

Council Meeting Agenda

March 28, 2012

CITY COUNCIL CHAMBERS

3:30 p.m. Closed Session; 4:30 p.m. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	Marie Waldron
COUNCIL MEMBERS	Olga Diaz Ed Gallo Michael Morasco
CITY MANAGER	Clay Phillips
CITY CLERK	Diane Halverson
CITY ATTORNEY	Jeffrey Epp
DIRECTOR OF COMMUNITY DEVELOPMENT	Barbara Redlitz
DIRECTOR OF ENGINEERING SERVICES	Ed Domingue

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

March 28, 2012
3:30 p.m. Meeting

Escondido City Council Community Development Commission

CALL TO ORDER

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

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.)

CLOSED SESSION: (COUNCIL/CDC/RRB)

- I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**
 - a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Police Officers' Association
 - b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Administrative/Clerical Engineering (ACE) Bargaining Unit
 - c. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Supervisory (SUP) Bargaining Unit
 - d. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Non-Sworn Police Bargaining Unit

- II. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)**
 - a. City Manager
 - b. City Attorney

CLOSED SESSION: (COUNCIL/CDC/RRB) Continued

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

- a. Property: 455 N. Quince
- City Negotiator: Debra Lundy, Real Property Negotiator
- Negotiating parties: Wickline Bedding
- Under negotiation: Terms of Lease Agreement

ADJOURNMENT



Council Meeting Agenda

**March 28, 2012
4:30 p.m. Meeting**

**Escondido City Council
Community Development Commission**

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

PROCLAMATIONS: April is National Library Month
Purple Heart City

PRESENTATION: LibraryYou

ORAL COMMUNICATIONS

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CONSENT CALENDAR

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

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: None Scheduled**

4. **2011 ANNUAL HOUSING REPORT** – Request Council authorize staff to submit the Annual Element Progress Report to the State Office of Planning and Research and the Department of Housing and Community Development.

Staff Recommendation: Approval **(Community Services: Jerry Van Leeuwen)**

5. **AGRICULTURAL WATER CONSERVATION AND EFFICIENCY GRANTS** – Request Council authorize the staff to submit an application for funding from the Agricultural Water Conservation and Efficiency Grants Program.

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

RESOLUTION NO. 2012-51

6. **BID AWARD FOR THE 2011-2012 STREET MAINTENANCE PROJECT AND BUDGET ADJUSTMENT** – Request Council: 1) Determine the apparent low bid submitted by Construction Testing and Engineering of Escondido to be non-responsive, 2) Accept the request to withdraw the bid submitted by the second apparent low bidder Granite Construction Company of Vista, 3) Authorize the Mayor and City Clerk to execute a Public Improvement Agreement with George Weir Asphalt Construction, Inc. in the amount of \$5,020,004 for the 2011-2012 Street Maintenance Project, and 4) Approve a budget adjustment in the amount of \$430,000 from the General Plan fund to increase the funding for this project.

Staff Recommendation: Approval **(Engineering Services: Ed Domingue)**

RESOLUTION NO. 2012-36

7. **CONSULTING AGREEMENT FOR BUSINESS LICENSE TAX AUDIT SERVICES** – Request Council approve a consulting agreement with MuniServices, LLC to conduct a business license tax audit and compliance program. The program would identify business entities which are operating within the City without valid business licenses, and assist in the licensing and collection of business license revenue.

Staff Recommendation: Approval **(Community Development Department/ Code Enforcement: Barbara Redlitz)**

RESOLUTION NO. 2012-48

CONSENT CALENDAR CONTINUED

8. **AWARD BID FOR 2012 INTERNATIONAL NAVISTAR TYPE III BRUSH FIRE ENGINE** – Request Council approve the bid award to Kovatch Mobile Equipment Corporation (KME) in the amount of \$331,443, excluding sales tax, for a 2012 International Navistar Type III Brush Fire Engine.

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

RESOLUTION NO. 2012-49

9. **2011 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) AND BUDGET ADJUSTMENT** – Request Council authorize the Fire Chief to accept and execute grant documents on behalf of the City for the grant award of \$330,353 from the Federal Fiscal Year 2011 Assistance to Firefighters Grant Program. Staff is also requesting Council approve increasing the Fire Department Operating Budget for the grant matching portion of \$66,071 and the budget adjustment establishing a capital project for the federal grant portion.

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

RESOLUTION NO. 2012-50

10. **OVERSIGHT BOARD FORMATION:** – Request Council consider and act upon Mayoral appointments to the Oversight Board.

Staff Recommendation: Approval **(City Attorney's Office: Jeffrey Epp)**

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/CDC/RRB)

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

11. **SECOND AMENDMENT TO THE HALL LAND CO. DEVELOPMENT AGREEMENT FOR TRACT 932 (2005-47-DA) – APPROVED WITH A VOTE OF 5/0 ON MARCH 21, 2012.**

ORDINANCE NO. 2012-09 (Second Reading and Adoption)

CURRENT BUSINESS

12. **REAFFIRM PRIORITIES FOR FISCAL YEAR 2012-2013 HOME FUNDS AND OTHER AFFORDABLE HOUSING FUNDS FOR AFFORDABLE HOUSING ACTIVITIES** – Request Council provide direction on the use of HOME funds and other Affordable housing resources for the Fiscal Year 2012-2013.

Staff Recommendation: Approval (**Community Services Department/ Housing: Jerry Van Leeuwen**)

PUBLIC HEARINGS

13. **REAFFIRM COMMUNITY DEVELOPMENT PRIORITIES OF THE FISCAL YEAR 2010-2015 CONSOLIDATED PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); APPROVE ALLOCATION PROCESS FOR FY 2012-2013 CDBG-FUNDED ACTIVITIES; APPROVE AMENDMENT TO FY 2011-2012 ONE YEAR ACTION PLAN FOR CDBG TO ALLOCATE \$60,000 IN UNALLOCATED FUNDS TO PURCHASE COMPUTER EQUIPMENT FOR THE PROPOSED EAST VALLEY COMMUNITY CENTER COMPUTER LAB.** – Request Council conduct a public hearing to review and reaffirm the community development priorities adopted in the 2012-2015 Five- Year Consolidated Plan for CDBG.

Staff Recommendation: Approval (**Neighborhood Services: Rich Buquet**)

14. **ZONING CODE AMENDMENT TO ADD CARGO CONTAINER RESTRICTIONS TO THE ZONING CODE (AZ 11-0001)** – Request Council approve an amendment to the Escondido Zoning Code cargo containers restrictions.

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

ORDINANCE NO. 2012-07 (Introduction and First Reading)

CURRENT BUSINESS

15. **ENERGY ROADMAP REPORT AND RECOMMENDATIONS AND BUDGET ADJUSTMENT** – Request Council receive a report from the SANDAG Energy Roadmap Program; and request approval of up to \$450,000 from the Recycling Fund Balance to install some of the energy conservation improvements recommended by SANDAG, for other improvements associated with the installation of solar photovoltaic panels at certain City facilities and exploration of electric vehicle charging stations.

Staff Recommendation: Approval (**Community Services Department: Jerry Van Leeuwen**)

16. **FISCAL YEAR 2012-2013 BUDGET BRIEFING** – Request Council provide direction regarding the Fiscal Year 2012-2013 General Fund Operating Budget..

Staff Recommendation: Provide direction (**Finance Department: Gilbert Rojas**)

17. **A STATUS REPORT ON THE GENERAL PLAN UPDATE, CLIMATE ACTION PLAN, DOWNTOWN SPECIFIC PLAN, AND DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) (CASE NO.: PHG 09-0020, PHG 10-0016).** – Request Council review comments received to date pertaining to the Draft General Plan Update; 2) Consider modifications to General Plan policies and residential land use designations to address issues raised by the public; 3) Discuss alternatives for locating homeless shelters in concert with the updated General Plan Housing Element; 4) Initiate a private property owner request for a General Plan Amendment involving approximately 2.1 acres from Light Industrial to General Commercial (2120 – 2122 W. Mission Road); 5) Direct staff to further refine the General Plan policies based on comments received; 6) Continue to receive public input upon request for consideration; and 7) Forward the General Plan, Climate Action Plan, Downtown Specific Plan and EIR to the Planning Commission in May for their final recommendation.

Staff Recommendation: Review materials, consider staff recommendations and provide direction. (**Community Development Department / Planning: Barbara Redlitz**)

18. **STATUS REPORT, BUDGET ADJUSTMENT AND BID AWARD – DALEY RANCH** – Request Council accept the status report; approve a budget adjustment totaling \$725,550 for the road rehabilitation project and other Daley Ranch improvements; and authorize the Mayor and the City Clerk to execute an agreement with Asphalt and Concrete Enterprises, Inc. in the amount of \$165,868 for the Daley Ranch Access Road Rehabilitation Project.

Staff Recommendation: Approval (**Engineering Services: Ed Domingue**)

RESOLUTION NO. 2012-33

WORKSHOP

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

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COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
April 4	No Meeting	-	-	-
April 11	No Meeting	-	-	-
April 18	Wednesday	4pm & 6:30pm	Council Meeting	Council Chambers
April 25	Wednesday	4pm & 6:30pm	Council Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Comments are generally limited to 3 minutes.

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

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

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

- Online at <http://www.ci.escondido.ca.us/government/agendas/PublishedMeetings.htm>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

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

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and selecting: City Council/broadcasts of City Council Meetings/live video streaming.

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

The City Council is scheduled to meet the first four Wednesdays of the month at 3:30 in Closed Session and 4:30 in Open Session.

(Verify schedule with City Clerk's Office)

Members of the Council also sit as the Community Development Commission and the Mobilehome Rent Review Board.

**CITY HALL HOURS OF OPERATION
Monday-Thursday 7:30 a.m. to 5:30 p.m.**



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

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4
Date: March 28, 2012

TO: Honorable Mayor and Members of City Council
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: 2011 Annual Housing Report

RECOMMENDATION:

Authorize submittal of the attached report, Annual Element Progress Report, to the State Office of Planning and Research and the Department of Housing and Community Development.

FISCAL ANALYSIS:

None

GENERAL PLAN ANALYSIS:

The reporting requirements are consistent with the Housing Element of the General Plan.

BACKGROUND:

Government Code Section 65400 establishes the requirement that each city submit an annual report on the status of the Housing Element of its General Plan and progress in its implementation using forms and definitions recommended by the Department of Housing and Community Development (HCD). Opportunities for State Housing and Smart Growth funds (SANDAG, transit-oriented development, etc.) rely upon each city's demonstration of its compliance with the Housing Element's objectives and deadlines. This is a report on the Housing Element adopted in 2005. The Housing Element for the 2013-2020 reporting cycle is currently in draft form, in conjunction with the General Plan Update. When adopted, it will cover the period of January 1, 2013 through December 31, 2020.

In order to demonstrate compliance with the Housing Element, each city must report on the annual building activity of affordable units (Table A), the annual activity for units rehabilitated, preserved or acquired (Table A2), the annual activity of above moderate units (Table A3), the city's progress in meeting its (RHNA) regional housing needs allocation (Table B), and the city's progress in its implementation of the Housing Element programs during 2011 (Table C).

Construction began in June, 2010, on the Crossings, a 55-unit affordable rental project for families located on Mission Grove Place (previously Elder Place). Building permits were finalized, and residents began to move in, in July 2011. These units are included in the totals for 2011.

