email to the City Manager generated the appeal request and the appeal fee was waived.

Thank you.
Olga Diaz



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

FOR CITY USE ONLY	
\$1415	Application Code(s)
470058	Fee (Non-Refundable)
12/21/16	Receipt No.
01/11/17	Date Filed
	Council Hearing Date
PHG 16-0014	Planning Case File No. (if applicable)

ESCONDIDO CITY CLERK
 16 DEC 21 AM 11:48:59

APPLICATION TO APPEAL A DECISION TO THE CITY COUNCIL

Applicant: The Springs of Escondido c/o DeLano & DeLano Phone: (760) 510-1562
 (Print)

Mailing Address: 220 West Grand Avenue Escondido 92025
 (Street) (City) (Zip)

E-mail: everett@delanoanddelano.com Fax: (760) 510-1565

Legal Owner: City of Escondido Phone: _____
 (Print)

Property Address: 1201 E. Washington Avenue, Escondido, California
 (Subject of Appeal)

Assessor Parcel Number: 230-141-01-00

Project Case Number (if appropriate): PHG 16-0014

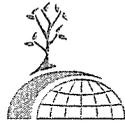
Is legal owner aware of this application? Yes No

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

Please see attached pages.

Distribution:
 Planning Division
 City Manager
 City Clerk
 Other _____
 Applicant

[Signature]
 Signature of Applicant
12-21-16
 Date



DELANO & DELANO

December 21, 2016

VIA HAND DELIVERY

City Clerk
City of Escondido
201 North Broadway
Escondido, CA 92025-2798

Re: Appeal of Planning Commission Approval of Membrane Filtration/Reverse Osmosis Project: PHG 16-0014

Dear City Clerk:

This letter is submitted on behalf of The Springs of Escondido as a supplement to the appeal of the Planning Commission’s December 13, 2016 approval of the Membrane Filtration/Reverse Osmosis project (“Project”) and Mitigated Negative Declaration (“MND”). The appeal is based upon the information contained in this letter and a completed Application to Appeal form. It is also based upon, and hereby incorporates by reference, the staff reports and other evidence presented prior to and at the Planning Commission hearing, the records produced by the City Clerk’s office in response to our request for records, and such other evidence as appellant and others may bring to the attention of the City Council prior to and during its consideration of this appeal.

I. The City Should Deny the Project

The Project is inconsistent with surrounding commercial and residential uses. The Project is an industrial use and there are no other industrial uses in the area. The Project does not fit within the municipal code’s discussion of permitted uses in a Commercial Zone. Among other things, the Project:

- Should be denied based upon sound principles of land use and in response to services required by the community, Muni. Code § 33-1203(a);
- Will cause deterioration of bordering land uses and will cause special problems for the area in which it is located, Muni. Code § 33-1203(b); and
- Will cause detrimental impacts on the community and neighborhood plan for the area in which it is located, Muni. Code § 33-1203(c).

The Project is inconsistent with the adopted Escondido Creek Trail Master Plan. A copy of the page from that Master Plan related to this site is enclosed (Ex. 1).

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Admitted in California and New York

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The Project is inconsistent with the Reveal Escondido Creek, which specifically calls for the site to be open space and park. A copy of the page from Reveal Escondido Creek related to this site is enclosed with my November 28th letter (Ex. 2).

The Project is inconsistent with General Plan standards. For example, the Project does not “protect [surrounding] neighborhoods from crime, blight, and incompatible land uses that negatively affect their quality of life” General Plan at II-11. The site is designated General Commercial, which is intended to provide a “broad range of retail and service activities, including local-serving commercial, community shopping/office complexes, automobile sales and service, eating and drinking establishments, entertainment facilities.” General Plan at II-23. The Project meets none of these broad range of activities. The Project is not “[d]esigned to promote pedestrian activity characterized by ‘store front’ window displays and extensive landscaping.” *Id.* It is not [l]ocated and designed to be compatible and transition with adjacent uses in scale, bulk, height.” *Id.* Nor are the Project “[b]uildings designed to orient to primary street frontage, with individual building entries.” *Id.*

Additionally, the site is immediately adjacent to the East Valley Parkway Target Area, which, among other things, seeks to “include smart growth principles as well as improved vehicular access and enhanced aesthetics from Highway 78 along Lincoln Avenue and Ash Street.” General Plan at II-73. The Project will degrade, rather than improve, these principles.

II. If the City Does Not Deny the Project, it Should Delay the Project and Provide Additional Information

At a meeting on the evening of November 3, 2016, City staff provided several community residents with certain information. Among other things, City staff represented that they had conducted a detailed analysis and determined that the site was the best location for the Project. There were several questions regarding the Project and how City staff made certain decisions leading to the recommendation for the Site.

On November 4, 2016, I sent the City a Public Records Act request, seeking City records regarding the Project and those City staff decisions. The City finally produced some records on November 30th, but, to date, no records have been produced that support several representations made by City staff, including their claim that the site is the best location for the Project. A copy of my December 5th letter, which discusses the inadequate production of records, is enclosed (Ex. 3). As it notes, the City should delay the comment period for the MND and hearings associated with the Project until all records are produced and the public has adequate time to consider them.

III. If the City Does Not Deny the Project, It Should Prepare an EIR

The California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires the preparation of an Environmental Impact Report (“EIR”)

whenever substantial evidence in the record supports a “fair argument” that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is “substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency’s action is to be set aside because the agency abused its discretion by failing to proceed in a ‘manner required by law.’” *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts. A copy of my November 28th letter, which discussed some of these impacts, is enclosed.

Among the deficiencies, as noted in my November 28th letter, is the fact that the City is illegally piecemealing the Project. CEQA requires consideration of “[a]ll phases of project planning, implementation, and operation.” CEQA Guidelines § 15063(a)(1). It defines a project to be “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” CEQA Guidelines § 15378(a) (emphasis added). The Project is a part of the City’s Potable Reuse Water Program and a part of the City’s Recycled Water Master Plan. The City may not segment analysis of the Project from consideration of the potential impacts associated with these, including future potable water reuse facilities and operations at the site and elsewhere.

IV. Conclusion

Accordingly, The Springs of Escondido respectfully appeals the Planning Commission’s approval of the Project and MND, and respectfully requests that the City Council overturn those decisions.

Sincerely,



Everett DeLano

Enclosures

EXHIBIT 1

Alignment

The existing trail is aligned on only one side of the channel, with the exception of the area from Fig Street to Date Street where it is located on both sides of the channel, and from Quince Street to Broadway where there is a missing link. The trail could potentially be extended to both sides of the channel for any or all segments of the channel; however, the following areas have been identified as particularly suitable for alignment on both sides of the channel:

- ① Transit Center to Quince Street
- ② Broadway to Hickory (future fitness loop)
- ③ Date Street to just west of Ash Street
- ④ Just east of Ash Street to Harding Street

LEGEND

- Existing Trail
- Potential Trail Extension
- Existing Trail Connection
- Potential Trail Connection
- Potential Pedestrian Bridge

Note: Trail extensions and improvements associated with future development of the vacant lot at Ash Street are encouraged and should reinforce the trail under crossing on the south side of Ash Street. The future development of the vacant lots also presents an opportunity to create connections from the vacant lot on the north to the commercial lots on the south by way of a new pedestrian bridge. Additionally pedestrian bridges may be considered where the trail is located on both sides of the creek.

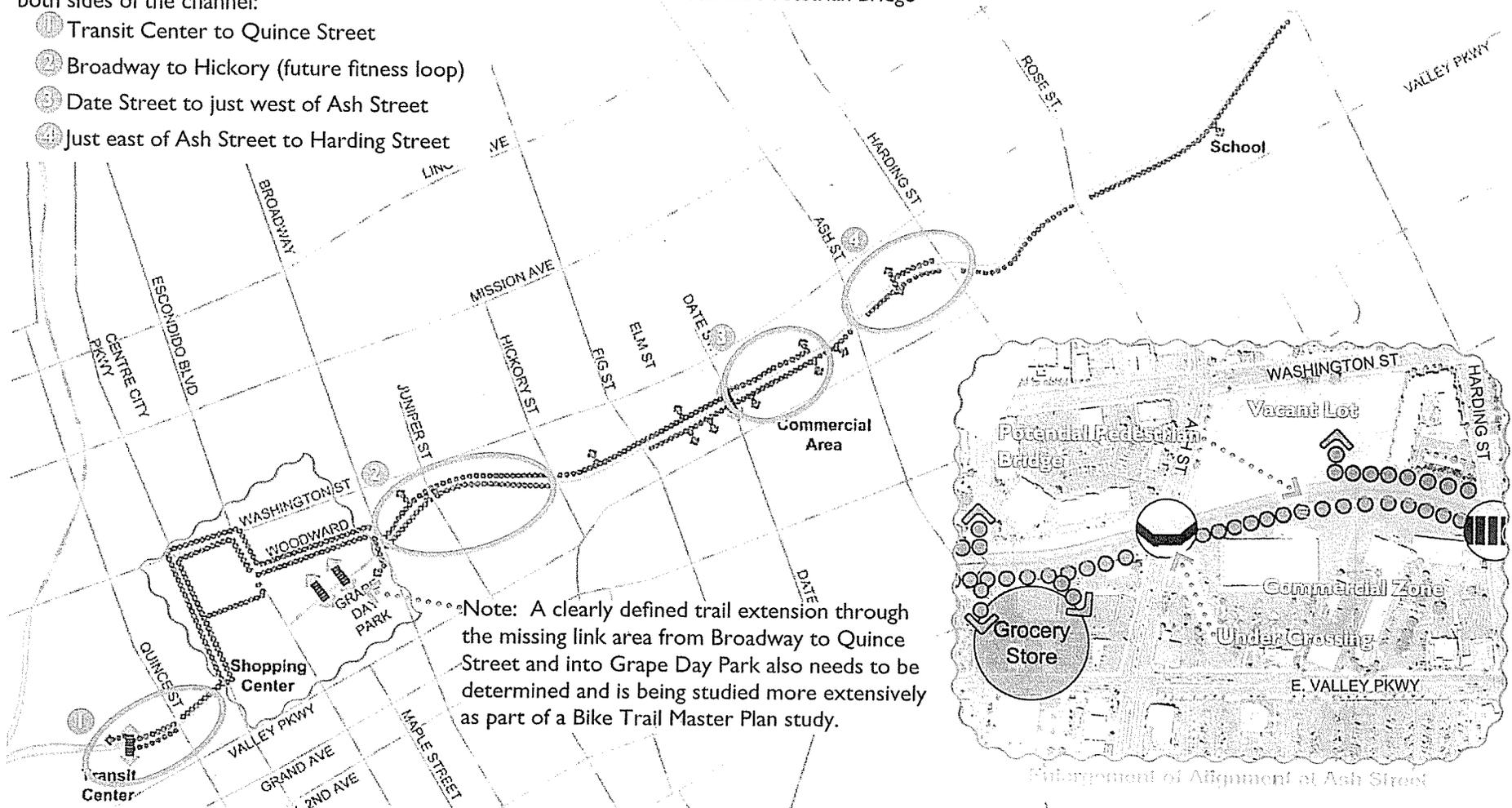
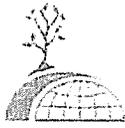


Figure 14: Trail Alignment - Opportunities for Trail Expansion Along Both Sides of the Creek

EXHIBIT 2



DELANO & DELANO

November 28, 2016

VIA E-MAIL & U.S. MAIL

Bill Martin
Director of Community Development
City of Escondido
201 North Broadway
Escondido, CA 92025-2798

Re: Membrane Filtration/Reverse Osmosis Project: PHG 16-0014

Dear City of Escondido:

This letter is submitted on behalf of The Springs of Escondido in connection with the proposed Membrane Filtration/Reverse Osmosis project ("Project") and Mitigated Negative Declaration ("MND").

The California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts.

I. The City Must Delay the Project and Provide Additional Information

At a meeting on the evening of November 3, 2016, City staff provided several community residents with certain information. There were several questions regarding the Project and how City staff made certain decisions leading to the recommendation for the Site. On the morning of November 4, 2016, I sent the City a Public Records Act request, seeking City records regarding the Project and those City staff decisions. To date no records have been produced.

CEQA is premised in part on "a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making

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M. DARE DELANO
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...” *Concerned Citizens of Costa Mesa, Inc. v. 32nd Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. “Environmental review derives its vitality from public participation.” *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400. Accordingly, the City should delay further consideration of the Project, and extend the comment period on the MND, until the requested records have been produced and community residents are given adequate opportunity to review them.

II. The City Is Segmenting the Project

The City is illegally segmenting the Project from other related actions. The MND fails to discuss and address the impacts associated with a related proposed water reuse facility on the site. At a November 3, 2016 meeting, City Manager Graham Mitchell and other staff indicated that the City expects to use the eastern half of the site for a facility that would provide recycled potable water. Yet the MND fails to address such a facility. In *Laurel Heights Improvement Assn v. Regents of the University of California* (1988) 47 Cal.3d 376, the California Supreme Court ruled that an agency must analyze “the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” *Id.* at 396.

III. The Project Will Cause Significant Impacts

The Project will lead to significant impacts to community character, aesthetics, and land use.

- The Project is inconsistent with the surrounding commercial and residential uses. The Project is an industrial use and there are no other industrial uses in the area.
- The MND fails to discuss how or whether the Project fits within the municipal code’s discussion of permitted uses in a Commercial Zone. Among other things, the Project will cause deterioration of bordering land uses and will cause detrimental effects to the community. Muni. Code § 33-1203.
- The MND fails to analyze the Project’s impacts in relation to General Plan standards. For example, the Project does not “protect [surrounding] neighborhoods from crime, blight, and incompatible land uses that negatively affect their quality of life” General Plan at II-11.
- The site is designated General Commercial, which is intended to provide a “broad range of retail and service activities, including local-serving commercial, community shopping/office complexes, automobile sales and service, eating and drinking establishments, entertainment facilities.” General Plan at II-23. The Project meets none of these broad range of activities. The Project is not “[d]esigned to promote pedestrian activity characterized by ‘store front’ window displays and extensive landscaping.” *Id.* Nor are the

Project “[b]uildings designed to orient to primary street frontage, with individual building entries.” *Id.*

- Additionally, the site is immediately adjacent to the East Valley Parkway Target Area, which, among other things, seeks to “include smart growth principles as well as improved vehicular access and enhanced aesthetics from Highway 78 along Lincoln Avenue and Ash Street.” General Plan at II-73. The Project will degrade, rather than improve, these principles.
- The Project is inconsistent with the City’s Reveal Escondido Creek, which specifically calls for the site to be open space and park. A copy of the page from the Reveal Escondido Creek plan related to this site is enclosed.

The Project will lead to significant impacts to traffic.

- The MND fails to consider the impacts associated with construction traffic on the unique intersection geometry at Washington and Ash Streets.
- The MND fails to consider impacts to roadway segments and Highway 78.

The Project will lead to significant impacts to hazards and human health.

- The MND acknowledges sensitive receptors in the immediate vicinity. MND at 41. But there is no analysis of impacts associated with the toxic chemicals to be used on the site. And there is no discussion of potential impacts if spills occur.

The Project will lead to significant impacts to air quality.

- The MND attempts to separate air emissions into construction and operational phases. However, it fails to account for the fact that such phases can, indeed are likely to, overlap, thereby increasing the amounts of emissions at any given time.

The Project will lead to significant impacts to greenhouse gas emissions.

- On April 29, 2015, Governor Brown issued Executive Order B-30-15, which establishes a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030” The MND does not address compliance with Executive Order B-30-15.

The Project will lead to significant impacts to noise.

- The MND acknowledges sound levels of typical construction equipment can be as high as 90.0 dBA 50 feet away from the equipment. MND at 81.
- The MND incorrectly claims that The Springs of Escondido is 200 feet from the site. MND at 82. The Springs is immediately adjacent to the site. As such, noise impacts will be substantial.

- The MND seems to acknowledge sensitive receptors are located adjacent to the site. MND at 91. But there is no analysis of noise impacts on such sensitive receptors as those who live at the Springs.
- The Project's noise mitigation is vague and insufficient. *See Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 ("there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced").

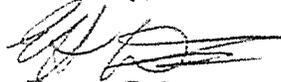
The Project will lead to significant impacts to water supply.

- The MND fails to identify how the Project will affect water supplies over a long period of time. "[A]n adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32.

IV. Conclusion

Thank you for your consideration of these concerns. Please contact me if you have any questions or need additional information.

Sincerely,



Everett DeLano

Enc.