Respectfully submitted,



Jerry Van Leeuwen
Director of Community Services

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Escondido
Reporting Period 1/1/2011 - 12/31/2011

**Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes			TOTAL UNITS	(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income		
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

**Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate				2		2	
No. of Units Permitted for Above Moderate	40	0	0	0	0	40	

* Note: This field is voluntary

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**
(CCR Title 25 §6202)

Jurisdiction City of Escondido
Reporting Period 1/1/2011 - 12/31/2011

**Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability**

Income Level	RHNA Allocation by Income Level	Permitted Units Issued by Affordability									Total Units to Date (all years)	Total Remaining RHNA by Income Level
		2005 Year 1	2006 Year 2	2007 Year 3	2008 Year 4	2009 Year 5	2010 Year 6	2011 Year 7	Year 8	Year 9		
Very Low	Deed		1	23	18	51		39			132	416
	Restricted Non-deed restricted											
	Deed											
Low	Restricted Non-deed restricted		6		60	9		15			90	327
	Deed											
	Restricted Non-deed restricted											
Moderate	Restricted Non-deed restricted			18							18	441
	Deed											
	Restricted Non-deed restricted						2			2		
Above Moderate		71	231	287	192	56	120	41		998	13	
Total RHNA by COG												
Enter allocation number			71	238	328	270	116	97		1,240	1,197	
Total Units												
Remaining Need for RHNA Period												

Note: units serving extremely low-income households are included in the very low-income permitted units totals. * 2 units were relocated to Above-Moderate category

Jurisdiction City of Escondido
Reporting Period 1/1/11-12/31/11

Table C
Program Implementation Status

Part One			
Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583 Describe progress of all programs including progress in removing regulatory barriers.	Objective	Status of Program Implementation as of 12-31-11
Name of Program: 1. Construction Programs	Timeframe in H.E.	Objective	Status of Program Implementation as of 12-31-11
1.1: Project Development (Increase affordable housing through redevelopment and rehabilitation) Anticipated impact: Increased supply of rental and ownership units for very low-income and low-income residents (200)	Summer/06 Fall/06 2008	Send out RFP Select projects Acquisition, rehabilitation, or preservation	RFP sent Summer/05 Projects selected Fall/05 Construction of seven units (Milane Lane) was completed during 2006. In 2007 Serenity Village (8 units), Oranewood (7 units), and Brotherton (22 units) were completed. The 80-unit Las Ventanas Village project (78 affordable) was completed in 2008. The 61-unit (60 affordable) Juniper Senior Village project was completed in December, 2010. Crossings (54 affordable units) completed July 2011 Total = 236 affordable units
1.2: Mortgage Revenue Bonds (Provide credit support for issuance of revenue bonds) Anticipated impact: Acquisition, rehabilitation, preservation, or construction of affordable housing for low-income households.	Ongoing	Continuation of program	Ongoing when available. Not available at this time.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
1. Construction Programs (Continued) 1.3: First-Time Homebuyer/Home Entry Loan Program (HELP) and Home Ownership Made Easy (HOME) (Provide loans to low-and moderate-income households for closing and down payment, of lesser of 5% or \$25,000) Anticipated impact: Increased homeownership opportunities for low- to moderate-income households (200 units).	Continue to provide assistance Implement additional marketing strategies Offer annual lender training	2005-2010	42 HELP loans funded during 2011 57 HOME loans funded during 2011 Total first-time homebuyer loans (during period): HELP HOME 2005 13 2 2006 14 10 2007 27 20 2008 76 117 2009 52 80 2010 46 48 2011 42 57 Total since 2005: 604
1.4 First-Time Homebuyer/Mortgage Credit Certificates (Provide mortgage credit certificates to new homeownership to reduce taxes) Anticipated impact: Additional homeownership opportunities for low- and moderate-income households.	Continue to issue	Ongoing	Annual lender training is provided. 7 MCCs were issued during 2011 2005 1 2006 4 2007 1 2008 3 2009 3 2010 10 2011 7 Total of 29 MCCs since 2005

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
<p>1. Construction Programs (Continued)</p> <p>1.5 Emergency Shelter Program (Streamline Emergency shelter requests) Anticipated impact: Provision of shelter for individuals and families with special needs.</p>	<p>Amend Zoning Code to allow with CUP in Hospital Professional (HP) zone. Involves giving emergency shelter its own land use code.</p>	<p>2006</p>	<p>Amending the Zoning Code to allow emergency shelters in the HP zone (with a CUP) is a continued program from the previous 1999-2004 Housing Element. During the 1999-2004 Cycle, the Zoning Code was amended to allow emergency shelters in the M-1 zone (subject to the approval of a conditional use permit).</p> <p>A comprehensive code amendment addressing Housing Element implementation was considered 8-22-07 by City Council. The Council did not approve the amendment to the HP zone due to the existing available land in the M-1 zone.</p> <p>The City worked collaboratively with the other jurisdictions in the region to create a comprehensive plan in which each city provides emergency shelter annually for an agreed amount of homeless individuals for 100 consecutive days starting in early December. On 9-12-07, City Council approved the Regional Plan allowing for the use of the Salvation Army multi-purpose room as shelter for 30 individuals. During 2008, 2009 and 2010 the facility operated at its approved capacity. After the Salvation Army indicated the site would not be available for the 2010-2011 winter shelter, the City Council approved a request on September 12, 2010, to relocate the 100-day winter shelter. The shelter opened on December 1, 2010, at 624 Metcalf Street. For the Winter of 2011-2012 the shelter operated at the Salvation Army site and then was approved to operate at 550 W Washington Ave (Interfaith CS). The SB2 requirement to allow a year-round emergency shelter by right (not a winter shelter) will be addressed in the 2013-2020 Housing Element.</p>

Name of Program: 1. Construction Programs (Continued)	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
1.8 City-owned Sites (Facilitate the redevelopment/development of affordable housing on City-owned sites) Anticipated impact: Sites for affordable housing.	Use City-ownership as a potential inducement for rehabilitation of more affordable housing	Ongoing	The Housing Division, the Public Works Department and the City's Real Property Agent continue to review properties when they become available as potential sites for redevelopment.
1.9 Density Bonus (Allow density bonuses and residential incentives for affordable and senior housing) Anticipated impact: Additional housing opportunities for low- and moderate-income households.	Review of Ordinance to provide more incentives and more flexible zoning standards	Ongoing 2006	In the summer of 2006, Environmental Review was completed on a draft comprehensive code amendment to update compliance with State Law. The portion related to density bonus was denied on 8-22-07 by the City Council since the City currently has a Density Bonus and Residential Incentive Ordinance and a Planned Development Ordinance that effectively encourage the development of high density affordable housing. The City currently utilizes the State Density Bonus requirements. This requirement will be addressed in the 2013-2020 Housing Element. There are two recent examples of affordable housing developments utilizing density bonuses. The Las Ventanas project was developed at 40.12 du/ac with a density bonus of 67%, and Juniper Senior Village was approved at 53.5 du/ac with a density bonus of 33%. In addition, the approved Community HousingWorks 36-unit project (currently under development) utilized a 35% density bonus and concessions for open space, building setbacks and height modifications.

Name of Program: 2. Rehabilitation Programs:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
<p>2.1 Housing-Rehabilitation Owner Occupied (Provide rehab loans of \$25,000/\$40,000 for single-family residents and \$8,000/\$20,000 for mobilehomes) Anticipated impact: Rehabilitation of units for very low-income, low-income, and moderate-income households (160 units).</p>	<p>Continuation of program</p> <p>Implement additional marketing strategies</p> <p>Expand program</p>	<p>2005-2010</p> <p>Winter 06</p> <p>Spring 06</p>	<p>Rehabilitation of 8 units during 2005 Rehabilitation of 33 units during 2006 Rehabilitation of 29 units during 2007 Rehabilitation of 23 units during 2008 Rehabilitation of 22 units during 2009 Rehabilitation of 15 units during 2010 Rehabilitation of 21 units during 2011 Total 151 units since 2005</p> <p>The Program was advertised in the community newsletter for the first time in 2006.</p> <p>A staff person was hired to work only on the program and was able to bring the number of rehabs up to 33 in 2006, and 29 in 2007. The rehab of 15 units was completed in 2010 and 21 units in 2011, which is smaller than years prior, due to market conditions.</p>
<p>Name of Program: 2. Rehabilitation Programs: (Continued)</p> <p>2.2 Housing Rehabilitation: Renter Occupied (Continue to explore potential rental rehabilitation programs) Anticipated impact: Increase rental rehabilitation for very low-income and low-income households (50 units).</p> <p>2.3 Recycling Existing Structures (Continue to explore ways to encourage the recycling of older structures for affordable housing opportunities) Anticipated impact: Additional affordable housing opportunities for very low-income and low-income households. (20 Units)</p>	<p>Ongoing</p> <p>Continue with exploration and evaluation of options such as incentive programs for efficiency units, acquisition-rehabilitation-resale and a special Planned Development approach</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>Status of Program Implementation as of 12-31-11</p> <p>Due to lack of demand for assistance, the program was not funded. The City continues to explore ways to encourage assistance.</p> <p>As discussed under Program 1.1 (Project Development), two redevelopment proposals for a total of 141 units (138 affordable) were approved in the spring of 2006, which replaced dilapidated structures. 80 of the units (78 affordable) were completed in 2008 and 60 affordable senior units were completed in December, 2010 (Juniper Senior). The Division continues to research and meet with developers interested in acquisition and rehabilitation. During 2008, the City allocated \$5M toward the acquisition and rehabilitation/redevelopment of Elder Place in order to provide 55 units (54 affordable) which replaced dilapidated units. The Crossings was occupied in 2011.</p>

<p>2.4 Focus on Neighborhoods (Collaborate with departments to channel resources and efforts into neighborhoods) Anticipated impact: The concentration of City resources to one neighborhood and the opportunity for significant community impact both in physical improvement and improvement in quality of life for neighborhood residents. (Low- and moderate-income categories)</p>	<p>Continue collaborative efforts through funding resources, policies and community outreach</p>	<p>Ongoing</p>	<p>Through 12-31-11, concentrated efforts achieved in the Westside, Orange Place, Mission Park, Tulip Street and N. Hickory Street neighborhoods included street improvements, community engagement and community beautification efforts.</p> <p>Phases I, II, III and IV of the street improvement project were completed in the Tulip Street neighborhood.</p> <p>The Crossings, a 55-unit affordable rental family development was completed within the Mission Park neighborhood.</p> <p>Project NEAT was started in 2010 to assist residents in solving their own neighborhood problems at a neighborhood (rather than Code Enforcement) level, such as maintenance, graffiti, minor repairs and trash.</p> <p>The joint efforts to combine resources in targeted neighborhoods will continue, including the Escondido Creek Master Plan and public improvements in conjunction with proposed affordable developments.</p>
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Name of Program: 3. Conservation Programs:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
<p>3.1 Transitional Housing/Project Development (Provide temporary shelter for households for a nominal cost to the tenant) Anticipated impact: Assistance to households with special needs (48 bed/units) (very low and low categories).</p>	<p>Continue to work with nonprofits to provide transitional housing</p>	<p>Ongoing</p>	<p>Construction of Serenity Village was completed during 2007. It comprises eight transitional 3-bedroom homes (48 total beds). In 2007, four additional units were acquired by Interfaith Community Services and converted into permanent supportive housing (Raymond's Refuge) in 2007. Interfaith also operates Fairweather Lodge (6 beds) for mentally disabled residents and two units on Aster Street (10 beds) for homeless veterans. There are many other transitional units operated by non-profits in Escondido.</p>
<p>3.2 Rental Subsidy (Provide households with affordable rents) Anticipated impact: Rental Assistance for very low-income households, based on federal guidelines.</p>	<p>Collaborate with HUD toward the provision of Section 8 Rental Subsidy to households earning 50% or less of the median income</p>	<p>Ongoing</p>	<p>Ongoing. During 2011, a monthly average of 1,089 households were assisted with Section 8 Rental Subsidy.</p>
<p>Anticipated impact: Rental Assistance for very low-income households (seniors and persons with disabilities).</p>	<p>Provide rental subsidy to low-income seniors and persons with disabilities in mobilehomes parks and apartments</p>	<p>Ongoing</p>	<p>During 2011, a monthly average of 147 senior households (or persons with a disability) in mobilehome parks and another 147 in apartments were receiving rental subsidy while waiting for HUD Section 8 eligibility.</p>
<p>3.3 Mobilehome Park Conversion (Provide technical assistance toward conversion to ownership) Anticipated impact: Continued mobilehome resident ownership opportunities for very low-income and low-income residents.</p>	<p>Continue to work with City policies and procedures to assist in conversion</p>	<p>Ongoing</p>	<p>During 2011, the City continued to provide technical assistance to mobilehome parks considering conversions. Recently, Sundance Mobilehome Park, went through the conversion process, but remains a rental park. The City also manages remaining city-owned spaces in Escondido Views (8 lots) and Mountain Shadows (31 lots).</p>
<p>3.4 Mobilehome Rent Review (Rent review of application for increases in mobilehome parks) Anticipated impact: Stabilized rents for mobilehome residents, many of whom are very low- and low-income.</p>	<p>Continue review of proposed increases to maintain affordability of units</p>	<p>Ongoing</p>	<p>During 2011, eight rent review hearings were held and monthly increases averaging from \$3.32 up to \$10.10 were approved.</p>