Creekwalk Destination: Urban Wild

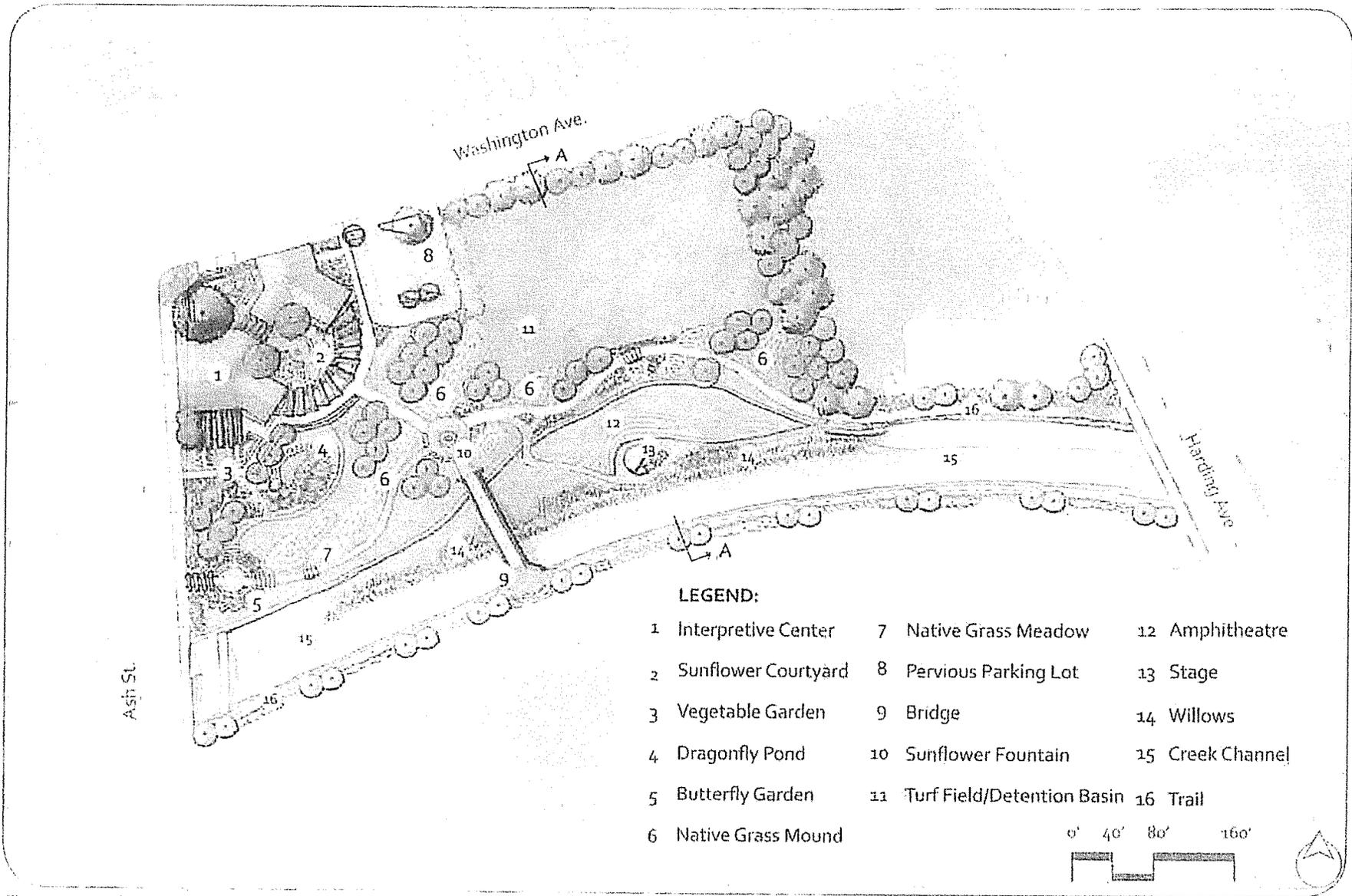
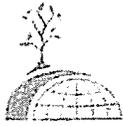


Figure 5.49 Urban Wild Design Plan

Source: Escondido Creek Design Team

EXHIBIT 3



DELANO & DELANO

December 5, 2016

VIA E-MAIL

Adam C. Phillips
Deputy City Attorney
City of Escondido
201 North Broadway
Escondido, CA 92025-2798

Re: Membrane Filtration/Reverse Osmosis Project: PHG 16-0014

Dear Mr. Phillips:

Thank you for your December 1st letter regarding my November 4th request for records associated with the proposed Membrane Filtration/Reverse Osmosis project ("Project"). I sent my request in response to statements made by City staff at a meeting on the evening of November 3rd. Several representations were made by City staff at that meeting, and my request for records sought access to the documents that supported, and provided the details associated with, those representations.

First, I should correct an inaccuracy in your letter. No documents were made available to me on November 28th. The first that records were made available to me was on November 30th.

More fundamentally, I question whether all records responsive to my request have been produced. For example, very little was produced "regarding the Project and/or the Site involving City staff, consultants, third parties, members of the public, and/or representatives of any local, State or federal agency." Similarly, no documents were produced regarding "[a]ny study or analysis of the costs and/or benefits associated with locating the Project or a similar facility at the Site or at other locations, whether such sites are owned by the City or not." And little if any documents were produced regarding "[a]ny study or analysis of a potential project to provide potable reused drinking water, either at the Site or elsewhere" or "[a]ny study or analysis of the costs and/or benefits associated with a potential project to provide potable reused drinking water, either at the Site or elsewhere."

Accordingly, I reiterate my request for a delay both on the comment period for the MND and on any hearings associated with the Project until such records are produced and the public has adequate time to consider them.

EVERETT L. DELANO III
Admitted in California and Colorado

M. DARE DELANO
Admitted in California and New York

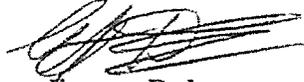
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Escondido, CA 92025

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Adam C. Phillips
December 5, 2016
Page 2 of 2

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. DeLano', with several horizontal strokes extending to the right.

Everett DeLano

cc: Graham Mitchell, City Manager
Bill Martin, Director of Community Development
Eva Heter, City Clerk's Office

PLANNING COMMISSION

Agenda Item No.: G.1
Date: December 13, 2016

CASE NUMBER: PHG 16-0014

APPLICANT: City of Escondido

LOCATION: The 4.5-acre project site is located on the southeast corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue (APN 230-141-01-00).

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: The project involves a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) designed to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF) for agricultural uses. Utility projects, including processing, storage, and distribution facilities for water are permitted uses within commercial zones, subject to the approval of a Conditional Use Permit. The proposed MF/RO would utilize membrane filtration [i.e., microfiltration (MF) or ultrafiltration (UF) membranes] and reverse osmosis (RO) technologies sized for a total production capacity of 2.0 million gallons per day (mgd) with the ability to accommodate the installation of future equipment to provide an additional 1.0 mgd of production capacity. The proposed project would consist of two buildings, both with a maximum height of approximately 31'. The MF/RO Process Building (21,729 SF) would house the MF/RO equipment, pumps, electrical rooms, control rooms, and meeting rooms. The Chemical Building (14,115 SF) would house the transfer pumps and accommodate the storage of chemicals used in treatment process. The project also includes several above ground storage tanks with a maximum height of 30' (300,000 gal influent tank, 160,000 gal inter-process tank, and 820,000 gal product storage tank), and a 1,500 kW emergency backup generator, as well as various above and below ground pipes and support infrastructure.

The perimeter of the site would be secured by a combination of new, six-foot-high masonry walls and decorative wrought iron fencing. Access would be provided via two driveways on E. Washington Avenue. A limited number of employees would visit the site for daily inspections (as needed), monthly routine facility maintenance, and delivery and removal of chemicals. A more detailed description of the project components and operations is included in the Final Mitigated Negative Declaration prepared for the project, which is attached with this report. The proposal also includes the adoption of the environmental determination prepared for the project.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: GC (General Commercial)

ZONING: CG (General Commercial)

BACKGROUND/SUMMARY OF ISSUES: Tertiary-treated recycled water is produced at the HARRF and is provided to other agencies and City customers for landscape and industrial purposes. The City has been expanding the recycled water conveyance system over the past several years to provide a more dependable and sustainable water supply to be less dependent on imported water. The City Council authorized an extension of the recycled water easterly main (currently in various stages of design and construction) to extend the City's ability to supply recycled water to customers located east of downtown Escondido. The recycled water from the HARRF would be brought to the MF/RO by an existing 24-inch diameter pipeline running along the north side of the flood control channel directly south of the project site.

The proposed MF/RO is part of an expansion of Escondido's recycled water (RW) distribution system to serve eastern and northern agricultural land. The MF/RO would further treat recycled water delivered from the HARRF to a level that is necessary for agricultural uses. While reuse of recycled water for agricultural purposes is an important function of the proposed MF/RO, it should be noted that the primary need for the facility stems from capacity limitations in the City's wastewater outfall pipeline which runs under Escondido Creek for more than 14 miles from the HARRF to San Elijo Lagoon, and ultimately to the Pacific Ocean. The outfall pipeline capacity can vary greatly based on factors such as

conservation efforts and weather. In heavy rains, the City could exceed capacity limitations in the outfall pipe, which could subject us to substantial fines by the Regional Water Quality Control Board.

A major benefit of the project is that the MF/RO would be able to treat the recycled water coming from the HARRF to a level that could be used for agricultural purposes. Agricultural producers are a vital part of Escondido's community and its economy, and avocados are one of the most important crops grown in San Diego County. Water quality for avocado production is important for quantity and quality of production. Growers maintain a high demand for water, specifically low-salinity water, and water must be low in chlorides and other constituents to avoid leaf burn, root rot, and the need for excessive flushing. For these reasons, infrastructure to provide more recycled water with lower salinity to the growers (such as the MF/RO) is necessary to offset agricultural potable demand, decrease demand for imported water, and to continue efficient agricultural production.

Staff feels the issues are as follows:

1. Whether the proposed facility would have any adverse visual, noise, and/or compatibility impacts to surrounding uses.
2. Whether the project site is an appropriate location for the facility.
3. If there are other possible solutions to the City's wastewater outfall capacity limitation, and why the MF/RO project is the most appropriate option.

REASON FOR STAFF RECOMMENDATION:

1. The site is bounded on two sides by Circulation Element roadways, and on a third by the Escondido Creek Flood Control Channel. The buildings have been designed and located to address potential visual and compatibility impacts to surrounding uses, with appropriate setbacks from adjacent residential properties. The majority of the MF/RO equipment and systems would be housed inside of buildings designed with commercial facades in order to blend in with the existing neighborhood, and to reduce equipment noise levels. Perimeter landscape planters and new six-foot-high masonry block walls would be installed to provide additional screening, separation and noise attenuation where necessary. The project design and conditions of approval contained herein will help ensure compatibility of the proposed project with adjacent properties.
2. Construction of the MF/RO at the subject site would avoid the need to construct additional recycled water infrastructure, specifically pipelines to carry recycled water and brine to/from the MF/RO. The shortest, technically feasible path through the City for recycled water mains for agricultural reuse is along the Escondido Creek Flood Control Channel. Additional costs would be incurred by placing the MF/RO away from the channel due to requirements for construction of additional pipelines. Additionally, the subject property is currently owned by the Utilities Department, which will also assist in reducing project costs. The subject property is immediately adjacent to the channel, and is located in the General Commercial (CG) zone. The CG zone allows public utility uses, subject to approval of a Conditional Use Permit (CUP). The property is and bounded on three sides by either the Escondido Creek Flood Control Channel or Circulation Element roadways, and is sufficiently large enough to accommodate the proposed MF/RO. For these reasons, staff believes that the project site is an appropriate location for the MF/RO.
3. The MF/RO is one of two possible solutions to the City's wastewater outfall capacity issue. It would address the issue by decreasing the capacity demand placed on the outfall pipeline. The other option would be to replace the existing wastewater outfall pipeline with a larger one in order to increase the capacity. The MF/RO is the appropriate option because it is more affordable, can be completed in a shorter timeframe, and is more sensitive to environmental concerns.

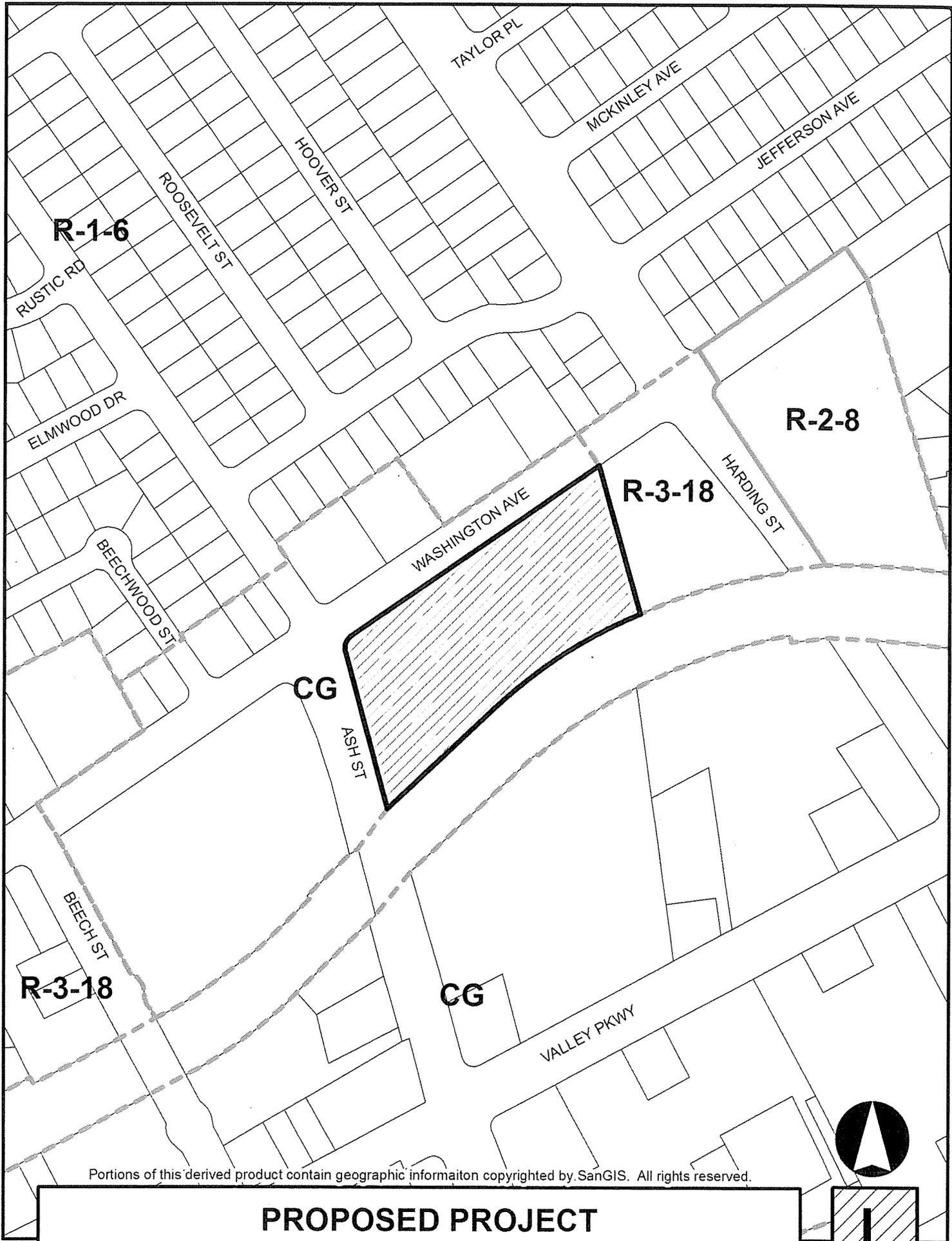
Respectfully Submitted,



Adam Finestone, AICP
Principal Planner

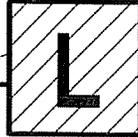


Jay Paul
Associate Planner

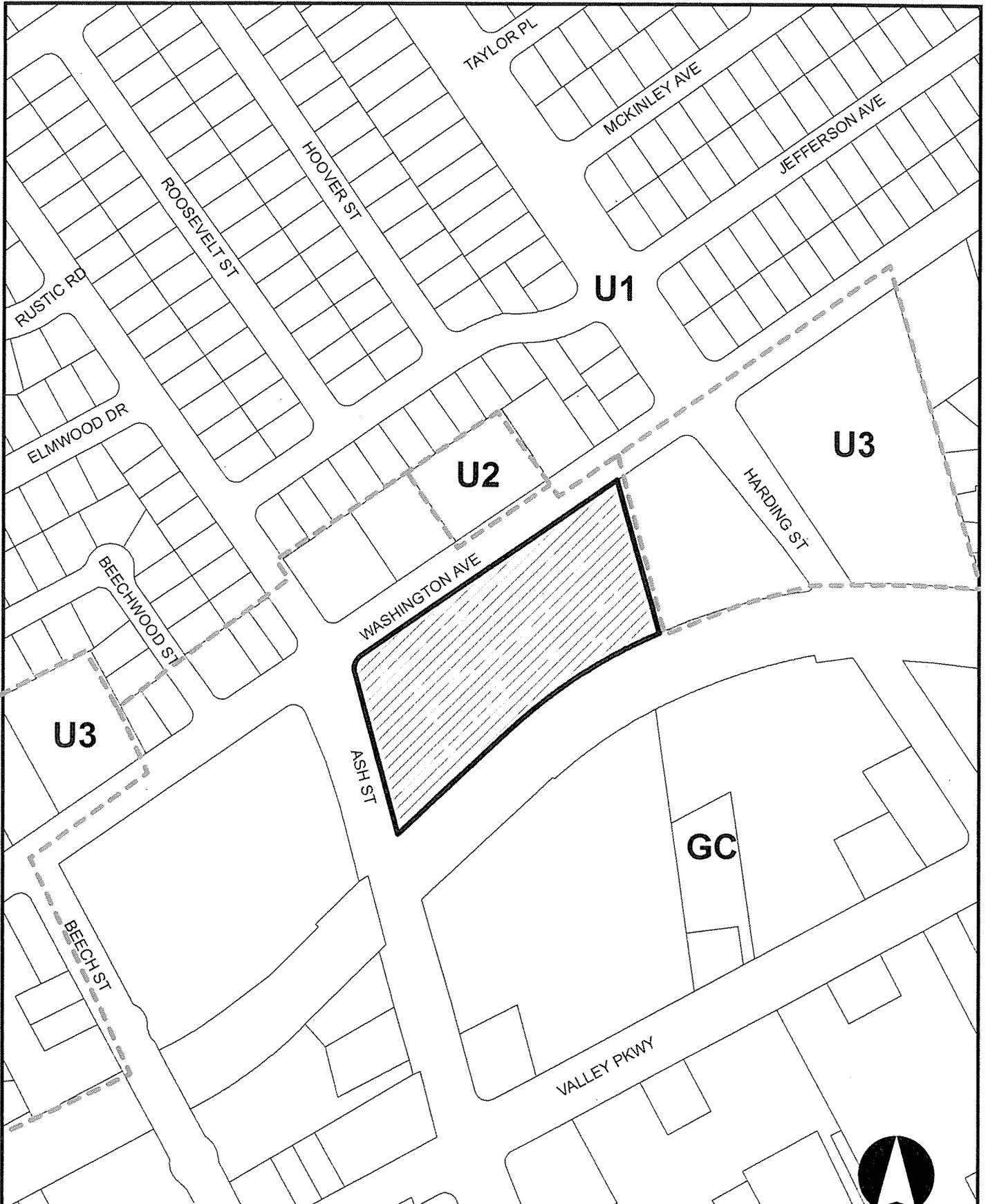


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PROPOSED PROJECT
PHG 16-0014



LOCATION/ZONING

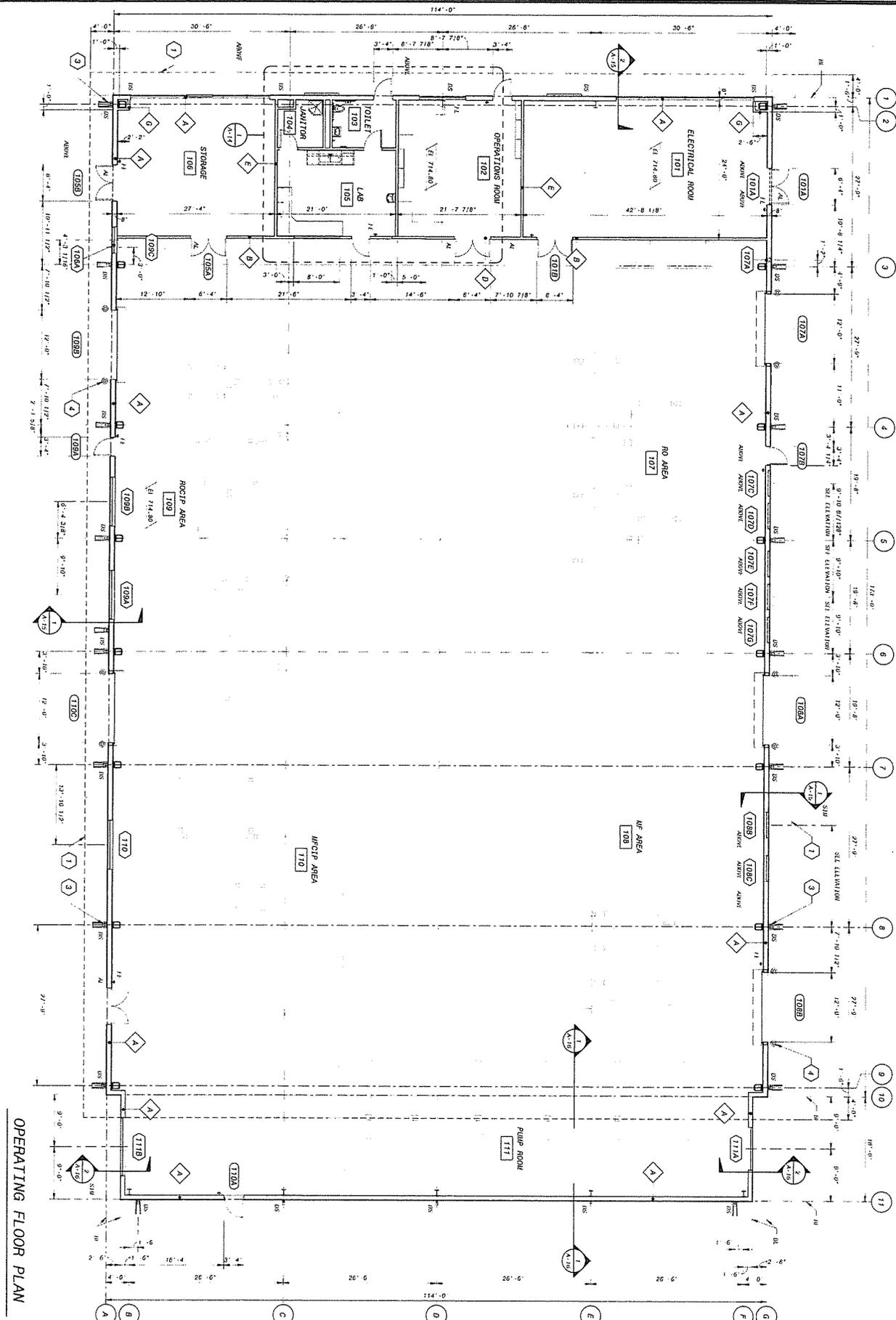


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GENERAL PLAN

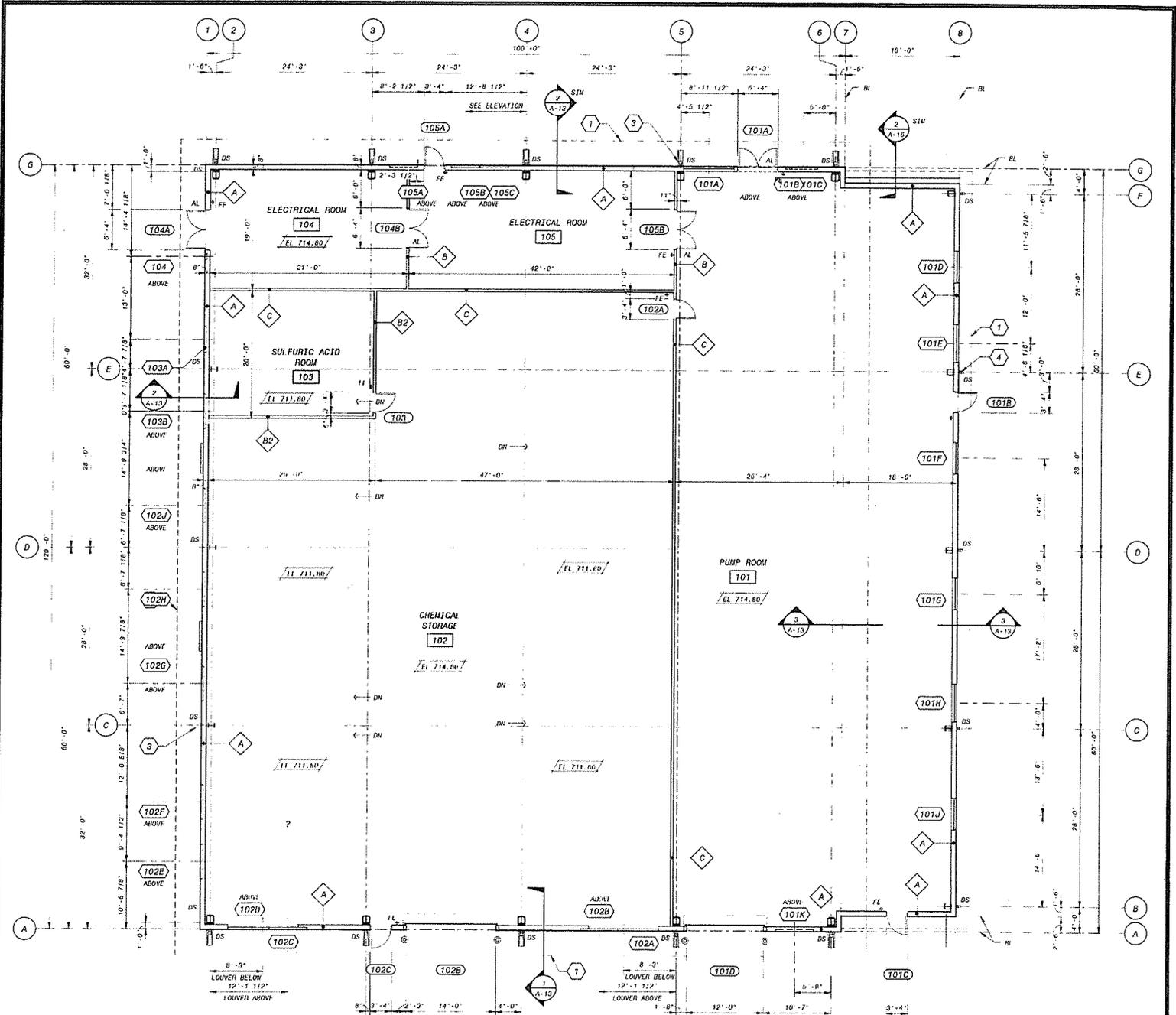
**PROPOSED PROJECT
PHG 16-0014**



OPERATING FLOOR PLAN

**MFRO PROCESS BUILDING
PROPOSED PROJECT
PHG 16-0014**

F



ARCHITECTURAL TAGS

- XX** ACCESSORY ITEM
LETTER SEQUENCE
- T01A** DOOR
ROOM NUMBER + LETTER SEQUENCE
- T01A** LOUVER
ROOM NUMBER + LETTER SEQUENCE
- 00** LABORATORY CABINET
NUMERIC SEQUENCE
- T01** ROOM NAME
ROOM NAME & NUMBER
FIRST DIGIT LEVEL DESIGNATION
+ NUMERIC SEQUENCE (01-99)
- A1** WALL TYPE
LETTER SEQUENCE + NUMERIC SEQUENCE
- W** WINDOW
LETTER SEQUENCE
- 0** SHEET KEYNOTE
NUMERIC SEQUENCE

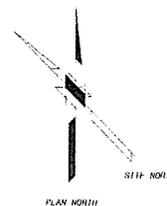
SHEET KEYNOTES

1. ROOF OUTLINE ABOVE, SEE ROOF PLAN & WALL SECTIONS.
2. .
3. DOWNSPOUT & SPLASHBLOCK, TYPICAL.
4. DOWNSPOUT.

GENERAL NOTES

1. FOR WALL TYPES SEE SHEET A-20.
2. FOR ABBREVIATIONS, SEE SHEET A-17.
3. SEE EAST ELEVATION FOR ADDITIONAL DOWNSPOUTS NOT SHOWN ON PLAN.

OPERATING FLOOR PLAN

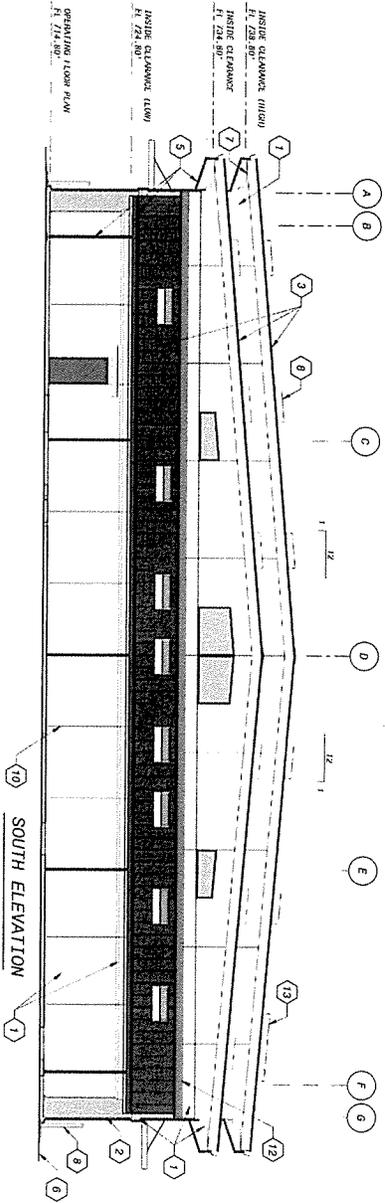
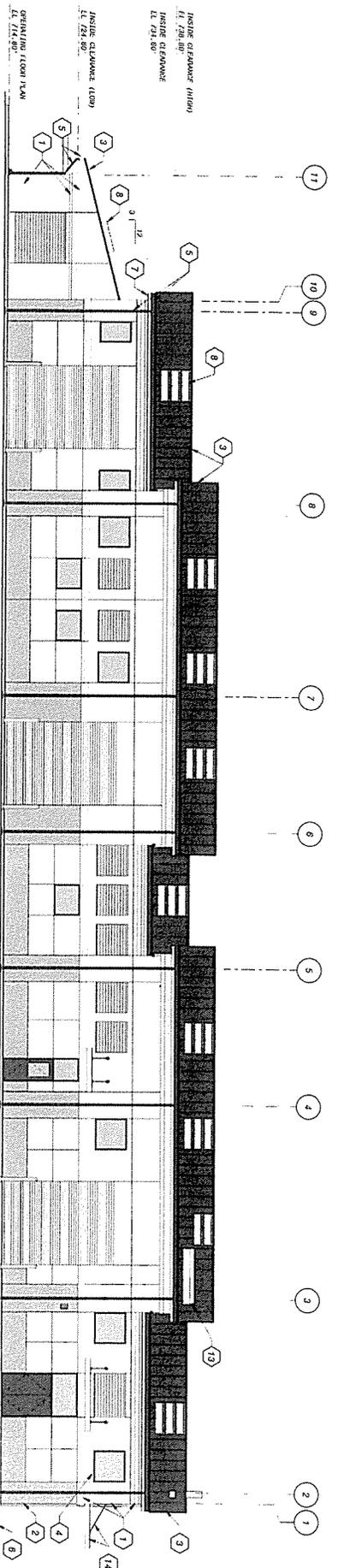


CHEMICAL STORAGE BUILDING

**PROPOSED PROJECT
PHG 16-0014**

F

FLOOR PLAN



GENERAL NOTES

1. FOR ARCHITECTURAL TAGS & SYMBOL LEGEND, SEE OPERATING FLOOR PLAN DRAWING.
2. SEE FLOOR PLAN FOR LOUVER DIMENSIONS NOT SHOWN.

SHEET KEYNOTES

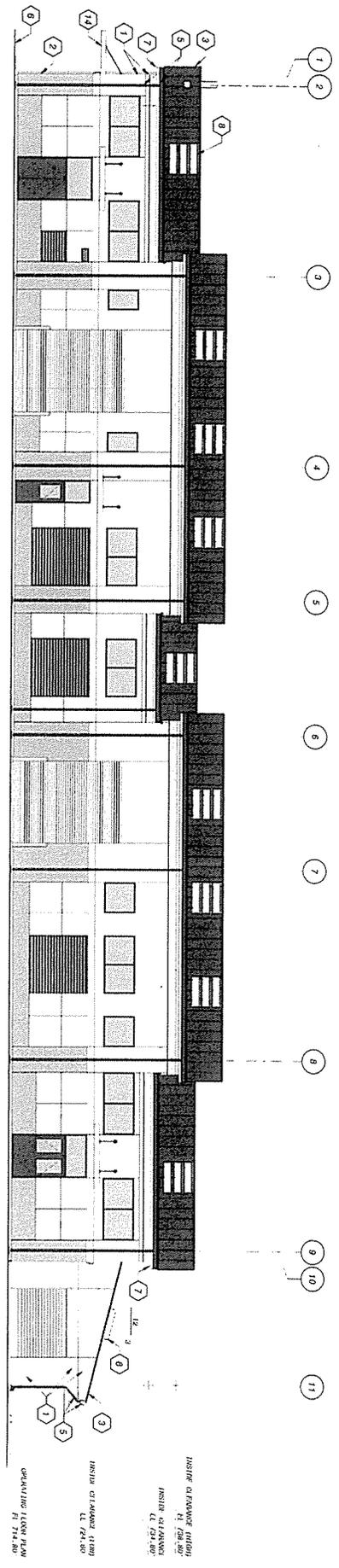
1. STUCCO, FIELD COLOR.
2. STUCCO, BASE COLOR.
3. STANDING SEAM METAL ROOF SYSTEM.
4. ALUMINUM WINDOW FRAME, TYPICAL.
5. PREFINISHED METAL GUTTER & DOWNSPOUT.
6. FINISHED GRADE, SEE CIVIL DRAWINGS.
7. STUCCO PAKE TRIM/FASCIA: COLOR TO MATCH STUCCO FIELD.
8. SKYLIGHT, SEE ROOF PLAN.
9. GUARDPOST, TYPICAL, SEE CIVIL DRAWINGS.
10. CONTROL JOINT (CJ), TYPICAL.
11. UNIT HEATER FLUE, TYPICAL, SEE HVAC DRAWINGS.
12. WALL TO ROOF FLASHING.
13. ROOF HOOD CURB AS REQUIRED. DIMENSION DETERMINED BY EQUIPMENT PROVIDED. LOW SIDE CURB HEIGHT 1'-4" MINIMUM ABOVE ROOF SYSTEM.
14. HANGER ROD & ALUMINUM CANOPY.