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
3. Conservation Programs: (Continued) 3.5 Existing Subsidized Housing Development Assistance (Continue to explore means to prevent conversion of existing affordable housing) Anticipated impact: Continued affordability of subsidized housing developments.	Annually track affordable housing developments and work with owners to extend affordability If owner wishes to sell, contact potential buyers who would want to extend affordability and, if unsuccessful, follow-up with Section 8 and relocation potential	Ongoing Ongoing	In 2010 the City was notified that the owners of Mission Terrace Apartments (832 N Juniper) were going to terminate Section 8 project-based rental subsidies when their contract expired on June 1, 2011. The subsidy was converted to tenant based Section 8 vouchers. Affordability restrictions were placed on the existing 132-unit Windsor Gardens senior apartment complex when the City paid off the existing HUD first mortgage with Redevelopment Set-Aside funds in November, 2010. 130 newly affordable senior units were provided. The City will continue to monitor at-risk units
4. Administrative Programs: 4.1: Fair Housing (Affirmatively further fair housing through specific education outreach and monitoring activities) Anticipated impact: Continued enforcement of the Fair Housing Plan which will prevent discrimination in housing. Continued landlord/tenant assistance program which will assist in resolving landlord/tenant disagreements (very low- and low-income renters).	Ongoing Disperse information regarding programs at various locations	Ongoing Ongoing	Status of Program Implementation as of 12-31-11 In 2011 the City contracted with North County Lifeline to provide fair housing services for counseling and mediation in landlord/tenant disputes. Services include bilingual assistance. Continued to disperse information, review potential impediments to fair housing, and meet with other jurisdictions to discuss and address potential regional impediments. Jurisdictions prepared a new Regional Analysis of Impediments for 2010-2015, which was submitted to HUD in 2011. The revision allows improvements to nonconforming units without regard to the percent limitations in the ordinance, when the units are occupied by persons with low and very-low income and deed restricted. Ordinance still in effect.
4.2: Code Revisions: Nonconforming Use Ordinance Anticipated impact: Continued occupancy of low-income units.	Allow alterations to existing nonconforming, low-income units per code	Ongoing	The revision allows improvements to nonconforming units without regard to the percent limitations in the ordinance, when the units are occupied by persons with low and very-low income and deed restricted. Ordinance still in effect.

Name of Program: 4. Administrative Programs: (Continued)	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
4.3: Senior Housing Ordinance enforcement (Encourage construction of senior housing through ordinance review) Anticipated impact: Continuing availability of senior housing.	Continue to encourage development of senior housing	Ongoing	As mentioned under Program 1.6 regarding senior housing, in June of 2006, a development proposal for a 61-unit (60 affordable) senior facility was approved by City Council. Several applications for tax credits were made during 2007 and 2008, and 9% credits were approved in Sept. 2009. The project was completed and occupancy began in 2010.
4.4: Housing Information and Referral (Provision of information for marketing and educational purposes) Anticipated impact: More effective and targeted housing programs (especially very low-income and low-income households).	Provide annual updates	Ongoing	Information was updated and distributed via a variety of ways such as the web-site, brochures, mailers, referral cards and Neighborhood Porch meetings. The city website was updated in late 2010 to include up to date housing information and updates continue as they are available.
4.5: Housing Element Update (To be updated to reflect new data and new policies) Anticipated impact: Continuing current housing element (all income categories).	Update Housing Element	2012	Due at the end of the current cycle (2005-2010). Deadline extended until 2013, the revised Housing Element is in process.
4.6: Land-use Policies (Evaluate current policies as they relate to the Housing Element) Anticipated impact: Better coordination and consistency of plan elements (all income categories).	Review of codes and policies for consistency with Housing Element	Ongoing	In 2011, Housing, Neighborhood Services, and Planning staff worked together during the year to ensure consistency which included review of projects, and policies pertaining to the General Plan, density bonus, minimum density, and parking. This coordination will continue.
4.7: Licensed Residential Care Facilities Anticipated impact: Continued development of congregate care facilities/licensed residential care facilities (seniors, all income categories).	Facilitate development by continuing to permit by right in CG and HP zones and with CUP in Residential zones	Ongoing	Meadowbrook Village, a combined skilled nursing (27 beds), congregate care (51 beds) and senior facility (65 units) was approved in 2004 and has been under construction. Two units were added in 2008 and another 2 in 2009 (total of 147). An expansion of 13 additional skilled nursing beds was approved in December, 2010. An 11-bed facility was approved on Avocado Avenue in March, 2010.
4.8: Regional Planning and Cooperation Anticipated impact: More efficient and cost-effective housing programs (all income categories).	More efficient and cost effective housing programs through information sharing region-wide	Ongoing	City staff meets regularly with other jurisdictions in the State and County.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-11
<p>4. Administrative Programs: (Continued)</p> <p>4.9: Nonprofit Corporation (NPC) Support Facilitate NCPs in their provision of affordable housing Anticipated impact: More effective NPCs and more housing assistance for very low-income and low-income households.</p>	<p>Meet with nonprofit and for-profit developers to identify potential sites and to facilitate provision of affordable, mixed-use and mixed-income development</p> <p>Ongoing</p>	<p>Ongoing.</p>	<p>Housing staff continues to meet with non-profit and for-profit developers related to potential sites and the review process for affordable projects.</p>
<p>4.10 Ordinance Review Review of ordinances for impact on low- and moderate-income housing, senior housing and housing for persons with disabilities. Explore ways to modify ordinances to encourage redevelopment/development. Anticipated impact: Removal of government constraints (very low-income and low-income units).</p>	<p>Ongoing</p> <p>Complete code amendments to Density Bonus and Residential Incentive ordinance and to multi-family zones to require minimum densities</p>	<p>Ongoing</p> <p>June 06</p>	<p>City staff worked on an update to Downtown Specific Plan during 2006. City Council adopted the update 3-21-07. The Downtown Specific Plan is currently in the process of being updated again.</p> <p>Refer to Program 1.9 (Density Bonus) for implementation of State law.</p> <p>The Minimum Density Ordinance was drafted by staff and reviewed by City Council in 2006. Adjustments were made addressing Council's concerns pertaining to the impact to homeowners. A revised Minimum Density Ordinance was approved by Council in the summer of 2007. The Minimum Density was a component of a comprehensive code amendment addressing housing element implementation.</p>

CONSTRAINTS

There were no constraints specific to Escondido listed in the Housing Element. However, the City's efforts to address potential constraints was discussed and addressed under Environmental Limitations, Land Costs, and Condominium Conversions. The specific issue, page number, action and status are listed below.

Issue	Page #	Action	Status
<p>Environmental Limitations Environmental features such as: habitat for threatened/endangered species, steep slopes, ridgelines, floodplains/wetlands, geologic constraints and historic preservation</p>	55	<p>The City's focused efforts on rehabilitation and redevelopment will help to minimize environmental limitations on housing, since development would occur in areas already developed</p>	<p>Refer to status of Programs 1.1 (Project Development), 1.7 (Infill New Construction), 1.8 (City Owned Sites), 4.6 (Land Use Policies), and 4.10 (Ordinance Review)</p>
<p>Increasing Land Costs Residential land prices contribute significantly to the cost of new housing</p>	57	<p>Efforts to encourage redevelopment and rehabilitation will help lower costs where facilities and services are already provided</p>	<p>Refer to status of Programs 1.1 (Project Development), 1.7 (Infill New Construction), 1.8 (City Owned Sites), 4.6 (Land Use Policies), and 4.10 (Ordinance Review)</p>
<p>Dramatic Rise in Condo Conversion Applications An estimated total of 800-1000 multi-family units that have been converted or approved for conversion 5% to 6% of total multi-family housing stock</p>	59	<p>Amend Condo Conversion Ordinance to: discourage conversion of older, smaller condos; limit to stock that will comply with current building codes and City standards; address impacts to tenants and track remaining multi-family housing stock</p>	<p>Condo Conversion code amendment completed summer of 2005. There were no new requests for condominium conversions in 2011.</p>

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Christopher McKinney, Director of Utilities
SUBJECT: Agricultural Water Conservation and Efficiency Grants

RECOMMENDATION:

The Utilities Department requests Council adoption of Resolution No. 2012-51 supporting the Department's application for funding from the *Agricultural Water Conservation and Efficiency Grants Program*. This program is part of the *Bay Delta Restoration Water Use Efficiency Grants*. The application requests \$1,000,000 for construction of Phase I of the *Recycled Water Easterly Main Extension and Agricultural Reuse Project* (Project). The three-phase Project involves design and construction of recycled water facilities, including pipelines, a storage tank, and a pumping station to improve availability of recycled water to agricultural and other users within the City's service area.

FISCAL ANALYSIS:

Consultant support in confirming eligibility and providing technical assistance with preparation of the application cost approximately \$20,000. This money was expended via a pre-existing contract with the consulting firm.

BACKGROUND:

The goals of the *Agricultural Water Conservation and Efficiency Grants Program* include promoting cost sharing with the Bureau of Reclamation on projects that save water, improving water management, improving energy efficiency, and creating new supplies for agricultural irrigation.

Although the City is geographically distant from the Bay Delta, the City's Project would benefit the Delta by making more efficient use of water imported through the Delta via the State Water Project.

The City's Project will contribute to the above goals by extending the City's recycled water distribution system to agricultural and other users. The Project will generate 6,000 acre-feet per year of new supplies (recycled water) for agricultural irrigation, which will improve energy efficiency, benefit endangered species, and improve water supply reliability. Irrigation with recycled water rather than potable water is a more efficient use of the City's water supplies.

Agricultural Water Conservation and Efficiency Grants

March 28, 2012

Page 2

Finally, the Project will help the City with future implementation of indirect potable reuse with advanced water treatment (AWT), which will provide water that is likely of higher quality than existing water supplies. This future aspect of the Project will also directly lead to on-farm water use efficiency by providing higher quality water. Water of higher quality will result in reduced water use due to lower concentrations of salts and other constituents that require flushing with additional water.

Respectfully submitted,

A handwritten signature in black ink that reads "Christopher W. McKinney". The signature is written in a cursive style with a large, stylized "j" at the end.

Christopher McKinney
Director of Utilities

RESOLUTION NO. 2012-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK, TO SUPPORT, ON BEHALF OF THE CITY, AN APPLICATION TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION TO OBTAIN BAY DELTA RESTORATION PROGRAM: AGRICULTURAL WATER CONSERVATION AND EFFICIENCY GRANT FUNDING FOR THE RECYCLED WATER EASTERLY MAIN EXTENSION AND AGRICULTURAL REUSE PROJECT

WHEREAS, the United States Department of the Interior, Bureau of Reclamation, Mid-Pacific Region (Bureau of Reclamation), Bay-Delta Restoration Water Use Efficiency Grants: Agricultural Water Conservation and Efficiency Grant Funding Opportunity (Grant Program) seeks proposals for projects that save water, improve water management, create new supplies for agricultural irrigation, improve energy efficiency, benefit endangered species, and increase the capability or success rate of on-farm water conservation or water use efficiency projects that can be undertaken by farmers and ranchers through irrigation system improvements and irrigation efficiency enhancements; and

WHEREAS, grant funds from the Bureau of Reclamation, Bay-Delta Restoration Water Use Efficiency: Agricultural Water Conservation and Efficiency Grants are available for projects at a district or water purveyor level that also increase opportunities for on-farm improvements; and

WHEREAS, the procedures established by the Bureau of Reclamation require the applicant's governing body to certify by resolution authorization for the applicant to

submit an application for funds from the Grant Program; and

WHEREAS, the City of Escondido is an eligible applicant for grant funds from the Bureau of Reclamation, Bay Delta Restoration Program: Agricultural Water Conservation and Efficiency Grants, and is involved in activities that would benefit from funding from the Grant Program.