MFRO PROCESS BUILDING

**PROPOSED PROJECT
PHG 16-0014**



ELEVATIONS



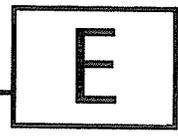
GENERAL NOTES

1. FOR ARCHITECTURAL TAGS & SYMBOL LEGEND, SEE OPERATING FLOOR PLAN DRAWING.

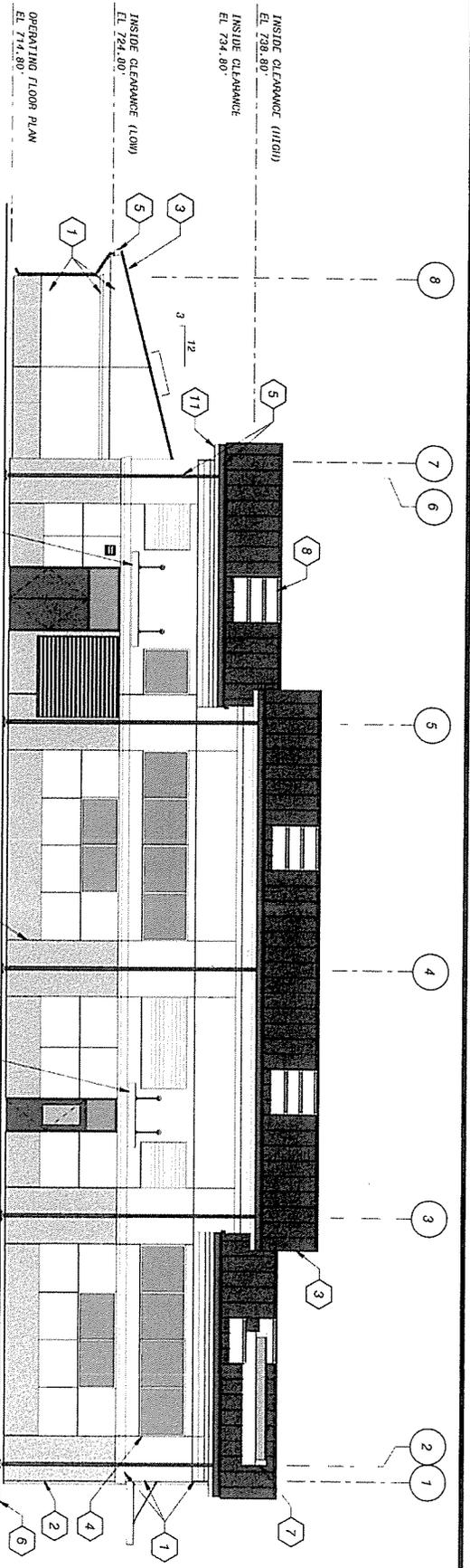
SHEET KEYNOTES

- | | |
|---|--|
| 1. STUCCO, FIELD COLOR. | 7. STUCCO RAKE TRIM/FASCIA: COLOR TO MATCH STUCCO FIELD. |
| 2. STUCCO, BASE COLOR. | 8. SKYLIGHT, SEE ROOF PLAN. |
| 3. TILE ROOF, SEE DETAIL A ON DRAWING A-18. | 9. GUARDPOST, TYPICAL, SEE CIVIL DRAWINGS. |
| 4. ALUMINUM WINDOW FRAME, TYPICAL. | 10. CONTROL JOINT (CJ), TYPICAL. |
| 5. PREFINISHED METAL GUTTER & DOWNSPOUT. | 11. UNIT HEATER FLUE, TYPICAL, SEE HVAC DRAWINGS. |
| 6. FINISHED GRADE, SEE CIVIL DRAWINGS. | 12. WALL TO ROOF FLASHING. |

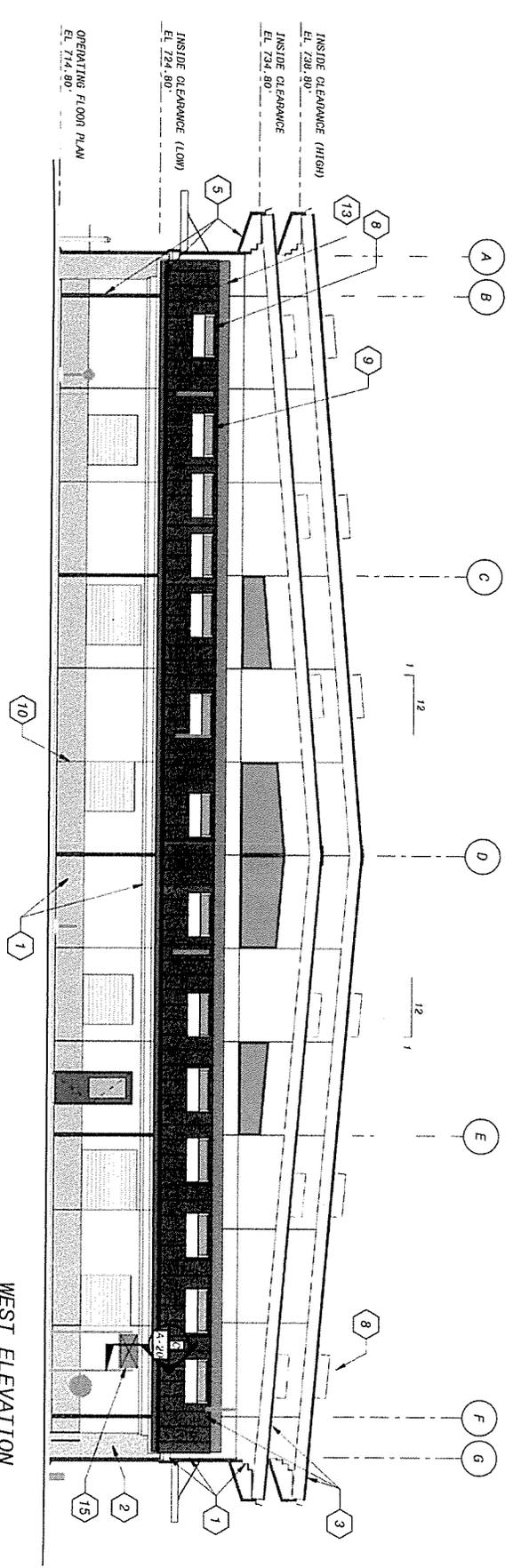
**MFRO PROCESS BUILDING
PROPOSED PROJECT
PHG 16-0014**



ELEVATIONS



SOUTH ELEVATION



WEST ELEVATION

CHEMICAL STORAGE BUILDING

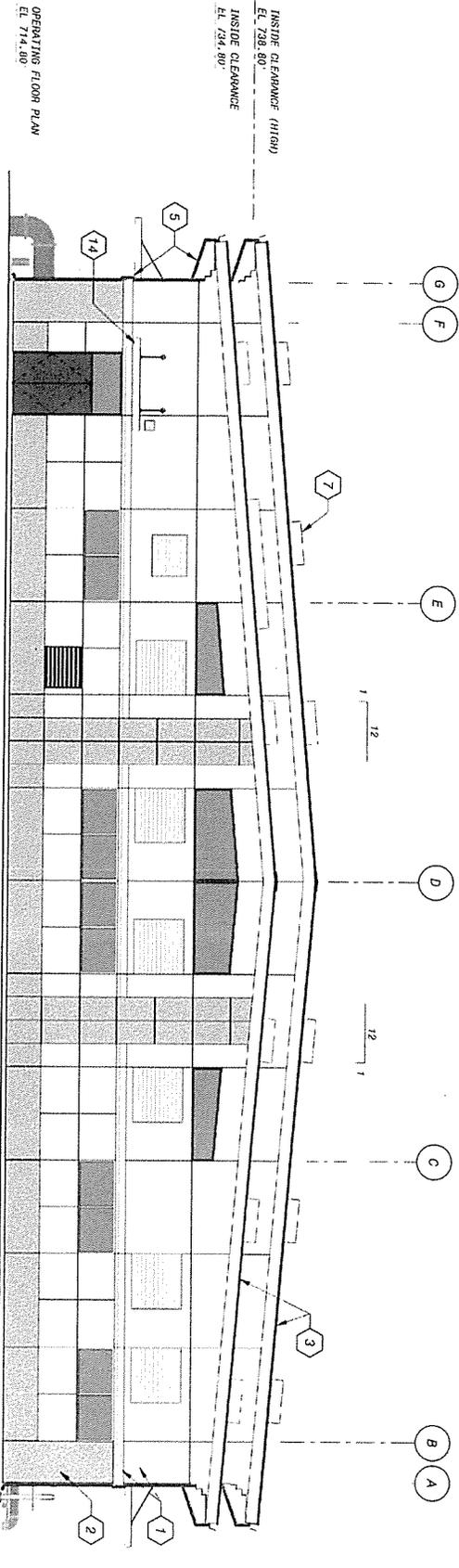
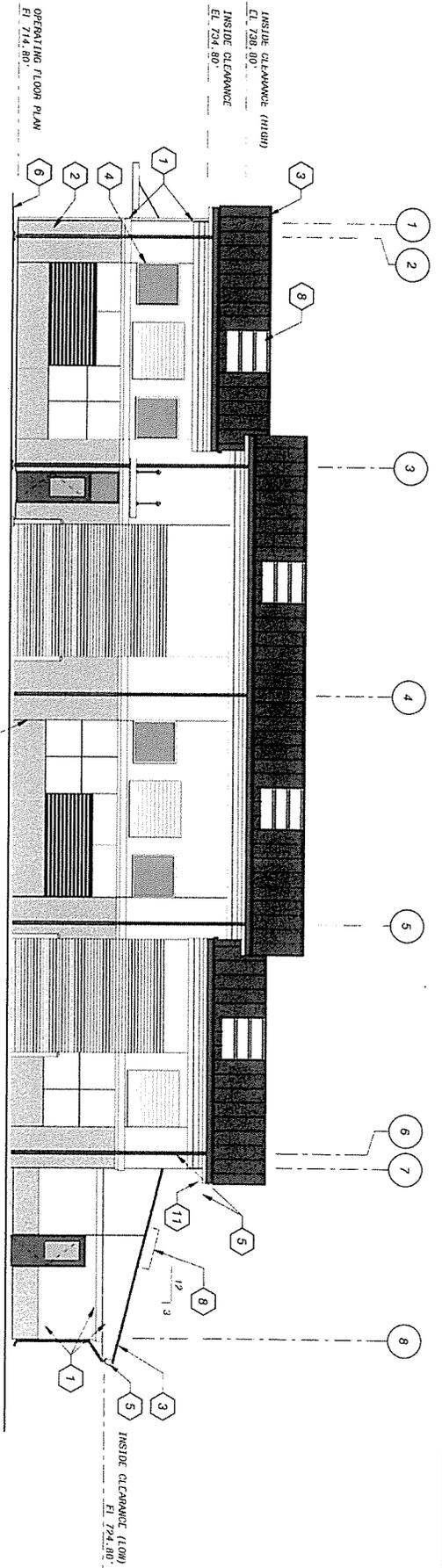
**PROPOSED PROJECT
PHG 16-0014**



ELEVATIONS

SHEET KEYNOTES

- 1. STUCCO, FIELD COLOR.
- 2. STUCCO, BASE COLOR.
- 3. STANDING SEAM METAL ROOF SYSTEM.
- 4. ALUMINUM WINDOW FRAME, TYPICAL.
- 5. PREFINISHED METAL GUTTER & DOWNSPOUT.
- 6. FINISHED GRADE.
- 7. REMOVABLE SKYLIGHT, SEE ROOF PLAN.
- 8. SKYLIGHT, SEE ROOF PLAN.
- 9. HATCH/SKYLIGHT, SEE ROOF PLAN.
- 10. CONTROL JOINT (CJ), TYPICAL.
- 11. STUCCO RAKE/FASCIA TRIM, COLOR TO MATCH STUCCO FIELD.
- 12. PIPING, SEE MECHANICAL PROCESS DRAWINGS.
- 13. WALL TO ROOF FLASHING.
- 14. HANGER ROD & ALUMINUM CANOPY.
- 15. DUCT WALL PENETRATION, SEE HVAC DRAWINGS.

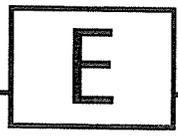


SHEET KEYNOTES

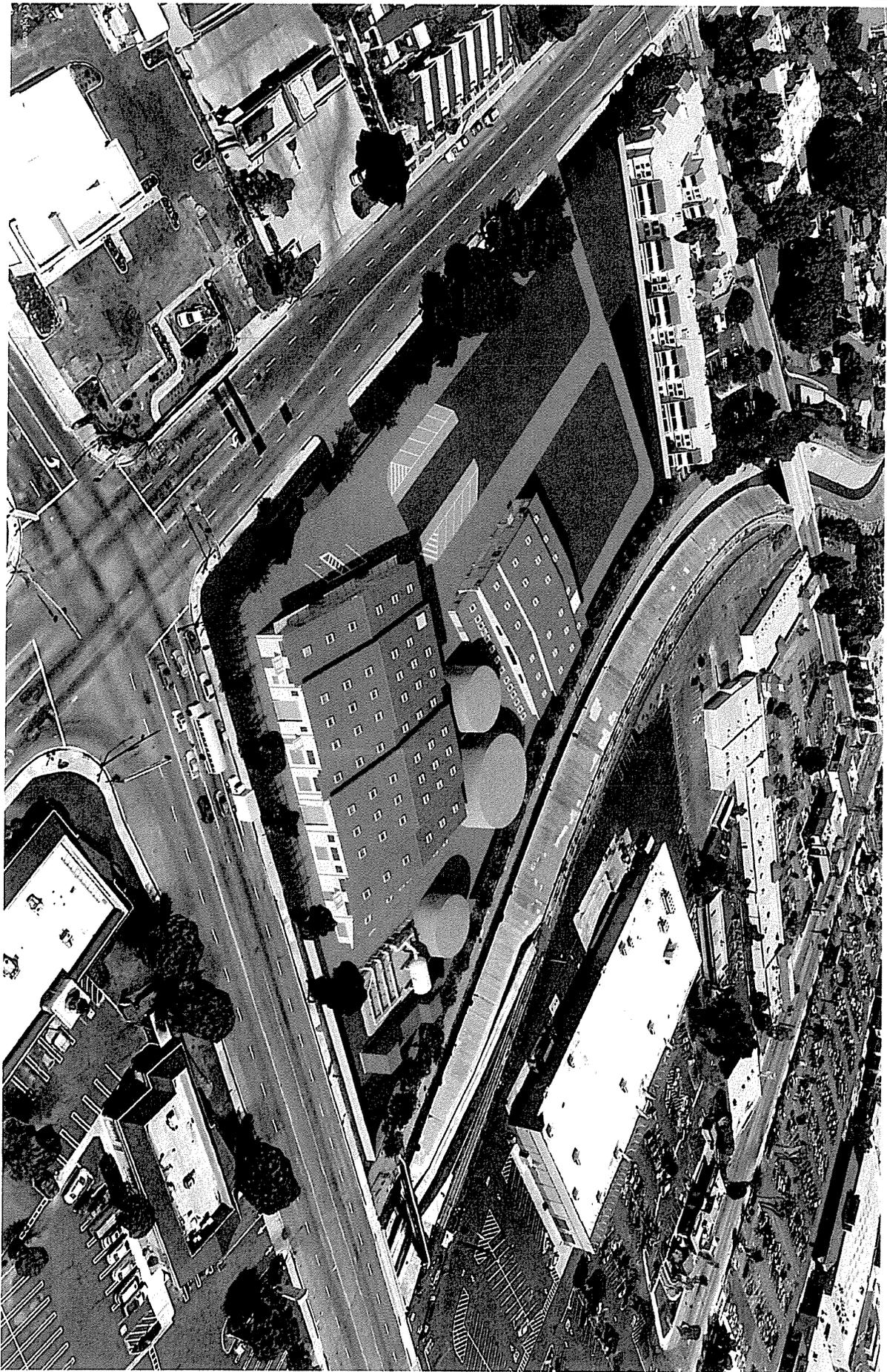
- 1. STUCCO, FIELD COLOR.
- 2. STUCCO, BASE COLOR.
- 3. ROOF TILE: SPANISH ROOF TILE.
- 4. ALUMINUM WINDOW FRAME, TYPICAL.
- 5. PREFINISHED METAL GUTTER & DOWNSPOUT.
- 6. FINISHED GRADE.
- 7. REMOVABLE SKYLIGHT, SEE ROOF PLAN.
- 8. SKYLIGHT, SEE ROOF PLAN.
- 9. HATCH/SKYLIGHT, SEE ROOF PLAN.
- 10. CONTROL JOINT (CJ), TYPICAL.
- 11. STUCCO RAKE/FASCIA TRIM, COLOR TO MATCH STUCCO FIELD.
- 12. PIPING, SEE MECHANICAL PROCESS DRAWINGS.
- 13. WALL TO ROOF FLASHING.
- 14. HANGER ROD & ALUMINUM CANOPY.

CHEMICAL STORAGE BUILDING

**PROPOSED PROJECT
PHG 16-0014**



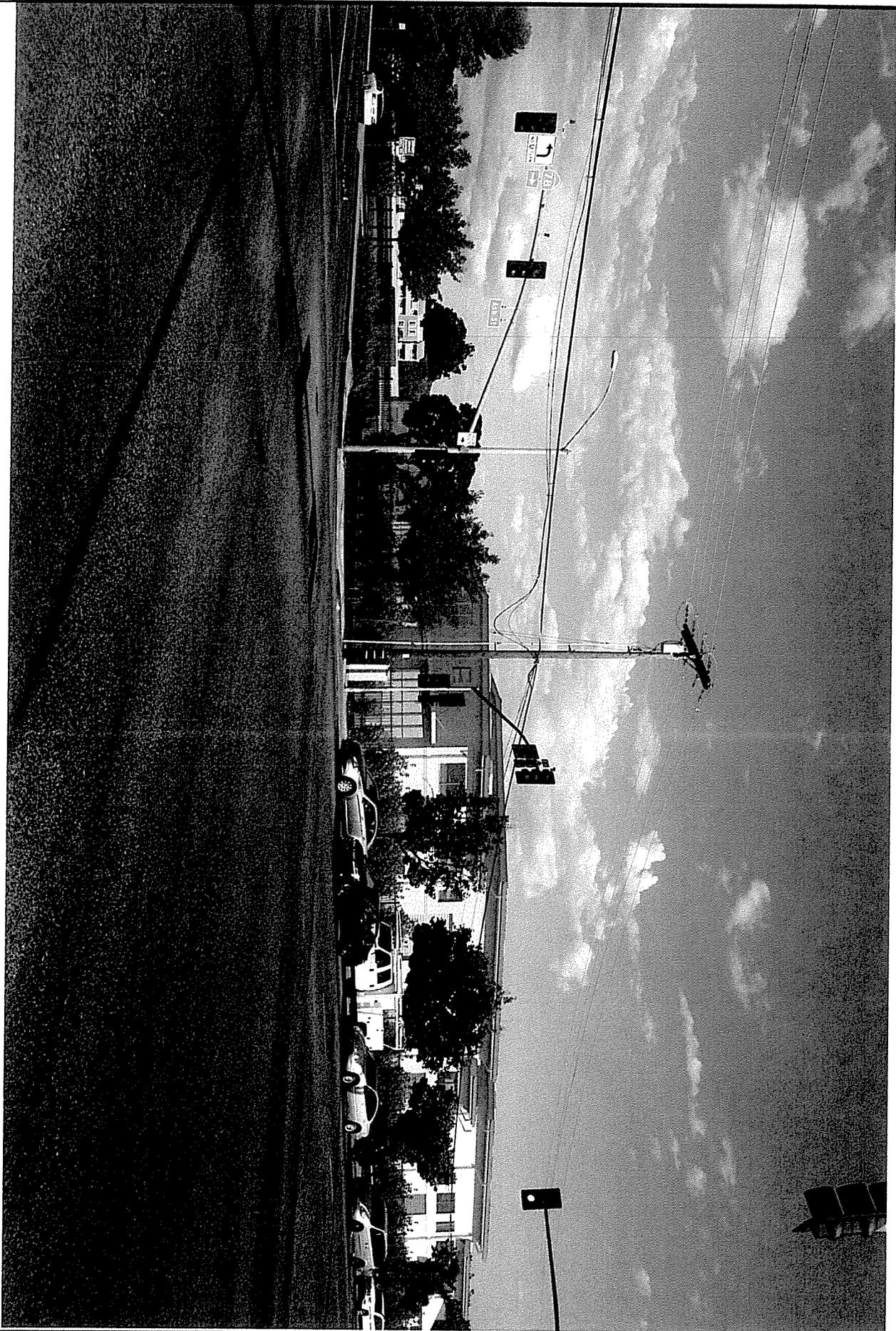
ELEVATIONS



**PROPOSED PROJECT
PHG 16-0014**

3D

3D RENDERING



**PROPOSED PROJECT
PHG 16-0014**

SV

STREET VIEW

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH – CG (General Commercial), R-2-12 (Light Multiple Residential), and R-1-6 (Single-Family Residential, 6,000 SF min. lot size) – Properties in the CG zone are located across E. Washington Avenue at the corner of N. Ash Street. They are currently developed with a convenience store and a self-service car wash. The next property east is zoned R-2-12, and contains a 13-unit multi-family affordable housing project. Further to the east are single-family residences.

SOUTH – CG (General Commercial) – The Escondido Creek flood control channel (concrete lined channel) is located along the southern side of the project site. Beyond that is a commercial shopping center with a major tenant (Walmart Neighborhood Market) and several single or multi-tenant pad buildings. The rear of the shopping center, along with various parking areas, loading doors and trash enclosure areas orients towards the project site. Paved maintenance access paths parallel both sides of the channel with a Class 1 bike path along the southern side. Chain-link fencing secures the northern and southern perimeters of the flood control channel.

EAST - R-3-18 zoning (Medium Multiple Residential) – A 115 unit, three-story independent and assisted living facility for senior citizens (The Springs of Escondido) is located to the east of the subject property. The rear of the commercial buildings generally orient towards the project site including upper story open balconies and windows. The ground floor patios would be screened by a new six-foot-tall masonry block wall that would replace the existing wooden fence. A minimum 10-foot-wide landscape planter is proposed along the eastern property boundary. The nearest building (Chemical Building) would be setback approximately 256' to 298' from the eastern property boundary.

WEST - CG (General Commercial) – A mid-size commercial shopping center is located to the west across N. Ash Street with a variety of single and multi-tenant pad and in-line buildings. A variety of commercial uses also are located southwest and northwest of the site.

B. ENVIRONMENTAL STATUS

A Draft Initial Study/Mitigated Negative Declaration was issued for a 30-day public review for the proposed project on October 25, 2016, in conformance with the California Environmental Quality Act (CEQA). The finding of the environmental analysis in the Initial Study identified potentially significant impacts related to the issues of biological resources, cultural and tribal cultural resources, and noise. However, design and minimization measures, revisions in the project plans and/or mitigation measures would provide mitigation to a point where potential impacts would be reduced to a less than significant level. All other project impacts studied were found to be less than significant. The City has concluded necessary consultation with the Native American Tribes in accordance with Assembly Bill 52 with the incorporation of appropriate mitigation measures to address potential impacts to Tribal Cultural Resources, including Native American monitors during initial site grading. The Final Mitigated Negative Declaration may be viewed at the following link: <https://www.escondido.org/membrane-filtration-reverse-osmosis-facility.aspx>.

The City is seeking funding from the State Revolving Fund (SRF) Loan Program for this project. The U.S. Environmental Protection Agency (USEPA) sponsors the SRF Program to provide funding for construction of publicly-owned treatment facilities and water reclamation projects. In order to comply with requirements of the SRF Loan Program, which is administered by State Water Resource Control Board (SWRCB) the Initial Study/MND must fulfill additional requirements known as CEQA-Plus. The CEQA-Plus requirements have been established by the EPA and are intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the SWRCB when reviewing applications for wastewater treatment facility loans. The Final MND includes the appropriate CEQA-Plus analysis.

Staff received nine pieces of written correspondence (letters and/or emails) during the public review period for the Draft Initial Study/Mitigated Negative Declaration and two letters in the days following the review period. (An extension had been granted to the authors of the letters received following the close of the review period.) The Final Mitigated Negative Declaration (MND) includes those comments and provides responses to them. The following modifications to the draft MND have been made: Modifications made to the MND address the following items:

1. An additional Biological Resources mitigation measure was inserted to require mitigation for non-native grassland.

2. A traffic control plan must be obtained from the California Department of Transportation.
3. Additional analysis was provided in the areas of Greenhouse Gas Emissions and Noise.

Additional information on each of those items can be found in the responses to comment letters B, C, and K-a.

C. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service -- The Police Department expressed no concern regarding their ability to serve the site. The entire site would be fenced and gated to control access.
2. Effect on Fire Service -- Fire Station #2 and Fire Station #7 are both approximately 1 mile from the project site. The Fire Department did not express any concerns regarding their ability to serve the site. Appropriate on-site circulation for emergency vehicles would be provided.
3. Traffic -- The Engineering Services Department indicated the intermittent operational traffic and the short term construction traffic resulting from the proposed project would not adversely affect level of service on nearby roadways and intersections. A Traffic Control and Management Plan will be required for all phases of construction. The project contractor would implement traffic control measures to ensure that all nearby roadways and intersections would operate at acceptable levels of service. Traffic related to operation of the facility generally would be limited to inspection, deliveries, maintenance, and repair activities that would occur infrequently.
4. Utilities -- Water service to the site is provided by the City of Escondido. The Engineering Services Department concluded the project would not materially degrade the level-of-service of the public sewer and water system. Waste streams generated by the facility including strainer backwash, MF/UF neutralized waste, RO flush waste, RO waste, RO flush pump, RO neutralized waste, as well as sanitary sewer waste would be discharged to a proposed on-site waste equalization wet well prior to discharge to the sanitary sewer and conveyed to HARRF for treatment. The proposed sewer system would convey wastewater flows to an existing 27-inch pipe located along the north side of the channel. Two submersible sump pumps would be provided to pump waste flows to the sanitary sewer.

Pipelines entering the project site from Washington Avenue include potable water, fiber optic and electrical conduit. Pipelines entering the project site from the south include the recycled water influent, brine/reject waste return, agriculture supply pipeline, and sanitary sewer. The recycled water and brine pipelines paralleling the south side of the project site were constructed as part of the City's Recycled Water Easterly Main Extension Project (City File No. ENV13-0007). The recycled water from the HARRF would be brought to the MF/RO by an existing 24-inch diameter pipeline along the north side of the channel. MF/RO treatment process waste streams would be collected and conveyed back to the HARRF through a 16-inch brine pipeline along the north side of the channel.

5. Drainage -- An existing 69 inch storm drain is located in North Ash Street with a 24 inch branch to a curb inlet at the corner of N. Ash Street and E. Washington Avenue. The concrete-lined Escondido Creek Flood Control Channel is also located south of the project site. The project would include an onsite storm water basin to capture and control the release of water as required by the City's storm water requirements. Additionally, the project would include onsite bio filtration areas to treat runoff. The project would include one connection to the flood control channel to convey water from the storm water basin.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The proposed project is consistent with the General Plan and applicable Municipal Code provisions. There are several policies and quality of life standards in the City's General Plan that address the reuse of recycled water. They are detailed in the Findings of Fact attached to this staff report as Exhibit "A."

Project Design and Neighborhood Compatibility

The 4.5-acre project site is zoned for general commercial uses and has been developed and utilized in the past for public utility and storage type purposes. Although the area is primarily commercial in nature, there is a mix of multi-family and single-family development located adjacent on the east and to the north. The architecture, materials and exterior colors of the proposed MF/RO Process and Chemical Storage buildings have been designed to reflect the general commercial character of the area, utilizing stucco, storefront type glass and upper story window features, along with metal awnings

over certain windows and doors, and a standing seam metal roof with varying rooflines and skylights. The buildings have been located towards the western area of the site to provide appropriate separation from the adjacent residential care facility located on the east. The three large above-ground storage tanks have been located either between the buildings or behind equipment to help buffer them from adjacent street views.

The nearest building would be setback between 256 feet to 298 feet from the easterly property line. The majority of the facility equipment would be housed inside of buildings with sound attenuating features (e.g., acoustic louvers, acoustic hoods, etc.). The exterior pumping equipment generally would be placed behind the storage tanks to further reduce potential noise and compatibility impacts to surrounding uses, especially the residential care facility on the east. All equipment would be selected based on mechanical specifications to meet the City's noise standards.

The size and height of the two buildings (varying from approximately 27 feet to 31 feet in height) would be in conformance with other larger commercial and multi-family structures throughout the area, which vary from 31 feet to 33 feet in height. The site would be secured by new decorative wrought-iron type fencing, along with perimeter landscape planters and a new six-foot-high masonry block wall along the eastern boundary. A limited number of personnel would need to be on site and outdoor activities (such as deliveries or maintenance) would be infrequent, which would further reduce potential noise and compatibility impacts to the adjacent residences. Staff believes the project has been appropriately designed to mitigate any potential noise, visual, or compatibility impacts to adjacent uses.

The facility would be a relatively low intensity type use (noise, traffic, onsite activities, etc.) compared to the range of commercial uses that could occupy the site (drive-through restaurant, gas station with convenience store, auto repair and auto services, large home improvement facility with outdoor storage, etc.). A table identifying possible development options for the project and the traffic that would be generated by such uses (measured in Average Daily Trips, or ADTs) has been provided in the Supplement to Staff Report/Details of Request section of this report.

Chemical Storage - Operation of the proposed facility includes the storage of certain chemicals that would be used in the MF/RO process to include sodium hypochlorite and liquid ammonium sulfate (disinfectant), sulfuric acid and sodium bisulfite (pH control), threshold inhibitor, antiscalant, calcium chloride, citric acid, and sodium hydroxide. Storage of chemicals would be within specific designed tanks, containers and containment areas within the Chemical Storage Building. The delivery and disposal of chemicals to and from the project site would occur in full accordance with all applicable federal, state, and local regulations. A Hazardous Materials Business Plan (HMBP) must be prepared for the proposed project as required by the County of San Diego Department of Environmental Health. The HMBP is intended to minimize hazards to human health and the environment from fires, explosions, or an unplanned release of hazardous substances into air, soil, or surface water. Staff believes the storage of the necessary chemicals on site would not create any significant health hazard due to the project design and safety features, implementation of the HMBP, and compliance with all applicable federal, state and local regulations regarding the use and transport of hazardous materials.

Why the MF/RO is the appropriate option to alleviate the wastewater outfall pipe capacity issue

As stated previously, the City's wastewater outfall pipeline is nearing capacity. In order to continue meeting the needs of a growing demand for both water and wastewater services, the City must address this issue. This can be accomplished by either reducing the capacity demand on our wastewater pipeline (the MF/RO would be a part of the City's capacity demand reduction efforts), or by increasing the size of the pipeline. Each option is described below.

MF/RO Facility – The MF/RO would be part of an expansion of Escondido's recycled water distribution system. By providing an additional level of treatment to recycled water produced at the HARRF, the City would be able to sell the water to agricultural users (primarily avocado growers) toward the north and east sides of the city. The additional destination for recycled water would initially increase the amount of such water that could be diverted from the wastewater outfall pipeline by approximately 1.5 mgd, with additional diversion possible if the recycled water system expands to serve additional agricultural users. Since agricultural users currently use potable water sources for irrigation, the MF/RO would provide the added benefit of reducing demand on existing potable water sources.

The MF/RO is a financially sound investment for several reasons. The cost of the facility is estimated to be \$32.7 million, and existing infrastructure necessary to convey recycled water from the HARRF to the facility is already existing. Portions of the recycled water distribution system necessary to convey the highly treated water from the facility to the end users are also already existing, and additional portions can be constructed as the need for them arises over the next 15 – 20 years. Since the infrastructure is already in place to serve the facility, and preliminary design has already begun, the MF/RO could be ready to serve end users in approximately 18 months. In addition, the MF/RO would create an income stream through the sale of treated water to agricultural users that would assist in covering the costs for project construction.

Expansion of outfall pipeline – The existing outfall pipeline runs for 14.3 miles under Escondido Creek to the San Elijo Lagoon, where it then is conveyed through another 1.5 mile pipeline under water to the Pacific Ocean. Expanding the outfall pipeline would require construction within the creek which would significantly damage sensitive habitat that would take years to restore. It would also continue an unsustainable approach to water use by sending additional wastewater to the Pacific Ocean instead of reusing it in a manner that would free up existing potable water supplies for domestic use. After more than five years of drought, it is clear that we must find ways to conserve the shrinking supply of potable water.

Even if water supply concerns were not an issue, the cost of upsizing the outfall pipeline presents a major obstacle. Construction costs alone are currently estimated to be \$450 million. When coupled with the estimated \$500 million cost involved with obtaining necessary permits and environmental clearances, including environmental mitigation for the damage caused to Escondido Creek, the outfall pipeline expansion project would cost nearly one billion dollars. (In addition, considering that obtaining clearances and permits is estimated to take approximately 7 years, the costs for environmental mitigation could rise substantially.) This cost would be incurred over the course of only 3 – 5 years, and has no possibility to create any income for the City. This is an expense the City simply cannot afford.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The project site is undeveloped, weed-abated land, generally covered by grasses, dirt, and some concrete. The project site is relatively flat with an elevation of approximately 674 feet. Several non-native trees are distributed around two edges of the project site. Sparse ornamental trees are located along the northern, western, and eastern perimeter of the site, both within and just outside the project boundaries. The project site includes an existing fence line around the perimeter of the site. The project site fronts onto and currently takes access from Washington Avenue on the north and North Ash Street on the west, and is adjacent to the Escondido Creek Flood Control Channel to the south.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 4.5 acres (one parcel)
2. Proposed New Buildings: 2 new buildings (MF/RO Process building and Chemical Storage building)
MF/RO Process Bldg. (west bldg.): MF/RO equipment, pumps, electrical rooms, control rooms, and meeting rooms
Size: 21,729 SF
Height: Approx. 31' to top of ridgeline
Chemical Storage Bldg. (east bldg.): Chemical feed and storage, electrical room and pump gallery for MF/UF feed pumps and agricultural recycled water pumps
Size: 14,115 SF
Height: Approx. 31' to top of ridgeline
Standby Generator: 1,500 kW (13'W x 60'L x 18' T with two radiator discharge noise attenuation covers)
Above Ground Storage Tanks
MF/UF Influent Tank: 300,000 gal. (50-foot diameter, 25-foot tall, with the potential to be partially buried 10 feet below finished grade)
Inter Process Storage Tank: 160,000 gal. (40-foot in diameter and 20-foot tall, with the potential to be partially buried 10 feet below finished grade)
Product Storage Blend Tank: 820,000 gal. (72-foot diameter and 30-foot tall, with the potential to be partially buried 10 feet below finished grade)
Surge Tank: Steel pressure tank would be approximately 2,150 cubic feet.
3. Colors/Materials: Stucco exterior (light cream/tan upper building area with darker base-wainscot); vertical and horizontal score/control joints; storefront type windows along the northern elevation of the larger Process building; upper story windows and varied wall louvers; Standing seam metal roof with varying roofline and skylights; dimensional wall banding; metal roll-up doors.
4. Fencing: New decorative six-foot-high wrought-iron style fencing and gates along the northern, southern and western perimeter, and a new six-foot-high masonry wall along the eastern property boundary.