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

1. That the above recitations are true.
2. That an application has been made to the Bureau of Reclamation to obtain Bay Delta Restoration Program: Agricultural Water Conservation and Efficiency Grant funding pursuant to Funding Opportunity No. R12AF20003, and to support an agreement to receive a grant for the Recycled Water Easterly Main Extension and Agricultural Reuse Project. The City of Escondido is able to provide the amount of funds identified in the grant application funding plan.
3. The Mayor or his designee is authorized and directed to prepare the necessary data, make investigations and submit such application, and to sign and execute an agreement with the Bureau of Reclamation to receive grant funds. The Mayor or his designee has reviewed and supports the application being submitted. The City of Escondido will work with the Bureau of Reclamation to meet established deadlines for entering into a cooperative agreement.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Engineering Services
SUBJECT: Bid Award for the 2011-2012 Street Maintenance Project and Budget Adjustment

RECOMMENDATION:

It is requested that Council determine the apparent low bid submitted by Construction Testing and Engineering of Escondido in the amount of \$21,084 to be non-responsive, and accept the request to withdraw the bid submitted by the second apparent low bidder, Granite Construction Company of Vista, in the amount of \$3,378,410.00; and determine George Weir Asphalt Construction Inc., in the amount of \$5,020,004.35, to be the lowest responsive and responsible bid; and adopt Resolution No. 2012-36 authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement with George Weir Asphalt Construction, Inc. in the amount of \$5,020,004.35 for the 2011-2012 Street Maintenance Project and approve a budget adjustment to increase the funding for this project.

FISCAL ANALYSIS:

This project will be awarded with funds from Prop 1B, GT, TN which were previously programmed. To complete the project funding, an additional \$430,000 from General Street Fund will be added via a budget adjustment as part of the award of this construction contract.

PREVIOUS ACTION:

None

BACKGROUND:

This project involves asphalt grinding, repaving and restriping, installing video traffic cameras and vehicle detection loops at select intersections, installing and replacing broken concrete curbs, gutters, ADA ramps, bus stop aprons, driveway aprons and sidewalks. This work is being performed in the following areas: 1) a new traffic controller at Centre City and Grand Avenue; 2) repaving and associated infrastructure work proposed on segments of Andreasen Drive, Bear Valley Parkway, Grand Avenue and Barham Drive; 3) repaving and associated infrastructure work proposed on street areas bordered by: Fig Street, Lincoln Avenue, Midway Drive, and the Flood Control Channel; and 4) repaving and associated infrastructure work proposed on street areas bordered by Centre City Parkway, the Flood Control channel, Ash Street, and 8th Avenue.

The Engineer's estimate for the project is \$5,000,000.

On March 15, 2012, the City of Escondido received nine (9) sealed bids in response to its advertised request for bids on this project. The bids were opened by the City Clerk with the following bid results:

Construction Testing and Engineering Inc.	\$21,084.00
Granite Construction Company	\$3,378,410.00
George Weir Asphalt Construction, Inc.	\$5,020,004.35
All American Asphalt	\$5,130,000.00
Hardy and Harper, Inc.	\$5,309,000.00
Sully Miller Contracting	\$5,387,014.25
Hazard Construction Company	\$5,394,143.00
SRM Contracting & Paving	\$5,428,900.00
Southland Paving Inc.	\$5,467,490.60

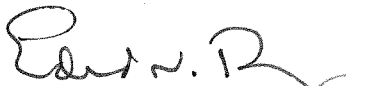
Following the bid opening, City staff did a careful review of the bid proposals submitted and found the apparent low bid proposal submitted by Construction Testing and Engineering Inc. of Escondido, contained an error by not filling out the dollar amount on most of the bid items, did not have a Contractor's license listed, and did not have a bidders bond.

The City Clerk received a letter on March 20, 2012 from Granite Construction Company requesting withdrawal of their bid due to mathematical error.

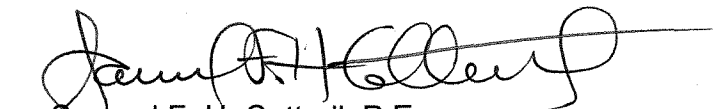
On March 19, 2012, City staff notified Construction Testing and Engineering Inc. regarding the intent to reject their bid proposal as being non-responsive. As indicated in the Notice Inviting Sealed Bids, any failure to follow the instructions specified in the Instructions to Bidders may be cause for rejection of the bid.

In light of the public policy and the law concerning competitive bidding requirements, and based on the facts of this case staff recommends that the bid submitted by George Weir Asphalt Construction, Inc. be considered the lowest responsive and responsible bid and the contract be awarded to George Weir Asphalt Construction, Inc. in the amount of \$5,020,004.35 for the 2011-2012 Street Maintenance Project.

Respectfully submitted,



Edward N. Domingue, P.E.
Director of Engineering Services



Samuel F. H. Cottrell, P.E.
Associate Civil Engineer

RESOLUTION NO. 2012-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AWARDED A BID FOR THE 2011-2012 STREET MAINTENANCE PROJECT AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A PUBLIC IMPROVEMENT AGREEMENT WITH GEORGE WEIR ASPHALT CONSTRUCTION INC.

WHEREAS, the City Council has allocated funding for the 2011-2012 Street Maintenance Project; and

WHEREAS, a notice inviting bids for said improvement was duly published and, pursuant to said notice, George Weir Asphalt Construction, Inc. submitted a bid; and

WHEREAS, nine sealed bids for the Project were opened and evaluated on March 15, 2012; and

WHEREAS, the apparent low bid, submitted by Construction Testing and Engineering was determined to be non-responsive; and

WHEREAS, Granite Construction Company has submitted a letter withdrawing their bid; and

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

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to award this contract to George Weir Asphalt Construction, Inc. in the amount of \$5,020,004.35;

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

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

PUBLIC IMPROVEMENT AGREEMENT

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

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

1. The complete contract includes all of the Project Documents described in the General Conditions, which are incorporated by reference. The Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.
2. CONTRACTOR shall perform, within the time set forth in Paragraph 4 of this Agreement, everything required and reasonably inferred to be performed, and shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services as described in the complete contract and required for construction of

2011-2012 Street Maintenance

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

3. CITY shall pay to the CONTRACTOR, as full consideration for the faithful performance of the contract, subject to any additions or deductions as provided in the Project documents, the sum of **Five million twenty thousand four and thirty five cents Dollars (\$5,020,004.35)**.
4. The work shall be commenced on or before the twenty-first (21st) day after receiving the CITY'S Notice to Proceed and shall be completed within **Eighty (80) working days** from the date specified in the Notice to Proceed.
5. Time is of the essence. If the work is not completed in accordance with Paragraph 4 above, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage(s), in accordance with Government Code Section 53069.85, it is agreed that CONTRACTOR shall pay to CITY as fixed and liquidated damages, and not as a penalty, the sum(s) indicated in the LIQUIDATED DAMAGES SCHEDULE below for each calendar day of delay until work is completed and accepted. This amount shall be deducted from any payments due to or to become due to CONTRACTOR. CONTRACTOR and CONTRACTOR'S surety shall be

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

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

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

- 8. CONTRACTOR shall take out, prior to commencing the work, and maintain, during the life of this contract, and shall require all subcontractors, if any, of every tier, to take out and maintain:
 - (a) General Liability and Property Damage Insurance as defined in the General Conditions in the amount with a combined single limit of not less that **\$3,000,000 per occurrence**.
 - (b) Course of Construction / Builder's Risk Insurance. See Article 5.2 of General Conditions.
 - (c) Insurance Covering Special Hazards: The following special hazards shall be covered by rider or riders to the above-mentioned public liability insurance or property damage insurance policy or policies of insurance, or by special policies of insurance in amounts as follows:
 - (1) Automotive and truck where operated in amounts as above
 - (2) Material hoist where used in amounts as above
 - (d) Workers' Compensation Insurance.
 - (e) Each insurance policy required above must be acceptable to the City Attorney, as follows:
 - (1) Each policy must name the CITY specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation and the Errors and Omissions policies.
 - (2) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A-rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - (3) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.

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

- 9. This Agreement is subject to California Public Contract Code Section 22300, which permits the substitution of securities for any monies withheld by the City under this Agreement, and permits the CONTRACTOR to have all payments of earned retentions by the City paid to an escrow agent at the expense of the CONTRACTOR.

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

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

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

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

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

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

By: _____
Diane Halverson, City Clerk

By: _____
Sam Abed, Mayor

APPROVED AS TO FORM:

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

By: _____

CONTRACTOR

By: _____
Signature

By: _____
Signature*

Print Name

Print Name

Title

Title

(Second signature required only for corporation)

By: _____
Signature**

Print Name

Title

(CORPORATE SEAL OF CONTRACTOR, if
corporation)

Contractor's License No.

Tax ID/Social Security No.

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

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: Consulting Agreement for Business License Tax Audit Services

RECOMMENDATION:

It is requested that the City Council adopt Resolution 2012-48 approving a consulting agreement with MuniServices, LLC to conduct a business license tax audit and compliance program. The program would identify business entities which are operating within the City of Escondido without valid business licenses, and assist in the licensing and collection of business license revenue.

FISCAL ANALYSIS:

The program is designed to assist the City in locating and collecting business license tax revenue from all businesses operating within the City. For FY 2010-11, the City had 9,261 active business licenses which generated \$1,438,041 in revenue, an average of \$155.28 per business. Based on similar services provided in other California cities, MuniServices, LLC estimates an additional 15% recovery based on the number of existing businesses. Assuming the minimum business license fee of \$45, the program could generate annual revenue in excess of \$62,505. MuniServices' compensation for providing the discovery and assessment services is a contingency fee of 40% of the actual additional revenue received by the City from the services for the current tax year, all eligible prior period revenues (typically three years) and any applicable penalties, interest and late charges. The City would receive 100% of the ongoing revenue generated by these businesses in subsequent years.

COUNCIL ACTION PLAN:

The anticipated revenue from this program could provide additional General Fund revenue which could be used to augment the Code Enforcement activities related to Image and Appearance. Further, the information developed through this program could provide a useful inventory augmenting our business database that may benefit the City's economic development efforts.

Consulting Agreement for Business License Tax Audit Services
March 28, 2012
Page 2

BACKGROUND:

This consulting agreement implements the direction of the City Council as discussed on March 7, 2012.

Respectfully submitted,


Barbara J. Redlitz
Director of Community Development

RESOLUTION NO. 2012-48

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK, TO EXECUTE, ON BEHALF OF THE
CITY, A CONSULTING AGREEMENT WITH
MUNISERVICES, LLC FOR BUSINESS
LICENSE TAX AUDIT SERVICES

WHEREAS, on March 7, 2012, the City of Escondido considered a proposal from MuniServices, LLC to perform business license tax audit services and desires to have said services performed; and

WHEREAS, MuniServices, LLC has the personnel and expertise to perform the required services; and

WHEREAS, City of Escondido staff have completed negotiations with MuniServices, LLC for business license tax auditing services and the Director of Community Development recommends that the Consulting Agreement ("Agreement") be approved; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to approve said Agreement on a contingency basis.

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

1. That the above recitations are true.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of the City, an Agreement with MuniServices, LLC. A copy of the Agreement is attached as Exhibit "1" and is incorporated by reference.



CITY OF ESCONDIDO
CONSULTING AGREEMENT

This Agreement is made this _____ day of _____, 2012.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Barbara Redlitz
Director of Community Development
760-839-4546
("CITY")

And: MuniServices, LLC
7335 N. Palm Bluffs Avenue
Fresno, CA 93711
[Attn: Legal Department
800-800-8181 ext 6852
("CONSULTANT")

Witness that whereas:

- A. It has been determined to be in the CITY's best interest to retain the professional services of a consultant provide Local Tax Compliance Services; and
- B. The CONSULTANT is considered competent to perform the necessary professional services for CITY;

NOW, THEREFORE, it is mutually agreed by and between CITY and CONSULTANT as follows:

- 1. Services. The CONSULTANT will furnish all of the services as described in "Attachment A" which is attached and incorporated by this reference.
- 2. Compensation. The CITY will pay the CONSULTANT in accordance with the conditions specified in "Attachment A," for a contingency fee of 40% of the additional revenue received by the CITY from the services provided by CONSULTANT. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT has not corrected the breach after CITY provides notice and a reasonable time to correct it.
- 3. Scope of Compensation. The CONSULTANT will be compensated for performance of tasks specified in "Attachment A" only. No compensation will be provided for any other tasks without specific prior written consent from the CITY.