C. CODE COMPLIANCE ANALYSIS:

	<u>Proposed</u>	<u>CG Zone Requirements</u>
1. Setbacks:		
Front (west Ash St):	24' to Process Bldg. and 19' to Generator	None
Rear (east)	256' to 298' from Chemical Bldg.	10' (when adjacent to residential zone)
Street Side (north):	41' – 84' to MF/RO Bldg.	15' (when adjacent to R-2 zone).
Side (south):	25' to Chemical Bldg. 61' to Process Bldg. 21' to PW Storage Tank 17' to Inter Process Tank 19' to Generator	None
2. Building Height:	Ranges from approx. 27' to 31' to top of ridge line	None (subject to Uniform Building Code; General Plan limits height to 3 stories with some exceptions)
3. Lot Coverage:	22.6 % (45,170 SF)	50% (up to 99,534 SF) General Plan limits lot coverage to 0.5
4. Parking:	The proposed use does not require any dedicated striped parking spaces, but on-site parking could be provided as necessary. Employees on site would be infrequent and appropriate space is available on site to accommodate city vehicles and any delivery trucks. Section 33-767 allows the Commission to waive parking for uses with limited number of persons that would utilize the facility (i.e., utility or corporation storage yards or other similar uses).	

General Commercial Project Comparison:

Based on the area of the site and General Plan land-use and zoning designations (with a mixed-use overlay) that allows a variety of permitted and conditionally permitted commercial uses, along with a residential component up to 30 du/ac.

Land Uses	SF and Density	FAR	ADT
Mixed-Use Multi-Family Residential with commercial component	10,000 SF Specialty Commercial 30 du/ac 3-story multi-family residential (122-130 units)	N/A	1,180
Neighborhood Shopping Center	64,978 SF	0.35	7,793
Specialty Retail Center	92,000 SF	0.5	3,680
Standard Office Development	92,000 SF	0.5	1,840
Restaurants (1 per acre) including variety of fast food with drive through and sit down	2,500 SF to 3,500 SF	N/A	4,370
City Park 4.57 acres	N/A	N/A	228

EXHIBIT "A"

FINDINGS OF FACT PHG16-0014

Conditional Use Permit

1. Based on the totality of the record and evidence described and referenced herein, the Planning Commission finds that the proposed Project is consistent with the purposes of various goals, policies, and quality of life standards of the Escondido General Plan, as noted below:
 - a. Quality of Life Standard 10 (Water System) directs the City to continue efforts to implement water reclamation and water conservation programs. Construction of the MF/RO facility expand the City's existing water reclamation programs.
 - b. Water Resources and Quality Policy 6.1 seeks to integrate water management programs that emphasize multiple benefits and balance the needs of urban, rural, and agricultural users. The MF/RO would benefit urban and rural users by increasing available wastewater capacity, thus reducing the potential for major utility infrastructure deficiencies, would free up potable water sources that are currently used for agricultural irrigation purposes. The MF/RO would provide benefits to agricultural users by providing a reusable high-quality water source for irrigation purposes.
 - c. Water System Policy 12.13 encourages the City to explore opportunities to increase the use of recycled water. Construction of the MF/RO would provide a new, reusable recycled water source for agricultural users.
 - d. Wastewater System Policy 13.3 encourages the City to design a wastewater system to support development of properties at intensities specified in the General Plan Land Use Plan. The MF/RO would relieve wastewater outfall capacity concerns that might otherwise hinder development at densities specified in the Land Use Element of the General Plan.
 - e. Hazardous Materials Policy 8.11 encourages the City to maintain strict land use controls, performance standards, and structural design standards for uses that generate, use, or store hazardous materials. The MF/RO would be designed to provide land use controls, performance standards, and structural design standards to meet all applicable federal, state, and local codes and regulations.
 - f. Agricultural Resources Policy 4.4 encourages the use of reclaimed water for agricultural irrigation. The MF/RO would create a reusable agricultural irrigation source from reclaimed water.
 - g. Minimizing Infrastructure Impediments Policy 9.2 encourages the City to plan for and coordinate sufficient water and sewer infrastructure capacity to support new business development while continuing to support the existing business base. The MF/RO would alleviate capacity concerns on the City's wastewater outfall pipe which would allow for the continued growth of economic activities.
2. Approval of the Conditional Use Permit for the proposed MF/RO facility (as fully described and set forth in the staff report and Final Mitigated Negative Declaration prepared for the project, as amended by the conditions of approval identified as Exhibit "B" to this report) is based on sound principles of land use because the proposed facility would be in conformance with the underlying zoning code development requirements, including, but not limited to, setbacks, building height, lot coverage, landscaping, and fencing. The project design and conditions of approval contained herein will ensure compatibility of the proposed project with adjacent properties.
3. The impacts of the proposed project will not adversely affect the policies of the Escondido General Plan or the provisions of the Municipal Code, which includes zoning code provisions.
4. This project is in response to services required by the community for the following reasons:
 - a. The MF/RO is a component of the existing recycled water conveyance system and will provide relief to capacity limitations on the City's existing wastewater outflow pipeline.

- b. Recycled water produced at the MF/RO would create a high-quality water supply for local agricultural growers, utilizing an existing, available, and renewable water resource to help promote and support the local agricultural economy. (Current levels of treatment of recycled water at the HARRF allow for use as general irrigation and certain industrial purposes, but are not suitable for specific agricultural uses.)
 - c. Recycled water produced at the MF/RO would be available for use by local agricultural growers in place of their current use of potable water. Reducing the agricultural use of potable water provides a greater supply for domestic use.
5. The proposed MF/RO would not create a nuisance, cause deterioration of bordering land uses, or create special problems for the area in which it is located for the following reasons:
- a. The proposed buildings and infrastructure have been placed as far away from adjacent residential land uses as possible.
 - b. The facility's process, pumps, chemical feed and storage equipment would either be placed within the proposed buildings, or located to minimize potential visual and noise impacts to adjacent residential and commercial uses, and include the appropriate attenuation features to mitigate potential noise impacts. Landscaping and perimeter walls along the boundary adjacent to residential uses would provide an appropriate physical barrier and visual screening.
 - c. The Engineering Services Department has indicated the project would not result in a significant impact to the adjacent roadways and intersections due to the limited number of anticipated vehicle trips associated with the operation of the facility. The project will not diminish the Quality-of-Life Standards of the General Plan because the project, as conditioned, would not degrade the levels of service on adjacent street and intersections, and adequate public facilities and access would be provided (as discussed in the staff report and Mitigated Negative Declaration prepared for the project.).
 - d. The architecture, materials and exterior colors of the proposed MF/RO buildings has been designed to reflect the general commercial character of the area by utilizing stucco, storefront type glass and upper story window features, along with metal awnings over certain windows and doors, and a standing seam metal roof with varying rooflines and skylights.
 - e. The use of hazardous materials and substances during construction and ongoing operations, as described in the Mitigated Negative Declaration prepared for the project, would be subject to federal, state, and local health and safety requirements for handling, storage, and disposal. The delivery and disposal of chemicals to and from the project site would occur in full accordance with all applicable federal, state, and local regulations.
6. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in Final Mitigated Negative Declaration) are that the Initial Study identified impacts related to biological resources, cultural and tribal cultural resources, and noise that may be potentially significant. However, design and minimization measures, revisions in the project plans, and/or mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. All other project impacts studied were found to be less than significant. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. The City also has complied with the provisions of Assembly Bill 52 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources. This Final MND includes the appropriate CEQA-Plus requirements/analysis established by the EPA that are intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the SWRCB when reviewing applications for wastewater treatment facility loans.

EXHIBIT "B"

CONDITIONS OF APPROVAL MF/RO PHG16-0014

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Services Department, Building Division, and Fire Department.
2. All uses, capacity, hours of operation and outdoor activities shall be substantially consistent with the Details of Request and conditions of approval contained within this report.
3. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Director of Community Development.
4. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75). Any outdoor lighting adjacent to residential uses shall provide appropriate shielding to prevent light from adversely affecting the adjacent properties. This shall be demonstrated on the building plans.
5. All project-generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08) and the mitigation measures identified in the Final Mitigated Negative Declaration (also listed below).
6. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
7. All new utilities shall be placed underground, to the satisfaction of the City Engineer and Director of Public Works.
8. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which complement the building(s).
9. A decorative concrete masonry unit (CMU) block wall no less than six (6) feet in height shall be installed along the entire length of the eastern property line (between the subject property and adjacent senior care facility), and along N. Ash Street where shown on the 3D Rendering exhibit included in the staff report. Steel fencing (minimum six feet in height) with vertical bars and top pickets shall be provided around the remainder of the project site.
10. Striped parking spaces are not required for the project in accordance with Zoning Code Section 33-767. However, parking shall be provided on-site if determined necessary by the adopted building code in effect at the time of building permit issuance.
11. This CUP shall become null and void unless utilized within 36 months of the effective date of approval, unless an extension of time is approved in accordance with Article 61, Division 1 of the Zoning Code.
12. Any construction and/or traffic control proposed within the California Department of Transportation right-of-way (N. Ash Street and the intersection of N. Ash Street and E. Washington Avenue) will require an encroachment permit from said department.
13. Deliveries to and from the project site shall be limited to the hours of 8:00 am – 6:00 pm.
14. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,260.25 for a project with a Negative Declaration, which includes an additional authorized County administrative handling fee of \$50.00 (\$2,210.25 + \$50). Failure to remit the required fees in full

within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. If the fee increase after the date of this approval, the applicant shall be responsible for the increase.

Mitigation Measures

BIO-1a

Proposed project activities (including, but not limited to, staging and disturbances to non-native vegetation, structures, and substrates) should occur outside of the avian breeding season, which generally runs from March 1 - August 31, to avoid take of birds or their eggs.

BIO-1b

If avoidance of the avian breeding season is not feasible a qualified biologist, with experience in conducting breeding bird surveys, shall conduct a preconstruction clearance survey for active nests no more than 30 days prior to the initiation of project construction activities.

- If a protected native bird is found, flagging, stakes, and/or construction fencing shall be used to demarcate an appropriate buffer zone based on the sensitivity of the nesting species and proximity to construction activities. Project construction personnel, including all contractors working on site, will be instructed on the sensitivity of the area. The project proponent shall delay all project construction activities within the established buffer area until August 30th or until a qualified biologist has determined that the juveniles have fledged, the nest is vacated, and there is no evidence of nesting. The qualified biologist can determine if construction activities may encroach into the buffer if absolutely necessary and as long as the project activities are not adversely affecting the nesting birds.
- Should nesting birds be found, the qualified biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project construction activities. The biological monitor will send weekly monitoring reports to the City during the grubbing and clearing of vegetation, and will notify the City immediately if project activities damage active avian nests.

BIO-2

A mitigation ratio of 0.5:1 shall be required to compensate direct impacts to nonnative grassland in a manner compliant with section 5.2.1 and Table 5-2 of the draft Escondido Subarea Plan. The Applicant shall purchase 0.77 acre of compensatory mitigation credits from the Daley Ranch Conservation Bank, or from the City's Focused Planning Area (FPA) or another approved mitigation bank in the region, to offset project impacts to nonnative grassland.

CUL-1

The City of Escondido Planning Division shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to implementing the project. The purposes of the agreement are (1) to provide the clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities

CUL-2

Prior to issuance of a grading permit, the City shall provide written verification to the City that a qualified archaeologist meeting the Secretary of the Interiors Standards for archaeology (U.S Department of the Interior, 2008), and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

CUL-3

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

CUL-4

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

CUL-5

In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

CUL-6

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

CUL-7

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

CUL-8

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

CUL-9

If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified

archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

CUL-10

Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program in the proposed project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

CUL-11

In the event of unanticipated discovery of paleontological resources, the City shall cease ground-disturbing activities within 100 feet of the find until it can be assessed by a qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery measures if necessary, and determine if paleontological monitoring is warranted once work resumes.

NOI-1

All construction equipment operating at the project site shall be equipped with properly operating mufflers.

NOI-2

Noise and ground-borne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses east of the project site.

NOI-3

When the use of impact tools are necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used where feasible.

NOI-4

All stationary construction noise sources used at the project site shall be located away from adjacent receptors, to the extent feasible, and be muffled and enclosed within temporary sheds or other insulation barriers to the extent feasible.

NOI-5

A construction relations officer shall be designated for the proposed project to serve as a liaison with surrounding residents and property owners and be responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted that include permitted construction days and hours at the project site.

NOI-6

Prior to any construction activities, the existing residential land uses located directly adjacent to the project site shall be notified of the dates of construction along with a disclosure that perceptible vibration levels could be felt over the duration of those construction activities. These neighboring sensitive land uses shall be kept informed of any changes to the construction schedule.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division prior to issuance of Grading or Building permits. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Any existing trees to remain and any trees to be removed shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division. Specimen sized trees (min. 24" box) shall be used to replace any mature trees to be removed. Mature oak trees shall be replaced at a min. ratio of 2:1 with 24" box sized trees, or 5:1 ratio with 15 gallon trees.

3. Trees with broad, dense canopies shall be provided along the eastern property line (between the subject property and the residential uses) in order to provide visual screening of the subject property.
4. Dense landscaping shall also be provided in locations necessary to screen the generator from N. Ash Street to the extent feasible.
5. All other areas of the site shall be landscaped in accordance with Article 62 Landscape Standards.
6. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
7. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

ENGINEERING CONDITIONS OF APPROVAL MF/RO

GENERAL

1. Improvement plans prepared by a Civil Engineer are required for all public street water and sewer improvements and a Grading plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
2. No construction permits will be issued until Final Grading Plans and Storm Water Quality Management Plan (SWQMP) have been approved by the City Engineer.
3. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. The project owner shall be responsible for slurry seal overlay and restriping of Washington Avenue, between Ash and Harding, to the requirements of City Engineer after completion of onsite improvements, prior to project occupancy.
2. All proposed driveway approaches for the project shall be Alley-Type.
3. The project owner shall be responsible to remove all existing driveway approaches along property frontage on Washington Avenue and replace with full height curb & gutter and sidewalk.
4. The project owner is responsible to remove and replace all damaged curb & gutter and sidewalk along project frontages on Ash Street and Washington Avenue.
5. The project owner is responsible for obtaining construction Permit form Caltrans for any work proposed on Ash Street (HWY 78).
6. The project owner will be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the City Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and on the grading plan, that he/she has

reviewed the grading and retaining wall design and found it to be in conformance with his or her recommendations.

2. All onsite parking and access drives are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included in Grading Plans subject to review and approval by the City Engineer, Fire Marshall and Planning Director.
3. The project owner shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
4. A General Construction Activity Permit is required from the State Water Resources Board prior to issuance of Grading Permit.
5. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

DRAINAGE

1. A Final Storm Water Quality Management Plan (SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 Storm Water Design Manual, as amended) shall be prepared for all onsite and newly created impervious frontage and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, treatment calculations, post construction storm water treatment measures and maintenance requirements.

WATER SUPPLY

1. The project owner shall be required to design and construct a water system to serve the project to the requirements of the Fire Marshal and Utilities Engineer.

SEWER

1. The project owner is required to design and construct a sewer system to serve the project in accordance with the requirements of Utilities Engineer and Building Official.

EASEMENTS

1. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permit, unless approved by the easement owner. 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 Grading or Building permit, as determined by the City Engineer.

UTILITY UNDERGROUNDING AND RELOCATION

1. The project owner is required to pay overhead utilities undergrounding in lieu fee for the existing overhead utilities along project frontage on Ash Street.
2. All new dry utilities to serve the project shall be constructed underground.

Adam Finestone

From: Bill Martin
Sent: Wednesday, November 30, 2016 8:59 PM
To: Adam Finestone
Cc: Joanne Tasher
Subject: Fwd: [Website Feedback]: A Place of Healing

Please attach to PC staff report this and any other emails or letters we receive. Thanks!

Bill

Sent from my iPhone

Begin forwarded message:

From: <noreply@www.escondido.org>
Date: November 30, 2016 at 1:14:13 PM PST
To: <bmartin@escondido.org>
Subject: [Website Feedback]: A Place of Healing
Reply-To: <batakahara@yahoo.com>

Barbara Takahara
batakahara@yahoo.com

Dear Planning Commission,

Back when the City was involved in the rental ban, the Escondido Creek walk became a place of healing. People in my neighborhood greeted me with "Good Morning" as I walked along the creek walk to my work place across the tracks where the Union Tribune used to be. I walked the creek to work for seven years.