4. Duties. CONSULTANT will be responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports and other services furnished by the CONSULTANT under this Agreement, except that the CONSULTANT will not be responsible for the accuracy of information supplied by the CITY.
5. Personnel. CONSULTANT's primary contact for this Agreement is Client Services Representative Jerry Peeler. CONSULTANT will obtain prior written consent of the CITY should CONSULTANT need to make a change in this assignment. CONSULTANT will not subcontract any tasks under this Agreement without obtaining the advance written consent of the CITY.
6. Term and Termination. The term of this Agreement shall be for two (2) years commencing on the date first written above. CITY shall have the option to renew this Agreement for two (2) additional terms of one (1) year per term ("Renewal Term") by delivering to CONSULTANT written notice of CITY'S intent to renew at least thirty (30) days prior to the expiration of this Agreement or expiration of the first Renewal Term. Either CONSULTANT or the CITY may terminate this Agreement with thirty (30) days advance written notice.
7. City Property. All original documents, drawings, electronic media, and other material prepared by CONSULTANT exclusive for CITY under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONSULTANT for any other purpose without prior written consent of the CITY.
8. Insurance.
 - a. The CONSULTANT shall secure and maintain at its own cost, for all operations, the following insurance coverage, unless reduced by the City Attorney:
 - (1) General liability insurance. Occurrence basis with minimum limits of \$1,000,000 each occurrence, \$2,000,000 General Aggregate, and \$1,000,000 Products/Completed Operations Aggregate; and
 - (2) Automobile liability insurance of \$1,000,000 combined single-limit per accident for bodily injury and property damage, unless waived as provided in 8(b) below; and
 - (3) Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship; and
 - (4) Errors and Omissions professional liability insurance with minimum coverage of \$1,000,000.
 - b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONSULTANT acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of the CONSULTANT. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONSULTANT _____

Waiver appropriate by CITY _____

- c. Each insurance policy required above must be acceptable to the City Attorney.

- (1) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A- rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - (2) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
 - (3) Both the General Liability and the Automobile Liability certificate of insurance must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The CITY includes its officials, employees, and volunteers. The endorsement must be ISO Form CG 20 10 11 85 edition or its equivalent for General Liability endorsements and CA 20 01 for Automobile Liability endorsements.
 - (4) The General Liability policy must include coverage for bodily injury and property damage arising from CONSULTANT's work, including its on-going operations and products-completed operations hazard.
 - (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.
- c. In executing this Agreement, CONSULTANT agrees to have completed insurance documents on file with the CITY within fourteen (14) days after the date of execution. Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.
9. Indemnification. CONSULTANT (which in this paragraph 9 includes its agents, employees and subcontractors, if any) agrees to indemnify, defend, and hold harmless the CITY from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys' fees, for any of the following:
- a. Any claim of liability arising out of the negligence or any acts or omissions of CONSULTANT in the performance of this Agreement;
 - b. Any personal injuries, property damage or death that CONSULTANT may sustain while using CITY-controlled property or equipment, while participating in any activity sponsored by the CITY, or from any dangerous condition of property; or
 - c. Any injury or death which results or increases by any action taken to medically treat CONSULTANT.
10. Anti-Assignment Clause. The CONSULTANT may not assign, delegate or transfer any interest or duty under this Agreement without advance written approval of the CITY, and any attempt to do so will immediately render this entire Agreement null and void. Unless CONSULTANT assigns this entire Agreement, including all rights and duties herein, to a third party with the CITY'S written consent, CONSULTANT shall be the sole payee under this Agreement. Any and all payments made pursuant to the terms of this Agreement are otherwise not assignable.
11. Costs and Attorney's Fees. In the event that legal action is required to enforce the terms and conditions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.

12. Independent Contractor. CONSULTANT is an independent contractor and no agency or employment relationship, either express or implied, is created by the execution of this Agreement.
13. Merger Clause. This Agreement and its Attachments, if any, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter. In the event of any conflict between the provisions of this Agreement and any of its Attachments, the provisions of this Agreement must prevail.
14. Anti-Waiver Clause. None of the provisions in this Agreement will be waived by CITY because of previous failure to insist upon strict performance, nor will any provision be waived by CITY because any other provision has been waived, in whole or in part.
15. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.
16. Choice of Law. This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the state or federal courts located in San Diego County, California.
17. Multiple Copies of Agreement/Counterparts. Multiple copies and/or counterparts of this Agreement may be executed, including duplication by photocopy or by computerized scanning device. Each duplicate will be deemed an original with the same effect as if all the signatures were on the same instrument.
18. Provisions Cumulative. The foregoing provisions are cumulative and in addition to and not in limitation of any other rights or remedies available to the CITY.
19. Notices to Parties. Any statements, communications or notices to be provided pursuant to this Agreement must be sent to the attention of the persons indicated below. Each party agrees to promptly send notice of any changes of this information to the other party, at the address first above written.
20. Business License. The CONSULTANT is required to obtain a City of Escondido Business License prior to execution of this Agreement.
21. Compliance with Applicable Laws, Permits and Licenses. CONSULTANT shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules in effect during the term of this Agreement. CONSULTANT shall obtain any and all licenses, permits, and authorizations necessary to perform services set forth in this Agreement. Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.
22. Immigration Reform and Control Act of 1986. CONSULTANT shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONSULTANT affirms that as an employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on this public project. CONSULTANT agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

IN WITNESS WHEREOF, the parties below are authorized to act on behalf of their organizations, and have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Diane Halverson
City Clerk

Date: _____

MuniServices, LLC

Doug Jensen
SVP Client Services

(The above signature must be notarized)

APPROVED AS TO FORM:

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

By: _____

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

ATTACHMENT A
Local Tax Compliance Services
(Discovery and Assessment)

Article 1-Objectives and Methods

MuniServices's Local Tax Compliance service ("LTC") is designed to assist the City in locating tax revenue that the City may not be receiving from its local tax registry. MuniServices provides detection, documentation and correction of errors and omissions causing deficiencies thereby producing new revenue that would not otherwise have been realized by the City. Moreover, our team works in full and collaborative partnership with City revenue staff to supplement the operations and procedures currently in place.

The LTC service also aims to reduce future errors by informing the businesses that are identified as having errors or omissions about the proper methods of compliance. Informing business owners of the requirements of the ordinance helps to prevent future mistakes by businesses making future enforcement efforts by the City less burdensome for the City.

Article 2-Scope of Work

MuniServices' provides the LTC service as follows:

- 1.1. Initial Meeting.** MuniServices meets with the City staff to review the procedures and objectives of the LTC service, business entity relations and logistical matters, including establishing an appropriate liaison with City management and staff and logical checkpoints for measuring progress (the "Initial Meeting"). MuniServices and City shall schedule the meeting within 10 days after MuniServices receives the fully-signed copy of this addendum from the City.
- 1.2. Workplan.** Based on the Initial Meeting, MuniServices develops a workplan that incorporates the logistical matters agreed to in the Initial Meeting and describes in detail how the objectives of the LTC service shall be met (the "Workplan").
- 1.3. Commencement of services.** After the Workplan is developed, MuniServices shall begin providing the services described in paragraphs 1.4 thru 1.5 below. MuniServices' obligation to provide services is contingent on the City providing the necessary information and cooperation.
- 1.4. Discovery Services.** Discovery Services are designed to provide a full service solution to the City's business license enforcement procedures. It does not replace current functions, but provides a focused and fulltime solution to the identification of entities subject to taxation by the City, which are not properly registered, or otherwise not reporting taxes to the City. In performing the Discovery Services, MuniServices shall:
 - a. Establish a comprehensive inventory of the entities subject to taxation by the City and the database elements needed to facilitate a comprehensive comparative analysis with the City's records of those entities that are properly registered;
 - b. Compare MuniServices' database of business records with the City's records to identify potential non-reporting and non-registered entities subject to taxation;
 - c. For each unregistered or non-reporting entities identified and confirmed, assist the entities, as necessary, to complete the City's applicable registration form(s) and determine the amount of tax due for current and prior periods (plus applicable interest and penalties, where appropriate);
 - d. Invoice entities (including supporting documentation) on behalf of the City for the amount of identified deficiencies, with payment to be remitted to MuniServices;
 - e. Ensure that all submitted registration forms are completed correctly and in their entirety;

- f. Forward all completed registration forms and associated payments to the City in batches at the frequency directed by the City. Applications will be forwarded with copies of the payments and payments deposited into an account designated by the City;
- g. Collect the amount of identified deficiencies, together with supporting documentation, and remit payment received to the City in weekly batches. (MuniServices shall follow the City's business rules in collecting partial payments or the tax in full at the City's direction.);
- h. Establish a call center open during normal business hours to assist entities with questions concerning application of the City's taxes, and reporting and remittance requirements;
- i. Educate entities regarding the City's reporting requirements to prevent recurring deficiencies in future years;
- j. Contact personnel in sales, operations and/or tax accounting at each target business to determine whether a business license fee is due, when necessary and appropriate. This is accomplished with the highest regard to discretion and professional conduct. MuniServices' LTC assessments are predicated on a non-controversial, constructive public relations approach that emphasizes the importance of each business to the City and the mutual benefits of correcting non-reporting errors;
- k. Provide reports addressing each taxpayer not reporting, including the business name, address, and telephone number to the City; and
- l. Monitor and analyze the business license registration files of the City each quarter in order to determine non-reporting businesses.

1.5. Deficiency Assessment Services. Deficiency Assessment Services are designed to identify entities subject to taxation by the City that are not properly reporting the full amount of tax which they are subject to under the City's ordinances. Deficiency Assessment Services also identifies entities that are potentially underreporting, or not reporting all applicable taxes. MuniServices reviews entities records to ensure compliance with the City's taxes. In performing the Deficiency Assessment Services, MuniServices shall:

- a. Establish a comprehensive inventory of the registered entities subject to taxation by the City and the database elements needed to facilitate an analysis of records of those entity's current and prior year's tax remittance;
- b. Compare MuniServices' records with the City's records to identify potential under-reporting entities subject to taxation;
- c. Meet with designated City staff to review and discuss potential assessment candidates and mutually agree which entities will be subject to review. Only entities mutually agreed by MuniServices and the City to be reviewed shall be subject to MuniServices' assessment services.
- d. For potential under-reporting entities identified, MuniServices shall obtain authorization from the City to conduct a review of the entities' records and determine the amount of tax due for current and prior periods (plus applicable interest and penalties, where appropriate).
- e. Submit assessment summaries (also referred to as "Deficiency Notice") to the City to permit the City to determine the amount of a deficiency owed, if any.

Article 3-Deliverables

MuniServices shall provide the City with assessment progress reports to include the following:

1. Status of work in progress, including copies of reports provided to taxpayers/intermediaries addressing each reporting error/omission individually, including where applicable the business name, address, telephone number, account identification number, individuals contacted, date(s) of contact, nature of business, reason(s) for error/ omission and recommended corrective procedure;
2. Actual revenue produced for the City by MuniServices' service on a quarterly and cumulative basis;
3. Projected revenue forthcoming to the City as a result of MuniServices' assessment service, specified according to source, timing, and one-time versus ongoing; and
4. Alphabetical listing of all errors/omissions detected for the City by MuniServices, including the account number, correction status, payment amount received by the City, period to which payment is related and payment type (e.g., reallocation, deficiency assessment) for each one.

Timing and Reporting

MuniServices shall commence project planning within 10 working days following authorization.

Article 4-Compensation

Discovery Services

MuniServices' compensation for providing Discovery Services shall be a contingency fee of 40% of the additional revenue received by the City from the services. The 40% shall apply to the current tax year, all eligible prior period revenues, and any applicable penalties, interest, and late charges. The contingency fee only applies to revenue actually received by the City. The term "current tax year" shall mean the most recent tax year for which local taxes are due and payable to the City, and in which MuniServices has identified deficiencies.

Assessment Services

MuniServices' compensation for the Assessment Service shall be a contingency fee of 40%. The 40% contingency fee shall apply to revenue received by the City as a result of deficiencies identified in the review and shall include any eligible prior period revenues together with all applicable penalties, interest and late charges. The City agrees to use reasonable and diligent efforts to collect deficiencies identified by MuniServices.

Taxpayers' payments and MuniServices' Invoice Process

The following section describes how MuniServices handles the taxpayers' payments and invoices the City for its fees.

- a. Taxpayers' payments received by MuniServices shall be deposited into a general escrow account maintained by MuniServices. The taxpayers' payments deposited into the escrow account shall be remitted to the City on a monthly basis net of MuniServices fees.
- b. MuniServices shall send to the City a remittance package no less frequently than once per month that shall contain the taxpayer business license application, copy of the taxpayer payment, other supporting documents received from the taxpayer, a MuniServices generated report identifying each taxpayer payment received and the amount of MuniServices fees attributed to the taxpayer payment, a check made payable to the City for the amount of fees collected less MuniServices' fees, and an invoice showing our contingency fee.
- c. The interest earned on the escrow account shall be used by MuniServices to offset the costs of the program.
- d. Should there be any disputed payments; MuniServices shall work with City to mutually resolve these issues. If the resolution results in City's favor, MuniServices shall refund the applicable portion of the fee to City within 10 days of resolution.