The English greeting was an effort by Hispanics toward healing after the protest marches and rallies because of the proposed rental ban.

Now, I see an outreach from groups to support our Mission Park area. Healing is taking place as different nationalities help each other to preserve the character of our neighborhood..

Please rethink the use of the Ash and Washington property. It is not in character with our neighborhood to have the property used for industrial use. Use the property to unite our community by continuing the proposed development of the creek..

Do not forget the vision for Escondido Creek, a place of healing and strengthening our community.

Sincerely,

Barbara Takahara



FARM BUREAU SAN DIEGO COUNTY

1670 East Valley Parkway, Escondido CA 92027-2409
Phone: (760) 745-3023 • Fax: (760) 489-6348
E-mail: sdcfb@sdfarmbureau.org • Website: www.sdfarmbureau.org

November 30, 2016

Christopher W. McKinney, P.E.
Director of Utilities, City of Escondido
201 North Broadway
Escondido, CA 92025



Re: Support for MFRO project

Dear Mr. McKinney,

On behalf of the San Diego County Farm Bureau I am writing in support of the City of Escondido's Membrane Filtration/Reverse Osmosis (MFRO) facility planned for construction at the corner of Washington Avenue and Ash Street. It is our understanding the site is currently owned by the City of Escondido's Utilities Department and appropriately zoned to allow for the installation of the water treatment facility. We are certain the City of Escondido will be sensitive to the neighborhood and mitigate any impacts.

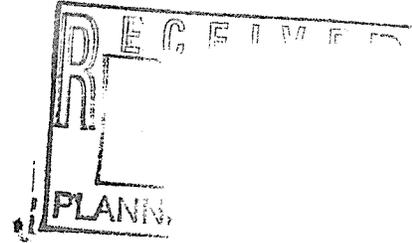
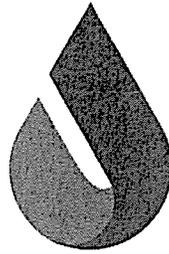
The Escondido community has a long agricultural history and a number of farms continue today within the city and its water service area. Tree crops, principally avocados, dominate local production. Throughout the region water prices have tripled in just over a decade and resulted in the loss of more than 10,000 acres of fruit trees. The City of Escondido's plan to provide farmers with high quality recycled water at an affordable price will create a rare exception to the exodus of farmers driven out by water prices in other districts. In fact, absent the MFRO facility it must be assumed water pricing would lead to a sharp decline in planted acres in Escondido as we have seen elsewhere.

While the benefit to the farm community is clear, benefits will also come to the residents of Escondido. As farmers roll off the potable water supply, water will be freed up for urban users resulting in greater reliability from local and imported supplies.

It is our sincere hope that the City of Escondido moves forward with the MFRO facility. Building this facility will result in direct benefits to farmers and to every member of the community.

Sincerely,

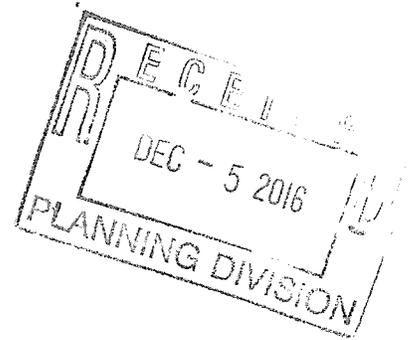
Eric Larson
Executive Director



**NORTH SAN DIEGO
WATER REUSE
coalition**

December 2, 2016

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



Dear Members of the Escondido Planning Commission,

The North San Diego Water Reuse Coalition is comprised of ten northern San Diego County water and wastewater agencies—Carlsbad Municipal Water District, City of Escondido, Leucadia Wastewater District, City of Oceanside, Olivenhain Municipal Water District, Rincon del Diablo Municipal Water District, San Elijo Joint Powers Authority, Santa Fe Irrigation District, Vallecitos Water District, and Vista Irrigation District—that began collaborating in 2010 to reduce potable water use and strengthen local drought resilience at a regional level through water recycling and reuse. Participating agencies are able to connect recycled water sources with recycled water demands more efficiently and cost-effectively through the Coalition.

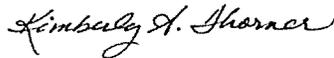
The Coalition developed a Regional Recycled Water Facilities Plan in 2012, and many individual construction elements of the North San Diego County Regional Recycled Water Project are underway. Upon completion of all long-term project elements, the project will add nearly 32 million gallons per day of recycled water and potable reuse water to northern San Diego County's water supply.

The Coalition respectfully requests that the planning commission recognize the importance of developing local, drought-resilient supplies and consider the City of Escondido Utilities Department's request for a Conditional Use Permit for a Membrane Filtration/Reverse Osmosis Facility Project given significant investments in the project by DWR via the Integrated Regional Water Management Program and north county ratepayers. This project is not only a critical piece of the City's overall recycled water and potable reuse program, but also an important

element in Coalition efforts to increase recycled water production and expand its use through the larger North San Diego County Regional Recycled Water Project.

Olivenhain Municipal Water District is a founding member of the Coalition and I serve as the administrative lead. I would like to express my appreciation on behalf of fellow Coalition members for the Commission's careful consideration of the City of Escondido Utilities Department's request for a Conditional Use Permit. If you or your staff should have any questions regarding the City of Escondido's participation in the North San Diego County Regional Recycled Water Project or Coalition goals to expand the use of recycled water, please do not hesitate to contact the undersigned at 760-753-6466.

Regards,



Kimberly A. Thorner
General Manager
Olivenhain Municipal Water District

CC: Wendy Chambers, General Manager, Carlsbad Municipal Water District
Christopher McKinney, Utilities Director, City of Escondido
Paul Bushee, General Manager, Leucadia Wastewater District
Cari Dale, Water Utilities Director, City of Oceanside
Greg Thomas, General Manager, Rincon del Diablo Municipal Water District
Mike Thornton, General Manager, San Elijo Joint Powers Authority
Mike Bardin, General Manager, Santa Fe Irrigation District
Glenn Pruum, General Manager, Vallecitos Water District
Eldon Boone, General Manager, Vista Irrigation District

Adam Finestone

From: Karen Grangetto <karen.grangetto@gmail.com>
Sent: Thursday, December 08, 2016 3:27 PM
To: Adam Finestone
Subject: MR/RO Case PHG 16-0014 (Micro-Filtration Reverse Osmosis Project)

Attn: Planning Commission Members

Greetings:

My name is Edward Grangetto, co-founder of Escondido Growers for Agricultural Preservation (EGAP). We are an organization dedicated to the preservation of our agricultural heritage for all Escondido Citizens through the use of renewable water resource management that meets the evolving business needs of growers and the community. Our purpose is to create a self sustaining grower district that uses recycled water as their primary irrigation source.

EGAP is very proud to provide an option for the City of Escondido to avoid a potential cost of 300 - 400 million dollars to increase the size of its outfall pipe, to discharge treated wastewater to the ocean.

By sending Escondido wastewater to the growers, the city can help to retain a business cluster, identified by the recent CEDS Report, and an object of strategic focus with a view toward retention and expansion.

EGAP would like to express their wholehearted support for the Micro-Filtration Reverse Osmosis Plant located on the corner of Washington Avenue and Ash Street. The plant will not only provide a resource to address Escondido's Wastewater dilemma, it will also provide the capacity for future treatment for indirect potable reuse. By sending Escondido's wastewater to the growers, the City will be able to "free-up" a gallon of potable water for every gallon of treated recycled water.

Escondido has taken the lead in finding a novel approach to the necessity for wastewater disposal. The growers of Escondido were expecting the recycled water to begin flowing in 2015, however, due to various delays that target has been moved to 2018. Please send the correct message to the citizens of our community by voting "yes" on this proposal immediately. Water does not wait!

Thank you for your consideration.

Edward Grangetto,
Co-Founder of EGAP

--

Eddie & Karen Grangetto
Escondido Growers for

Agricultural Preservation
and Grangetto Ranches, Inc.
h/o 760-432-8425

DELANO & DELANO
 220 W GRAND AVE
 ESCONDIDO, CA 92025
 (760) 510-1562

DATE 12/21/16

1409
 11-8166/3210
 32
 CHECK AMOUNT

PAY TO THE ORDER OF City of Escondido \$ 14,220.00 DOLLARS

one thousand four hundred twenty and 00/100

FIRST REPUBLIC BANK
 116 East Grand Avenue
 Escondido, CA 92025
 Ph: (760) 746-7000 / (800) 392-1407 (24hr. Client Serv)

FOR Appeal Fee

Security Features on Back

⑈001409⑈ ⑆321081669⑆ 80001074062⑈



CITY OF ESCONDIDO
 201 North Broadway • Escondido, California 92025

Receipt No.
470058

Received From Dave Delano

Date 12-21-16

Address _____

Revenue Description	*(Required)		(Optional)		Revenue Code	Collected Amount
	Account	Fund	Dept	Program Project		
UD / PRecords					CLK	5.00
Appeal					CLK	1415.00
Check #1409 \$1,420.00						
Total						1420.00

*Account & fund to be filled out if revenue is coded to a clearing (Abate) account; Department required if the account is an expenditure account.

Received By N. Jacksonville Department City Clerk Phone No. X 41414

RESOLUTION NO. 2017-07

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AFFIRMING THE PLANNING COMMISSION'S
APPROVAL OF A CONDITIONAL USE PERMIT
FOR A MEMBRANE FILTRATION/REVERSE
OSMOSIS FACILITY (MFRO) ON A 4.5 ACRE
SITE IN THE CG (GENERAL COMMERCIAL)
ZONE

Case No. PHG16-0014

WHEREAS, on December 13, 2016, the Planning Commission considered and approved a request for a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility ("MF/RO") designed to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility ("HARRF") for agricultural uses. Utility projects, including processing, storage, and distribution facilities for water are permitted uses within commercial zones, subject to the approval of a Conditional Use Permit. The proposed MF/RO would utilize membrane filtration [i.e., microfiltration (MF) or ultrafiltration (UF) membranes] and reverse osmosis (RO) technologies sized for a total production capacity of 2.0 million gallons per day. The proposed project would consist of two buildings, both with a maximum height of approximately 31 feet. The MF/RO Process Building (21,729 SF) would house the equipment, pumps, electrical rooms, control rooms, and meeting rooms. The Chemical Building (14,115 SF) would house the transfer pumps and accommodate the storage of chemicals used in treatment process. The project also includes several above ground storage tanks with a maximum height of 30 feet (300,000-gallon influent tank, 160,000-gallon inter-process tank, and 820,000-gallon

product storage tank), and a 1,500 kW emergency backup generator, as well as various above and below ground pipes and support infrastructure. The perimeter of the site would be secured by a combination of new, six-foot-high masonry walls and decorative wrought iron fencing. Access would be provided via two driveways on E. Washington Avenue. A limited number of employees would visit the site for daily inspections (as needed), monthly routine facility maintenance, and delivery and removal of chemicals. The 4.5-acre project site is located on the southeast corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue, more particularly described in Exhibit "C" and incorporated herein by this reference; and

WHEREAS, the City Council has reviewed the appeals of the Conditional Use Permit and has reviewed and considered the Mitigated Negative Declaration prepared for the project, and has determined the project would not have any significant impacts to the environment because all project related impacts have been mitigated; and

WHEREAS, Ordinance No. 78-2 enacted pursuant to Section 65974 of the California Government Code and pertaining to the dedication of land and fees for school facilities has been adopted by the City of Escondido; and

WHEREAS, this City Council has considered the appeals, the staff report, the decision of the Planning Commission, the staff recommendation, and public testimony presented at the Council hearing; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to deny the appeals and affirm the Planning Commission decision to approve the Conditional Use Permit as reflected in the details of request contained in

the staff report(s), and on plans and documents on file in the offices of the City Clerk and Planning Division;

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

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Mitigated Negative Declaration, the staff reports, and has heard and considered testimony given at the public hearing, and certifies the project would not result in any significant impacts to the environment because all previously identified impacts have been mitigated to less than a significant level.
3. That the Findings of Fact, attached as Exhibit "A" and incorporated herein by this reference, are hereby made by this City Council and represent the City Council's careful consideration of the record, findings made by the Planning Commission, and any evidence received since the time of the Planning Commission hearing. The findings of this City Council identified in Exhibit "A" and incorporated herein by this reference, shall be the final and determinative Findings of Fact on this matter.
4. That upon consideration of the Findings of Fact, all material in the staff report (a copy of which is on file in the Planning Division), public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council denies the appeals and affirms the decision of the Planning Commission's approval of the Conditional Use Permit (Case No. PHG16-0014), as reflected on plans and documents on file in the offices of the City Clerk and the Planning Division, and subject

to the Conditions of Approval and Mitigation Monitoring and Reporting Program set forth as Exhibit "B" and incorporated herein by this reference.

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

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development Department and Public Works Department. The project is also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

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

EXHIBIT "A"

FINDINGS OF FACT PHG16-0014

Conditional Use Permit

1. The City Council finds that the proposed MF/RO facility project is consistent with the purposes of various goals, policies, and quality of life standards of the Escondido General Plan. This includes, but is not limited to:
 - a. Quality of Life Standard 10 (Water System) directs the City to continue efforts to implement water reclamation and water conservation programs. Construction of the MF/RO facility would expand the City's existing water reclamation programs.
 - b. Water Resources and Quality Policy 6.1 seeks to integrate water management programs that emphasize multiple benefits and balance the needs of urban, rural, and agricultural users. The MF/RO would benefit urban and rural users by increasing available wastewater capacity, thus reducing the potential for major utility infrastructure deficiencies, and would free up potable water sources that are currently used for agricultural irrigation purposes. The MF/RO would provide benefits to agricultural users by providing a reusable high-quality water source for irrigation purposes.
 - c. Water System Policy 12.13 encourages the City to explore opportunities to increase the use of recycled water. Construction of the MF/RO would provide a new, reusable recycled water source for agricultural users.
 - d. Wastewater System Policy 13.3 encourages the City to design a wastewater system to support development of properties at intensities specified in the General Plan Land Use Plan. The MF/RO would relieve wastewater outfall capacity concerns that might otherwise hinder development at densities specified in the Land Use Element of the General Plan.
 - e. Hazardous Materials Policy 8.11 encourages the City to maintain strict land use controls, performance standards, and structural design standards for uses that generate, use, or store hazardous materials. The MF/RO would be designed to provide land use controls, performance standards, and structural design standards to meet all applicable federal, state, and local codes and regulations.
 - f. Agricultural Resources Policy 4.4 encourages the use of reclaimed water for agricultural irrigation. The MF/RO would create a reusable agricultural irrigation source from reclaimed water.
 - g. Minimizing Infrastructure Impediments Policy 9.2 encourages the City to plan for and coordinate sufficient water and sewer infrastructure capacity to support new business development while continuing to support the existing business base.

The MF/RO would alleviate capacity concerns on the City's wastewater outfall pipe which would allow for the continued growth of economic activities.

2. Approval of the Conditional Use Permit for the proposed MF/RO facility is based on sound principles of land use because the proposed facility would be in conformance with the underlying zoning code development requirements, including, but not limited to, setbacks, building height, lot coverage, landscaping, and fencing. The project design and conditions of approval contained herein will ensure compatibility of the proposed project with adjacent properties.
3. The impacts of the proposed project will not adversely affect the policies of the Escondido General Plan or the provisions of the Escondido Municipal Code.
4. This project is in response to services required by the community for the following reasons:
 - a. The MF/RO is a component of the existing recycled water conveyance system and will provide relief to capacity limitations on the City's existing wastewater outflow pipeline.
 - b. Recycled water produced at the MF/RO would create a high-quality water supply for local agricultural growers, utilizing an existing, available, and renewable water resource to help promote and support the local agricultural economy. (Current levels of treatment of recycled water at the HARRF allow for use as general irrigation and certain industrial purposes, but are not suitable for specific agricultural uses.)
 - c. Recycled water produced at the MF/RO would be available for use by local agricultural growers in place of their current use of potable water. Reducing the agricultural use of potable water provides a greater supply for domestic use and reduces the need to import it.
5. The proposed MF/RO would not create a nuisance, cause deterioration of bordering land uses, or create special problems for the area in which it is located. Specifically, without limitation:
 - a. The proposed buildings and infrastructure have been placed as far away from adjacent residential land uses as possible.
 - b. The facility's process, pumps, chemical feed and storage equipment would either be placed within the proposed buildings, or located to minimize potential visual and noise impacts to adjacent residential and commercial uses, and include the appropriate attenuation features to mitigate potential noise impacts. Landscaping and perimeter walls along the boundary adjacent to residential uses would provide an appropriate physical barrier and visual screening.
 - c. The project would not result in a significant impact to the adjacent roadways and intersections due to the limited number of anticipated vehicle trips associated

with the operation of the facility. The project will not diminish the Quality-of-Life Standards of the General Plan because the project, as conditioned, would not degrade the levels of service on adjacent streets and intersections, and adequate public facilities and access would be provided (as discussed in the Planning Commission staff report and Mitigated Negative Declaration prepared for the project.).