Additional Consulting

City may request that MuniServices provide additional consulting services at any time during the term of the Agreement to which this Addendum is attached. If MuniServices and City agree on the scope of the additional consulting services requested, then MuniServices shall provide the additional consulting on a Time and Materials basis. Depending on the personnel assigned to perform the work, MuniServices' standard hourly rates range from \$75 per hour to \$300 per hour.

These additional consulting services shall be invoiced at least monthly based on actual time and expenses incurred. All reimbursable expenses shall receive prior approval from the City and shall be reimbursed at cost to MuniServices.

Article 5 - City Obligations

The City agrees to:

- a. Provide an electronic copy of the City's License Registration File and License Payment History file to MuniServices, together with any other information necessary for MuniServices to compute MuniServices' billing for services, in electronic format, to MuniServices on no less than a quarterly basis during the term of the Agreement and thereafter for so long as MuniServices' right to invoice for services rendered continues;
- b. Use reasonable and diligent efforts to collect, or to assist MuniServices in the collection of, deficiencies identified by MuniServices pursuant to this Agreement; and
- c. Notify MuniServices within 10 days following receipt by the City of payments, if there is any, resulting from deficiencies identified by MuniServices.

Because MuniServices' LTC Service may result in collection of deficiencies after termination of the Agreement, the City's obligation to collect fees and notify MuniServices, and MuniServices' right to continue to receive contingency fees, shall survive termination of this Addendum or the Agreement for any reason.

The City shall have the right, at the City's option, to elect not to proceed with recovery of any identified deficiencies. Deficiencies which are uncollectible due to insolvency or dissolution of the entity liable, or for deficiencies which are otherwise incapable of collection (e.g. statute of limitations expiration or other legal defense) shall not be considered an "election" by the City for the purposes of this Agreement. For deficiencies otherwise collectable but for which the City elects not to collect, the City shall notify MuniServices of its election not to pursue ("waive") collection of said deficiencies. MuniServices shall be entitled to one-half ($\frac{1}{2}$) of the fee MuniServices would have been entitled to for the waived portion of the deficiency.



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Award Bid for 2012 International Navistar Type III Brush Fire Engine

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-49 approving the bid award to Kovatch Mobile Equipment Corporation (KME) in the amount of \$331,443, excluding sales tax, for a 2012 International Navistar Type III Brush Fire. The purchase of this brush engine will replace a 1990 International Harvester unit which has been out of service due to apparatus pump failure. In addition, the 1990 unit does not meet the current NFPA (National Fire Protection Association) standards. The standard life expectancy of this type of unit is 20 years and the 1990 unit is 22 years old.

FISCAL ANALYSIS:

Sufficient funds are budgeted in the Fleet Services Vehicle Replacement Fund.

BACKGROUND:

A request for bids with specifications based on the CalFire Model 34 was sent to fourteen vendors on December 8, 2011. Eight bids were received and opened on February 13, 2012. The bid results are as follows:

Vendor	Amount
Kovatch Mobile Equipment Corporation (KME)	\$ 331,443
Pierce Manufacturing	370,901
Boise Mobile Equipment	374,233
Leader Industries	375,372
West Mark Corporation	380,971
Emergency Vehicle Group	No Bid
FAS Emergency Vehicle	No Bid
Ferraras Fire Apparatus	No Bid

Award Bid for 2012 International Navistar Type III Brush Fire Engine
Page 2

Russ Knowles, Fire Division Chief, has reviewed all bid responses and recommends the bid award to Kovatch Mobile Equipment Corporation (KME) as the lowest most responsive and responsible bidder who met the City's bid specifications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gilbert Rojas". The signature is written in a cursive style with a large initial "G" and "R".

Gilbert Rojas,
Director of Finance

RESOLUTION NO. 2012-49

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING CITY COUNCIL TO APPROVE
THE BID AWARD FOR 2012 INTERNATIONAL
NAVISTAR TYPE III BRUSH FIRE ENGINE

WHEREAS, sufficient funds are located in the Fleet Services Vehicle Replacement Fund; and

WHEREAS, a notice inviting bids was duly published; and

WHEREAS, on December 8, 2011, request for bids for a 2012 International Navistar Type III Brush Fire Engine was sent to fourteen vendors; and

WHEREAS, eight bids were opened and evaluated on February 13, 2012; and

WHEREAS, the apparent low bid, submitted by Kovatch Mobile Equipment Corporation (KME), was determined to be the lowest most responsive and responsible bidder who met the City's bid specifications; and

WHEREAS, staff recommends awarding the bid to Kovatch Mobile Equipment Corporation (KME) in the amount of \$331,443; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to award the bid to Kovatch Mobile Equipment Corporation (KME).

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 City Council accepts the recommendation of staff and finds Kovatch Mobile Equipment Corporation (KME) to be the lowest most responsive and responsible bidder who met the City's bid specifications.

3. That the City Council is authorized to approve on behalf of the City, the bid award with Kovatch Mobile Equipment Corporation (KME) for a 2012 International Navistar Type III Brush Fire Engine.



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Michael Lowry, Fire Chief

SUBJECT: 2011 Assistance to Firefighters Grant (AFG)

RECOMMENDATION:

It is requested that Council authorize the Fire Chief to accept and execute grant documents on behalf of the City for the grant award of \$330,353 from the Federal FY2011 Assistance to Firefighters Grant (AFG) Program. Staff is also requesting Council to approve Resolution 2012-50 increasing the Fire Department Operating Budget for the grant matching portion of \$66,071 and the budget adjustment establishing a capital project budget for the federal grant portion.

FISCAL ANALYSIS:

The City has been awarded \$330,353 from the FY2011 AFG Program. This is a reimbursable, matching funds grant. The Federal share (80%) will be \$264,282; with the City's share (20%) will be \$66,071. Once all the Federal share costs have been paid, then the City will be reimbursed.

PREVIOUS ACTION:

The Fire Department has been awarded previous grants under the AFG and Council has previously authorized staff to accept AFG funds for the following items:

- FY04 – Installation of diesel exhaust removal systems in all stations and upgrades for EKG monitors
- FY05 – Purchase of firefighter safety clothing
- FY06 – Implementation of a Firefighter Wellness and Fitness Program
- FY07 – Purchase of EMS training manikins
- FY08 – Purchase of a decontamination unit and carbon monoxide pulse oximeters
- FY09 – Purchase of intraosseous infusion systems and a thermal imaging camera.
- FY10 – Purchase of firefighter safety clothing and high pressure carbon fiber breathing apparatus cylinders.

BACKGROUND:

Recognizing the need for common communication standards for first responders, a nationwide committee was formed to develop common system standards for digital public safety radio communications. Representatives from the Association of Public Safety Communications Officials International (APCO), the National Association of State Telecommunications Directors (NASTD), selected federal agencies and the National Communications System (NCS) met to establish Project 25. Project 25 (P25) refers to the standards for digital radio communications for use by federal, state/province, and local public safety agencies in North America to enable them to communicate with other agencies and mutual aid response teams in emergencies. The San Diego County Regional Communication System (RCS) is transitioning to the new P25 systems standard.

Since the Escondido Fire Department is an integral part of the County's RCS the need to upgrade our radio capabilities to P25 compliant radios throughout our department became a priority because all communication devices must be compliant with the P25 standard. By utilizing the Assistance to Firefighters grant funds, the Fire Department will be able to purchase thirty-seven (37) P25 portable radios and twenty-nine (29) P25 mobile radios and save the City 80% of the purchasing cost.

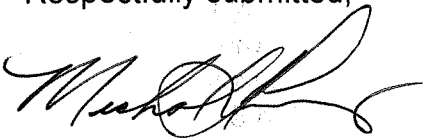
The ability to communicate while wearing a self-contained breathing apparatus (SCBA) has long been identified as a critical need of firefighters. The Scott EPIC RI Wireless Communication Device was developed in response to meet this need. By joining Voice Amplifier/Radio Interface and a communications console with a Bluetooth wireless technology-enabled link, the components create a remote communication system that can interface with a radio. These devices transmit strong, clear, and crisp voice communication to other emergency radio users. By utilizing the Assistance to Firefighters grant funds, the Fire Department will be able to purchase forty (40) Scott EPIC RI systems.

Fire helmets are required, as part of National Fire Protection Association (NFPA) 1851, to be retired no more than 10 years from the manufacture date. Escondido Fire Department purchased 75 helmets in 2002 and in order to comply with the NFPA standard, these helmets will need to be replaced. By utilizing the Assistance to Firefighters grant funds, the Fire Department will be able to purchase sixty-six (66) of those 75 helmets.

In 2005 the Escondido Fire Department participated in a Firefighter Wellness and Fitness Program (WEFIT). This program provided front-line personnel with a comprehensive wellness program that evaluated, educated, and trained each firefighter in techniques to enhance and preserve a healthy life style, both on and off the job. Unfortunately with ongoing and prolonged fiscal constraints the Fire Department had to cut the program from our budget.

It has been the Fire Department's goal to reinstitute the WEFIT program. By utilizing the Assistance to Firefighters grant funds, the Fire Department will be looking to contract with Santa Ana College to provide a comprehensive fitness assessment and individual fitness. The program will provide recommendations on injury rehabilitations, nutrition, and exercise prescriptions that the employee can use at work and when off duty. This program will enhance Escondido's pre-existing health screening by providing annual prognostic medical examinations and comprehensive fitness testing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Lowry", written in a cursive style.

Michael Lowry
Fire Chief

RESOLUTION NO. 2012-50

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
MODIFYING THE CITY OF ESCONDIDO
GENERAL FUND RESERVE AND
INCREASING THE FIRE DEPARTMENT'S
OPERATING BUDGET

WHEREAS, the Governmental Accounting Standards Board ("GASB") has issued its Statement No. 54 entitled Fund Balance Reporting and Governmental Fund Type Definitions, with the intent of improving financial reporting by providing fund balance categories that will be more easily understood; and

WHEREAS, the City Council of the City of Escondido has adopted Resolution No. 2011-151, the Fund Balance Policy; and

WHEREAS, the Fund Balance Policy provides that the City Council may commit a portion of the General Fund balance for specific purposes by taking formal action and these committed amounts cannot be used for any other purpose unless the City Council removes or changes the specific use through the same formal action taken to establish the commitment; and

WHEREAS, the City Council has determined that the General Fund Reserve balance be established at \$19,295,333; and

WHEREAS, the City Council has determined that the specific purposes for which the General Fund Reserve can be used is to fund any capital project that assists the City in emergency response; and

WHEREAS, the City Council Action Plan directed staff to seek out and apply for grants; and

WHEREAS, the Fire Department applied for and was awarded \$330,353 from the Federal 2011 Assistance to Firefighters Grant Program ("Grant"); and

WHEREAS, the Grant requires the City to fund twenty percent (20%) of the total award, which amounts to \$66,071; and

WHEREAS, the Fire Department would like to increase its Operating Budget in order to fund twenty percent (20%) of the Grant.

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

1. That the above recitations are true.
2. That the City Council hereby establishes and approves the new balance of the General Fund Reserve at \$19,229,262 as of the date of this Resolution.
3. That \$66,071 will be added to the Fire Department's Operating Budget to fund the twenty percent (20%) matching portion of the Grant.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney
Gil Rojas, Director of Finance

SUBJECT: Oversight Board Formation

RECOMMENDATION:

It is requested that Council consider and act upon Mayoral appointments to the Oversight Board.

BACKGROUND:

Pursuant to Health and Safety Code Section 34179, which deals with the dissolution of redevelopment agencies, each successor agency must have an Oversight Board ("Board") composed of seven (7) members.

The Oversight Board consists of two (2) members appointed by the County Board of Supervisors. Supervisor Pam Slater-Price has agreed to consider individuals recommended for this position. The Board of Supervisors is to make County appointments on March 28, 2012. The Board also includes two (2) members appointed by the mayor for the city that formed the redevelopment agency (i.e. Mayor Abed) which includes a member representing former redevelopment agency employees. One member is to be appointed by the largest special district (by property tax share) with territory in the territorial jurisdiction of the former redevelopment agency. In the City's case, this is the Palomar Pomerado Health District. One member is appointed by the County Superintendent of Education or the County Board of Education. Finally, one member is appointed by the Chancellor of the California Community Colleges.

The Board members must select a chairperson of the Board and report that person's name to the State Department of Finance by May 1, 2012. The Board may direct successor agency (i.e. City) staff to perform work in furtherance of the Board's duties. The successor agency shall pay for all costs of Board meetings and may include such costs in its administrative budget. However, Board members serve without compensation or reimbursement for expenses.

Board members have personal immunity from suit for their actions taken within the scope of their responsibilities as Board members. A majority of the total membership of the Board (4 members) shall constitute a quorum for the transaction of business and a majority vote of the total Board membership is required for action. The Board is subject to the Brown Act, Public Records Act and

Political Reform Act of 1974. It is anticipated that the City's Finance Director will provide staff support for the Board.

Board members are bound by a fiduciary responsibility to holders of enforceable obligations; therefore, they cannot act arbitrarily. Board action is subject to State Department of Finance review and there is an appeals process in place which checks the ultimate power of the Board.

Other than to indicate which entities have appointing authority and, in some cases, to specify that an appointee must be a member of the public, the dissolution law is silent on whether Oversight Board members are elected or non-elected, or can be part of a City's staff. Because redevelopment dissolution issues can be somewhat complex and background in finance and redevelopment is helpful, many entities are appointing staff members to the Oversight Board when possible.

It is recommended that Escondido City Manager Clay Phillips and Escondido's Finance Director, Gil Rojas be appointed to serve as the City's representatives on the Oversight Board. The County is presently considering two members of the public. The Community College Chancellor has appointed Palomar Community College Board Member, Paul McNamara and Palomar Pomerado has appointed their Chief Financial Officer, Bob Hemker. We are awaiting appointment information from the County Office of Education.

Respectfully submitted,



Jeffrey R. Epp
City Attorney



Gil Rojas
Director of Finance

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE 179-LOT, TRACT 932 RESIDENTIAL DEVELOPMENT (TR 932, 2005-47-DA)

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

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

SECTION 2. That the City Council has reviewed and considered the Mitigated Negative Declaration (City Log No. ER 2005-34) and Mitigation Monitoring Report prepared at the time the project was originally approved and has determined that all environmental issues associated with the project have been addressed and no significant environmental impacts will result from approving this amendment to the Development Agreement.

SECTION 3. That upon consideration of the staff report and all public testimony presented at the hearing held on this amendment, this City Council finds that the proposed amendment to the Development Agreement for Tract 932 is consistent with the General Plan and all applicable specific plans of the City of Escondido.

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12

Date: March 28, 2012

TO: Chair and Commissioners

FROM: Jerry Van Leeuwen, Director of Community Services

SUBJECT: Reaffirm Priorities for Fiscal Year 2012-2013 HOME Funds and other Affordable Housing Funds for Affordable Housing Activities

RECOMMENDATION:

It is requested Council provide direction on the use of HOME funds and other affordable housing resources for FY 2012-13.

FISCAL ANALYSIS:

The City currently has three funds which can be used only for the conservation, preservation, rehabilitation and construction of housing units: federal HOME funds, federal NSP funds, and local Successor Agency housing funds.

HOME Funds

The City anticipates receiving \$406,866 in HOME funds for FY 2012-2013. Ten percent of that amount and ten percent of the projected program income derived from loan repayments (a total of \$63,185) is reserved for the City's costs of administering the program. A minimum of 15 percent of the annual allocation of HOME Program funds (\$61,299) must be reserved for the housing development activities of Community Housing Development Organizations (CHDOs). A total of five percent of the HOME grant may also be used to provide operating funds to certified CHDOs, but is not required to be used for that purpose. HOME Program funds must be committed or reserved within two years and expended within five years of allocation.

NSP Funds

Federal stimulus funds under the Neighborhood Stabilization Program (NSP) were received in FY 2009-2010, totaling \$1,307,779, to purchase abandoned or vacant properties for future affordable housing units and for the redevelopment of such lots through new construction. 1282 N Broadway is an integral part of a current project anticipated to provide 36 rental units (El Norte Apartments). Three properties, at 3rd Avenue and Pine/2nd Avenue in the Mercado District and 537 Elm Street were purchased with the intention of developing two additional projects. Redevelopment of these properties will not be possible within the NSP timeline. Funds will be reinvested in El Norte

Apartments and the redevelopment of six City-owned mobilehome lots by Urban Housing Communities.

Successor Agency Funds

The Community Development Commission of the City of Escondido was dissolved in January 2012 after 27 years. During those years funds were set aside and held in a low- and moderate-income housing fund. Based on current legislation, any funds that were held in the low- and moderate-income housing fund will be returned to the Redevelopment Property Tax Trust Fund in the County. Assets held by the low- and moderate-income housing fund, including repayments of loans originally funded from Housing Set-Aside Funds are retained by the Successor Agency. Under the Community Redevelopment Law, these funds must be used to increase and improve the supply of low- and moderate-income housing within Escondido. Interest income, repayments of previous loans and income from the sale of mobile home lots are expected to generate \$700,000 in FY 2012-13.

GENERAL PLAN ANALYSIS:

The proposed program budget is consistent with the City's adopted Housing Element. The fund expenditures assist the City in the creation of new housing opportunities through conservation, preservation, rehabilitation and construction of housing units.

BACKGROUND:

Based on community needs assessments and public participation, six community development priorities were identified and adopted as part of the FY 2010-2015 Consolidated Plan for CDBG and HOME. The needs assessment conducted for the City's Consolidated Plan (approved in May of 2010) demonstrated that the housing assistance needs of Escondido households far exceeded the resources that are projected to be available during the five years (2010-2015) covered by the Consolidated Plan. Thus, priorities have been established in the City's Consolidated Plan.

In light of the changes in funding available for the conservation, preservation, rehabilitation and construction of housing units, three programs, HOME (a first-time homebuyer program serving residents earning 80-120% AMI), Senior Rental Subsidy and Housing Rehabilitation, have been suspended. Staff requests direction from Council on priorities in order to prepare budgets and staffing assignments for FY 2012-2013 and is asking Council to review and reaffirm the priorities for use of the FY 2012-2013 HOME budget, allocating federal HOME funds and other potential affordable housing funds, for projects and/or programs. A full discussion of each of the housing programs administered by the Housing Division and their recommended funding can be found in Appendix "A".

Current Program	Available funding	Comments	Staff Rec.
First Time Homebuyer (under 80% AMI)	HOME, Repayments		Continue with HOME funds
First Time Homebuyer (over 80% AMI)	Repayments		Discontinue until alternative funding is identified
Housing Rehabilitation	HOME, Repayments, CDBG		Discontinue until alternative funding is identified
Senior Rental Subsidy	Philanthropy & Repayments, HOME	To continue under HOME rules (TBRA) would greatly expand program and increase staff intensity.	Work with philanthropists to continue for lowest income residents (under 30% AMI) for up to 15 months.
Projects	HOME, Repayments, CDBG	Projects proceed as funding is accumulated and appropriate sites are identified. Housing is developed/ maintained by the private/non-profit sector for 55 years; City monitors developments. Funds not committed to a specific program will be used for future project development.	Continue as funds are available

Housing Activities

A variety of programs and projects have been utilized to address the priorities of the Consolidated Plan. There are six adopted housing priorities, many of which overlap and could be achieved within the same activities. As listed in the Consolidated Plan, they include: 1) Increasing homeownership opportunities; 2) Conserving the supply of existing ownership housing; 3) Expanding the stock of affordable rental housing; 4) Promoting neighborhood stability by increasing the length of stay in rental housing; 5) Increasing the supply of well-designed multi-family housing units; and 6) Expanding the supply of three- and four-bedroom rental units.

Homeownership Opportunities

Priorities 1 and 2 relate to the need for homeownership in Escondido. The rate of homeownership in Escondido is 54 percent, which is lower than the state and national averages of 57 percent and 67 percent respectively as reported by the 2010 Census. The anticipated FY 2012-2013 One-Year

Action Plan will address the need to reduce turnover rates and increase a sense of ownership within the community. The issuance of Mortgage Credit Certificates (MCCs) and Homebuyer Entry Loan Program (HELP) loans to assist first-time homebuyers in the purchase of their homes will contribute to increased stability. The five-year Consolidated Plan's objective is to assist approximately 15 households per year with HELP loans and assist three households per year with MCCs.

Rental Housing Assistance

Priorities 3, 4, 5 and 6 relate to the improvement of the supply of rental housing in the City to meet the needs of Escondido residents. The Consolidated Plan cites overpayment for housing as a widespread housing problem in Escondido, especially among lower-income renters. Additionally, the rate of overcrowding is especially acute for large-related renter households. This trend reflects in part the limited supply of large rental units in Escondido. The Consolidated Plan sets forth an objective of assisting in the provision of 23 deed-restricted rental units for families per year, four of which would be three- or four-bedroom units.

Affordable Housing Project Development

As a strategy toward meeting related priorities, the anticipated City's FY 2012-2013 One-Year Action Plan will place an emphasis on the rehabilitation and, where appropriate, new construction of rental units. Redevelopment and rehabilitation will occur with the assistance of HOME funding and recycled Housing Set-Aside Funds, as leverage to other funding sources. During the upcoming fiscal year, the City anticipates the completion of the redevelopment of the El Norte Apartments at the intersection of Broadway and El Norte Parkway, providing 36 multi-family rental units that include two-, three- and four-bedroom units by Community HousingWorks. Urban Housing Communities anticipates completing the redevelopment of 6 manufactured home units at Mountain Shadows and Escondido Views Mobile Home Parks for ownership. In addition, San Diego Habitat for Humanity will commence self-help construction on a minimum of 11 town homes for first time homebuyers, developing two unimproved lots on Elm Street adjacent to the Escondido Creek Trail.

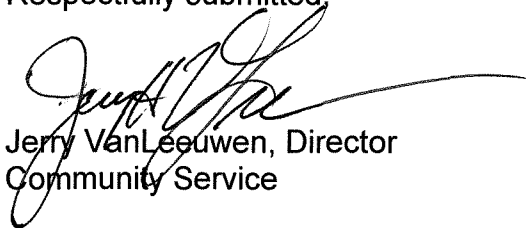
CONCLUSION AND RECOMMENDATIONS:

The City's 2009-10 community needs assessment identified a number of significant findings related to the housing assistance needs of lower-income residents of Escondido. Analysis of housing data contained in the 2000 Census data, as well as more recent data from SANDAG and the State Department of Finance, produced priorities that were approved by the City Council when the Consolidated Plan was adopted. Priorities include increasing home ownership opportunities, conserving the supply of existing ownership housing, expanding the supply of affordable rental housing, promoting neighborhood stability by increasing length of tenure of rental households, increasing the supply of well-designed multi-family units, and expanding the supply of three- and four-bedroom units for low-income families. The Housing Division recommends that Council affirm

Re-Affirm Priorities for Affordable Housing Activities
March 28, 2012
Page 5

priorities for FY 2012-2013 HOME and other affordable housing funds for affordable housing activities, continuing to fund housing projects and the first-time homebuyer program, as funds are available.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry VanLeeuwen", with a long horizontal flourish extending to the right.

Jerry VanLeeuwen, Director
Community Service

APPENDIX "A"

SUMMARY OF HOUSING PROGRAMS

Mobile Home Park Conversion

Program Description:

In past years, the City of Escondido assisted three mobile home parks in the process of conversion to resident ownership. This program works in combination with the State Mobile Home Park Resident Ownership Program (MPROP) in order to maintain a stable housing cost level in mobile home parks. The City also assists those who wish to acquire mobile home parks for conversion to resident ownership by providing technical assistance and information. The City has an adopted mobile home conversion policy and application form that is available upon request.

In early 1991, the City purchased two mobile home parks, the Escondido Views Mobile Home Park and the Mountain Shadows Mobile Home Park, for the purpose of assisting the residents in converting their parks to resident ownership. The sale of lots to their respective residents began in FY 1991-1992. By summer of 1995, a majority of the lots were sold in both the Escondido Views and Mountain Shadows mobile home parks.

As of March 19, 2012, 178 of the 209 lots (85%) in Mountain Shadows had been sold and 144 of the 152 lots (95%) in Escondido Views had been sold. Residents who did not wish to purchase their lots continue to rent their spaces from the City. During fiscal year 2010-2011 no lots in either park were sold, although the Housing Division is working with Urban Housing Communities and NSP funds to redevelop and sell six vacant lots.