- d. The architecture, materials and exterior colors of the proposed MF/RO buildings have been designed to reflect the general commercial character of the area by utilizing stucco, storefront type glass and upper story window features, along with metal awnings over certain windows and doors, and a standing seam metal roof with varying rooflines and skylights.
 - e. The use of hazardous materials and substances during construction and ongoing operations, as described in the Mitigated Negative Declaration prepared for the project, would be subject to federal, state, and local health and safety requirements for handling, storage, and disposal. The delivery and disposal of chemicals to and from the project site would occur in full accordance with all applicable federal, state, and local regulations.
6. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in Final Mitigated Negative Declaration) are that the Initial Study identified impacts related to biological resources, cultural and tribal cultural resources, and noise that may be potentially significant. However, design and minimization measures, revisions in the project plans, and/or mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. All other project impacts studied were found to be less than significant. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. The City also has complied with the provisions of Assembly Bill 52 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources. This Final MND includes the appropriate CEQA-Plus requirements/analysis established by the EPA that are intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the SWRCB when reviewing applications for wastewater treatment facility loans.

EXHIBIT "B"
CONDITIONS OF APPROVAL
MF/RO
PHG 16-0014

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Services Department, Building Division, and Fire Department.
2. All uses, capacity, hours of operation and outdoor activities shall be substantially consistent with the Details of Request and conditions of approval contained within this report.
3. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Director of Community Development.
4. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75).
Any outdoor lighting adjacent to residential uses shall provide appropriate shielding to prevent light from adversely affecting the adjacent properties. This shall be demonstrated on the building plans.
5. All project-generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08) and the mitigation measures identified in the Final Mitigated Negative Declaration (also listed below).
6. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
7. All new utilities shall be placed underground, to the satisfaction of the City Engineer and Director of Public Works.
8. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which complement the building(s).
9. A decorative concrete masonry unit (CMU) block wall no less than six (6) feet in height shall be installed along the entire length of the eastern property line (between the subject property and adjacent senior care facility), and along N. Ash Street where shown on the 3D Rendering exhibit included in the staff report. Steel fencing (minimum six feet in height) with vertical bars and top pickets shall be provided around the remainder of the project site.
10. Striped parking spaces are not required for the project in accordance with Zoning Code Section 33-767. However, parking shall be provided on-site if determined necessary by the adopted building code in effect at the time of building permit issuance.
11. This CUP shall become null and void unless utilized within 36 months of the effective date of approval, unless an extension of time is approved in accordance with Article 61, Division 1 of the Zoning Code.

12. Any construction and/or traffic control proposed within the California Department of Transportation right-of-way (N. Ash Street and the intersection of N. Ash Street and E. Washington Avenue) will require an encroachment permit from said department.
13. Deliveries to and from the project site shall be limited to the hours of 8:00 am – 6:00 pm.
14. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,260.25 for a project with a Negative Declaration, which includes an additional authorized County administrative handling fee of \$50.00 (\$2,210.25 + \$50). Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. If the fee increase after the date of this approval, the applicant shall be responsible for the increase.

Mitigation Measures

BIO-1a

Proposed project activities (including, but not limited to, staging and disturbances to non-native vegetation, structures, and substrates) should occur outside of the avian breeding season, which generally runs from March 1 - August 31, to avoid take of birds or their eggs.

BIO-1b

If avoidance of the avian breeding season is not feasible a qualified biologist, with experience in conducting breeding bird surveys, shall conduct a preconstruction clearance survey for active nests no more than 30 days prior to the initiation of project construction activities.

- If a protected native bird is found, flagging, stakes, and/or construction fencing shall be used to demarcate an appropriate buffer zone based on the sensitivity of the nesting species and proximity to construction activities. Project construction personnel, including all contractors working on site, will be instructed on the sensitivity of the area. The project proponent shall delay all project construction activities within the established buffer area until August 30th or until a qualified biologist has determined that the juveniles have fledged, the nest is vacated, and there is no evidence of nesting. The qualified biologist can determine if construction activities may encroach into the buffer if absolutely necessary and as long as the project activities are not adversely affecting the nesting birds.
- Should nesting birds be found, the qualified biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project construction activities. The biological monitor will send weekly monitoring reports to the City during the grubbing and clearing of vegetation, and will notify the City immediately if project activities damage active avian nests.

BIO-2

A mitigation ratio of 0.5:1 shall be required to compensate direct impacts to nonnative grassland in a manner compliant with section 5.2.1 and Table 5-2 of the draft Escondido Subarea Plan. The Applicant shall purchase 0.77 acre of compensatory mitigation credits from the Daley Ranch Conservation Bank, or from the City's Focused Planning Area (FPA) or another approved mitigation bank in the region, to offset project impacts to nonnative grassland.

CUL-1

The City of Escondido Planning Division shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to implementing the project. The purposes of the agreement are (1) to provide the clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities

CUL-2

Prior to issuance of a grading permit, the City shall provide written verification to the City that a qualified archaeologist meeting the Secretary of the Interiors Standards for archaeology (U.S Department of the Interior, 2008), and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

CUL-3

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

CUL-4

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

CUL-5

In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

CUL-6

If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native

American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

CUL-7

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

CUL-8

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

CUL-9

If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

CUL-10

Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program in the proposed project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include

California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

CUL-11

In the event of unanticipated discovery of paleontological resources, the City shall cease ground-disturbing activities within 100 feet of the find until it can be assessed by a qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery measures if necessary, and determine if paleontological monitoring is warranted once work resumes.

NOI-1

All construction equipment operating at the project site shall be equipped with properly operating mufflers.

NOI-2

Noise and ground-borne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses east of the project site.

NOI-3

When the use of impact tools are necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used where feasible.

NOI-4

All stationary construction noise sources used at the project site shall be located away from adjacent receptors, to the extent feasible, and be muffled and enclosed within temporary sheds or other insulation barriers to the extent feasible.

NOI-5

A construction relations officer shall be designated for the proposed project to serve as a liaison with surrounding residents and property owners and be responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted that include permitted construction days and hours at the project site.

NOI-6

Prior to any construction activities, the existing residential land uses located directly adjacent to the project site shall be notified of the dates of construction along with a disclosure that perceptible vibration levels could be felt over the duration of those construction activities. These neighboring sensitive land uses shall be kept informed of any changes to the construction schedule.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division prior to issuance of Grading or Building permits. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Any existing trees to remain and any trees to be removed shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division. Specimen sized trees (min. 24" box) shall

be used to replace any mature trees to be removed. Mature oak trees shall be replaced at a min. ratio of 2:1 with 24" box sized trees, or 5:1 ratio with 15 gallon trees.

3. Trees with broad, dense canopies shall be provided along the eastern property line (between the subject property and the residential uses) in order to provide visual screening of the subject property.
4. Dense landscaping shall also be provided in locations necessary to screen the generator from N. Ash Street to the extent feasible.
5. All other areas of the site shall be landscaped in accordance with Article 62 Landscape Standards.
6. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
7. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

Planning Commission (added at December 13, 2016, Public Hearing)

1. The Utilities Department shall take all reasonable steps necessary to ensure that the project is adequately screened from view from adjacent properties through the review and approval of final landscaping plans.

ENGINEERING CONDITIONS OF APPROVAL

General

1. Improvement plans prepared by a Civil Engineer are required for all public street water and sewer improvements and a Grading plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
2. No construction permits will be issued until Final Grading Plans and Storm Water Quality Management Plan (SWQMP) have been approved by the City Engineer.
3. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. The project owner shall be responsible for slurry seal overlay and restriping of Washington Avenue, between Ash and Harding, to the requirements of City Engineer after completion of onsite improvements, prior to project occupancy.
2. All proposed driveway approaches for the project shall be Alley-Type.
3. The project owner shall be responsible to remove all existing driveway approaches along property frontage on Washington Avenue and replace with full height curb & gutter and sidewalk.

4. The project owner is responsible to remove and replace all damaged curb & gutter and sidewalk along project frontages on Ash Street and Washington Avenue.
5. The project owner is responsible for obtaining construction Permit form Caltrans for any work proposed on Ash Street (HWY 78).
6. The project owner will be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the City Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and on the grading plan, that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his or her recommendations.
2. All onsite parking and access drives are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included in Grading Plans subject to review and approval by the City Engineer, Fire Marshall and Planning Director.
3. The project owner shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
4. A General Construction Activity Permit is required from the State Water Resources Board prior to issuance of Grading Permit.
5. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

DRAINAGE

1. A Final Storm Water Quality Management Plan (SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 Storm Water Design Manual, as amended) shall be prepared for all onsite and newly created impervious frontage and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, treatment calculations, post construction storm water treatment measures and maintenance requirements.

WATER SUPPLY

1. The project owner shall be required to design and construct a water system to serve the project to the requirements of the Fire Marshal and Utilities Engineer.

SEWER

1. The project owner is required to design and construct a sewer system to serve the project in accordance with the requirements of Utilities Engineer and Building Official.

EASEMENTS

1. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permit, unless approved by the easement owner. 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 Grading or Building permit, as determined by the City Engineer.

UTILITY UNDERGROUNDING AND RELOCATION

1. The project owner is required to pay overhead utilities undergrounding in lieu fee for the existing overhead utilities along project frontage on Ash Street.
2. All new dry utilities to serve the project shall be constructed underground.

**TABLE 4-1
MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Biological Resources						
BIO-1a: Proposed project activities (including, but not limited to, staging and disturbances to non-native vegetation, structures, and substrates) should occur outside of the avian breeding season, which generally runs from March 1 - August 31, to avoid take of birds or their eggs.	<ul style="list-style-type: none"> Require that project construction activities be avoided during breeding season. 	City of Escondido Utilities Department and Community Development Department Planning Division	X			
<p>BIO-1b: If avoidance of the avian breeding season is not feasible a qualified biologist, with experience in conducting breeding bird surveys, shall conduct a preconstruction clearance survey for active nests no more than 30 days prior to the initiation of project construction activities.</p> <ul style="list-style-type: none"> If a protected native bird is found, flagging, stakes, and/or construction fencing shall be used to demarcate an appropriate buffer zone based on the sensitivity of the nesting species and proximity to construction activities. Project construction personnel, including all contractors working on site, will be instructed on the sensitivity of the area. The project proponent shall delay all project construction activities within the established buffer area until August 30th or until a qualified biologist has determined that the juveniles have fledged, the nest is vacated, and there is no evidence of nesting. The qualified biologist can determine if construction activities may encroach into the buffer if absolutely necessary and as long as the project activities are not adversely affecting the nesting birds. Should nesting birds be found, the qualified biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project construction activities. The biological monitor will send weekly 	<ul style="list-style-type: none"> Include mitigation measure in construction contractor specifications. Perform pre-construction avian nest surveys 30 days prior to construction activities Require biological monitor to be present on site if nests are found Biological monitor will send weekly monitoring reports to City Perform site inspections to verify contractor compliance. Retain inspection records in the project file. 	City of Escondido Utilities Department and Community Development Department Planning Division	X	X		

MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
monitoring reports to the City during the grubbing and clearing of vegetation, and will notify the City immediately if project activities damage active avian nests.						
BIO-2: A mitigation ratio of 0.5:1 shall be required to compensate direct impacts to nonnative grassland in a manner compliant with section 5.2.1 and Table 5-2 of the draft Escondido Subarea Plan. The Applicant shall purchase 0.77 acre of compensatory mitigation credits from the Daley Ranch Conservation Bank, or from the City's Focused Planning Area (FPA) or another approved mitigation bank in the region, to offset project impacts to nonnative grassland.	<ul style="list-style-type: none"> Purchase 0.77 acre of compensatory mitigation credits 	Community Development Department Planning Division	X	X		
Cultural Resources						
CUL-1: The City of Escondido Planning Division shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to implementing the project. The purposes of the agreement are (1) to provide the clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities	<ul style="list-style-type: none"> Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement 	Community Development Department Planning Division	X			

Resolution No. 2017-07
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MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-2: Prior to issuance of a grading permit, the City shall provide written verification to the City that a qualified archaeologist meeting the Secretary of the Interiors Standards for archaeology (U.S Department of the Interior, 2008), and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<ul style="list-style-type: none"> Require verification and approval of qualified archaeologist 	<p>City of Escondido Utilities Department and Community Development Department Planning Division</p>	X			
<p>CUL -3: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.</p>	<ul style="list-style-type: none"> Require monitoring program coordination 	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Grading contractor</p>	X			
<p>CUL -4: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<ul style="list-style-type: none"> Require on-site archaeological monitor and Native American monitor 	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division</p>		X		

MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
CUL-5: In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.	<ul style="list-style-type: none"> Require identification and preservation of any undiscovered cultural resources 	City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; County Coroner; Native American Monitor		X		
CUL-6: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.	<ul style="list-style-type: none"> Require identification and preservation of any significant tribal resource Consultation with Native American Monitor 	City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe		X		
CUL-7: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.	<ul style="list-style-type: none"> Require research design and data recovery program. 	City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; TCA Tribe		X		

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MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found within the project during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p>	<ul style="list-style-type: none"> Require identification and preservation of any undiscovered cultural resources or human remains 	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; County Coroner</p>		X		

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MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-9: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<ul style="list-style-type: none"> Require that a Native American monitor is present during any testing or cataloging. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. 	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist</p>		X	X	
<p>CUL-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program in the proposed project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p>	<ul style="list-style-type: none"> Require documentation of analysis and data 	<p>Qualified Archaeologist; Native American Monitor</p>			X	
<p>CUL-11: In the event of unanticipated discovery of paleontological resources, the City shall cease ground-disturbing activities within 100 feet of the find until it can be assessed by a qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery measures if necessary, and determine if paleontological monitoring is warranted once work resumes.</p>	<ul style="list-style-type: none"> Cease ground disturbing activities Require identification and preservation of any undiscovered paleontological resources 	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Project Paleontologist</p>		X		

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MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Noise						
NOI-1: All construction equipment operating at the project site shall be equipped with properly operating mufflers.	<ul style="list-style-type: none"> Require that all construction equipment is equipped with properly operating mufflers. 	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division	X			
NOI-2: Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses east of the project site.	<ul style="list-style-type: none"> Noise and groundborne vibration construction activities shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses. 	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division		X	X	
NOI-3: When the use of impact tools are necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used where feasible.	<ul style="list-style-type: none"> Avoidance of impact tools Exhaust muffler shall be used 	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division	X			
Noise-4: All stationary construction noise sources used at the project site shall be located away from adjacent receptors, to the extent feasible, and be muffled and enclosed within temporary sheds or other insulation barriers to the extent feasible.	<ul style="list-style-type: none"> All stationary construction would be located away from adjacent receptors, muffled and/or enclosed within insulation barriers. 	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division		X		

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MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>NOI-5: A construction relations officer shall be designated for the proposed project to serve as a liaison with surrounding residents and property owners and be responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted that include permitted construction days and hours at the project site.</p>	<ul style="list-style-type: none"> Appoint a liaison with surrounding residents. 	<p>City of Escondido Utilities Department and Community Development Department Planning Division</p>	X			
<p>NOI-6: Prior to any construction activities, the existing residential land uses located directly adjacent to the project site shall be notified of the dates of construction along with a disclosure that perceptible vibration levels could be felt over the duration of those construction activities. These neighboring sensitive land uses shall be kept informed of any changes to the construction schedule.</p>	<ul style="list-style-type: none"> Require notification to the existing residential land uses located directly adjacent to the project site. Notification shall include dates of construction and disclosure that perceptible levels of vibration could be felt during the duration of construction activities. 	<p>City of Escondido Utilities Department and Community Development Department Planning Division</p>	X			

EXHIBIT "C"
LEGAL DESCRIPTION
PHG 16-0014

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Exhibit C
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All that certain real property situated in the County of San Diego, State of California, described as follows:

LOT 8 IN BLOCK 179 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892.

EXCEPTING THEREFROM THAT PORTION LYING NORTHWESTERLY OF THE ARC OF A 22.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, SAID CURVE BEING TANGENT TO THE NORTHERLY AND WESTERLY LINES OF SAID LOT 8.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 14° 47' 20" EAST, 371.34 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 8;
THENCE NORTH 47° 03' 42" EAST, 308.84 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1064 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5° 17' 31" AN ARC DISTANCE OF 98.27 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 39° 33' 40" WEST, 19.77 FEET FROM AN ANGLE POINT IN SAID SOUTHEASTERLY LINE;
THENCE ALONG THE SAID SOUTHEASTERLY LINE OF LOT 8, SOUTH 39° 33' 40" WEST, 444.23 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 8;
THENCE ALONG THE WEST LINE OF LOT 8, NORTH 14° 47' 20" WEST, 70.91 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 14° 47' 20" EAST, 371.34 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 8;
THENCE NORTH 47° 03' 42" EAST, 308.84 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1064 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7° 08' 00", AN ARC DISTANCE OF 132.47 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 8, DISTANT THEREON NORTH 70° 38' 30" EAST, 15.70 FEET FROM AN ANGLE POINT IN SAID SOUTHEASTERLY LINE AND THE TRUE POINT OF BEGINNING;

**THENCE CONTINUE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 11° 18' 00", AN ARC DISTANCE OF 209.84 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 15° 39' 00" EAST, 330.74 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 81;
THENCE ALONG SAID NORTHEASTERLY LINE, SOUTH 15° 39' 00" EAST, 39.33 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 8;
THENCE ALONG THE SOUTHEASTERLY LINE OF LOT 8, SOUTH 70° 38' 30" WEST, 203.25 FEET TO THE TRUE POINT OF BEGINNING.**

Assessor's Parcel Number: **230-141-01**