Proposed Funding Level for FY 2012-2013:

Previously, sales of the lots have been directed to the payment of the bond that financed the purchase of the parks. At the March 1, 2007 bond call, the remaining balance of the bond and accrued interest was paid. Revenue received from all future sales of the remaining 39 lots will accrue to the housing fund.

Therefore, no funding is required for 2012-2013, as the rental income on the lots is expected to cover any administration and maintenance costs on the remaining lots that are managed by the Housing Division.

Funds from the sale of vacant lots will accrue to the housing fund.

HOMEBUYER ENTRY LOAN (HELP) Program

HOMEOWNERSHIP DOWN PAYMENT/CLOSING COST ASSISTANCE PROGRAM

Program Description:

The HELP program is a City-administered first-time homebuyer program that currently provides loans up to 5 percent of the purchase price of a home (maximum \$25,000) to assist homebuyers earning 80 percent or less of the San Diego County area median income (\$64,250 for a household of four) to purchase their first home. The HELP program has been funded with HOME funds since September of 1996. In the first half of this fiscal year (by February 29, 2012), 42 HELP loans have been issued.

Proposed Funding Level for FY 2012-2013:

Staff is recommending balancing funding for first time homebuyer loans with project needs using a portion of available Housing Development HOME funds (up to \$312,382).

HOME OWNERSHIP MADE EASY (HOME)

HOMEOWNERSHIP DOWN PAYMENT/CLOSING COST ASSISTANCE PROGRAM

Program Description:

This program provides loans of up to \$25,000 for down payment and/or closing cost assistance to eligible first-time homebuyers with income between 80% and 120% AMI (currently \$75,900-91,100 for a 4-person household). The program mirrors the federally funded HELP program that assists first-time buyers with income at or below 80% of AMI. As of January 31, 2012, 33 loans were funded.

Proposed Funding Level for FY 2012-2013:

There are currently no funds available to administer this program. Recommendation: discontinue until alternative funding is identified.

Owner-Occupied Housing Rehabilitation

Program Description:

The Housing Rehabilitation Loan Program assists owner-occupants of both single-family homes and mobile homes. The program provides low- or no-interest loans that allow owners to make needed repairs and improvements to their homes. The program offers a no-interest, deferred payment loan to mobile home owners and a 3% simple interest deferred loan to single-family homeowners. In all cases, repayment of the rehabilitation loan is due when the property is sold or refinanced, upon change of title, or if the property is no longer owner-occupied by the rehabilitation loan recipient.

This program was suspended in early 2012 with the dissolution of the CDC. The program offers loans up to \$20,000 to mobile home owners with income at or below 80% of the area median income (AMI) and loans up to \$40,000 to single-family homeowners with income at or below 80% of AMI. An additional \$15,000 is available to those single-family home applicants who require connection to the local sewer system.

The roof only repair program offers a \$10,000 loan to low-income owners of mobile homes and a \$15,000 loan for roof repairs to single-family homeowners who earn less than 80% AMI. The loan may also cover exterior repairs to mobile homes when the park management has indicated the homeowner must comply with park covenants and restrictions by completing certain exterior repair items such as repairs to steps, skirting and flashing. The purpose of the program is to streamline a major component to the Rehabilitation Program (roof repair) when an applicant only requires exterior repairs. If a recipient needed to apply for additional assistance from the Rehabilitation Loan Program, total assistance may not exceed \$20,000 for mobile home loans and \$40,000 for single-family home loans.

As of February 29, 2012, 14 loans were funded to assist mobile home owners. No loans for single family homes or exclusively for roof repair or replacement were issued during the current fiscal year.

Proposed Funding Level for FY 2012-2013:

This program has been funded through the CDC in past years. Although it can be funded using either HOME or CDBG funds, it is recommended that the program be discontinued until alternative funding is identified.

Mobile Home Rent Subsidy Program

Program Description:

In the spring of 1999, the Escondido City Council adopted a mobile home rent subsidy program for seniors and persons with disabilities. Eligible mobile home recipients receive a \$100 rent reduction each month from the City via payments made on their behalf to the mobile home park. The resident income for the Mobile Home Rent Subsidy Program cannot exceed 50% of AMI. Recipients are required to show application to HUD for Section 8 rental assistance. Once they receive Section 8 benefits, they are no longer eligible for the City assistance. 135 residents were being served by the program in the 14 mobile home parks when the program was suspended.

Proposed Program Revisions:

The Housing Division has opened conversations with local philanthropists who are concerned about the rapidity with which this program was suspended. Conversations have focused on helping those in greatest need, households with an income of less than 30% AMI (\$19,300 for a household of 2) who were part of the program when it was suspended on January 30, 2012, and allowing the program to attrite over a 15 month period. Philanthropists and the City could split program costs.

Proposed Funding Level for FY 2012-2013:

Initially, 67 residents will be served; through attrition, 55 are expected to be served at the end of the 15 month period. \$47,000 is recommended toward program funding and deemed adequate for one-half of the program cost. Funding would be through the Successor Agency.

Apartment Rent Subsidy Program

Program Description:

In December 2001, the Escondido City Council approved a rent subsidy program for seniors and persons with disabilities renting apartments. This program is modeled after the City's Mobile Home Rent Subsidy program with the exception that households receive \$125 toward their rent each month instead of \$100. Recipients must earn less than 50% of area median income and are required to show application to HUD for Section 8 rental assistance. Once accepted onto the Section 8 program, they are no longer eligible for the City's program. 141 eligible households were assisted in the eight senior apartment complexes when the program was suspended.

Proposed Program Revisions:

The Housing Division has opened conversations with local philanthropists who are concerned about the rapidity with which this program was suspended. Conversations have focused on helping those in greatest need, households with an income of less than 30% AMI (\$19,300 for a household of 2) who were part of the program when it was suspended on January 30, 2012, and allowing the program to attrite over a 15 month period. Philanthropists and the City could split program costs.

Proposed Funding Level for FY 2012-2013:

Initially, 81 residents will be served; through attrition, 58 are expected to be served at the end of the 15 month period. \$65,000 is recommended toward program funding and deemed adequate for one-half of the program cost. Funding would be through the Successor Agency.

Mortgage Credit Certificates

Program Description:

This program involves the cooperation of the City, local lenders and real estate companies in a partnership to provide affordable ownership opportunities to low- and moderate-income first-time homebuyers. Homeownership opportunities are increased when homebuyers receive a Mortgage Credit Certificate (MCC). The MCC reduces the homebuyer's federal income taxes, which results in an increase in the buyer's net earnings. Lenders then consider this increase when underwriting the buyer for a mortgage loan.

Escondido is a participating city in the San Diego County Regional MCC Program. An independent firm, under a contract with San Diego County, administers the MCC program. Each participating city pays the administration costs specifically related to the average mortgage costs and the number of MCCs issued in its jurisdiction.

Proposed Funding Level for FY 2012-2013:

An allocation of \$5,000 that pays for the administration of the Mortgage Credit Certificate Program is recommended. No revisions are recommended at this time.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 13
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Rich Buquet, Neighborhood Services Manager

SUBJECT: Reaffirm Community Development Priorities of the FY 2010-2015 Consolidated Plan for Community Development Block Grant (CDBG); Approve Allocation Process for FY 2012-2013 CDBG-Funded Activities; Approve amendment to FY 2011-2012 One Year Action Plan for CDBG to allocate \$60,000 in unallocated funds to purchase computer equipment for the proposed East Valley Community Center Computer Lab

RECOMMENDATIONS:

1. Conduct a public hearing to review and reaffirm the community development priorities adopted in the 2010-2015 Five-Year Consolidated Plan for CDBG;
2. Approve an allocation process for FY 2011-2012 CDBG funds; and
3. Approve the use of \$60,000 in unallocated CDBG funds to purchase computer equipment for the proposed EVCC Computer Lab.

FISCAL ANALYSIS:

It is anticipated that the City of Escondido will receive approximately \$1.4 million in CDBG entitlement funds from the U.S. Department of Housing and Urban Development (HUD) for FY 2012-2013. This figure is based on notification, received from HUD, of an estimated 12% reduction to our allocation. In addition, staff anticipates receiving \$233,000 in program income from the sale of the property at 2196 Montemar Avenue. Specific recommendations for allocations of CDBG funds will be brought to Council on April 25, 2012, for adoption in the FY 2012-2013 One-Year Action Plan. CDBG activities and related administrative costs will be funded solely by grant funds and will not impact the General Fund.

PREVIOUS ACTIONS:

On March 24, 2010, City Council approved the FY 2010-2015 Five-Year Consolidated Plan for CDBG funds which includes six community development priorities as outlined in this report.

BACKGROUND:

Based on community needs assessments and public participation, six community development priorities were identified and adopted as part of the FY 2010-2015 Five-Year Consolidated Plan for CDBG. Each year, prior to adoption of the One-Year Action Plan for CDBG, Council is asked to review and reaffirm the community development priorities and may choose to adopt changes at that time. A public hearing to approve the FY 2012-2013 One-Year Action Plan for CDBG is scheduled for April 25, 2012.

On February 15, 2012, Council directed staff to move forward with further cost analysis for the proposed East Valley Community Center Computer Lab. At that time, staff was also given direction to proceed with the public hearing, which is required, before the use of CDBG funds can be approved. It is proposed that \$60,000 in unallocated CDBG funds would be used to purchase the computer equipment for the lab.

Past Performance of City of Escondido CDBG Program

A comprehensive review of FY 2010-2011 CDBG-funded activities is included in the Consolidated Annual Performance and Evaluation Report (CAPER) which was submitted to HUD in September 2011, and available on the Neighborhood Services Division Web page at www.escondido.org/neighborhood-services.aspx. HUD's overall assessment of the program rated the City of Escondido's performance as 'satisfactory'.

HUD Regulations for CDBG

CDBG regulations place limitations on the amount of funding grantees may use for administration and public services. No more than 15 percent of a grantee's annual CDBG allocation may be used for public service activities, and no more than 20 percent of a grantee's annual CDBG allocation may be used for program administration. There is no cap on the percentage of a grantee's annual CDBG allocation that may be used for capital and other special activities in low-and moderate-income neighborhoods.

CDBG-funded activities must meet at least one of three national objectives set forth by HUD: 1.) Benefit low- and moderate-income persons; 2.) Aid in the elimination of slum and blight; and 3.) Meet a particular urgent community need because existing conditions pose a serious threat and no other source of funds is available. Historically, all CDBG-funded activities in the City of Escondido have focused on the first national objective of benefitting low-and moderate-income persons.

Escondido's Community Development Priorities

The community development priorities approved in the FY 2010-2015 Five-Year Consolidated Plan for CDBG are:

- 1) Youth: Increase quality-of-life opportunities for low-and moderate-income students and their families by improving their social and physical environment with specific focus in the Mission Park Area.
- 2) Economic Development: Provide economic development opportunities for low-and moderate-income residents with specific focus in the Mission Park Area.
- 3) Transportation for Seniors: Explore and develop coordinated, low-cost, flexible transportation alternatives for seniors.
- 4) Neighborhood Revitalization: Identify and improve low-income neighborhood areas appropriate for revitalization through direct citizen involvement.
- 5) Homelessness/AIDS: Support comprehensive, integrated service systems to transition local homeless families and individuals, as well as persons with AIDS, to permanent or residential housing and self-sufficiency.
- 6) ADA Improvements: Continue to utilize CDBG and general fund resources, as they become available, to address the public facility needs identified in the City's ADA Transition Plan.

CDBG-Funded Activities in Escondido

Significant progress continues to be made towards addressing the community development priorities of the FY 2010-2015 Five-Year Consolidated Plan. Additional efforts are still required to improve the quality of life for Escondido's low-and moderate-income residents. Such activities are currently underway for FY 2011-2012, the second year of the Consolidated Plan period, and are listed in Attachment A. Priorities of the Consolidated Plan and their corresponding activities also address current Council Action Plan priorities, specifically the Economic Development and Image and Appearance priorities.

For FY 2012-2013, the third year of the Five-Year Consolidated Plan, it is recommended that City Council reaffirm the community development priorities. The City's and the community's efforts in addressing these priorities to date support the continuation of services directed toward targeted low-and moderate-income neighborhoods. City-sponsored activities continue to build upon previous successes in neighborhoods such as Los Arboles, Escondido's Westside and Park Place in the Mission Park Area.

Escondido's Community Development Priorities

The community development priorities approved in the FY 2010-2015 Five-Year Consolidated Plan for CDBG are:

- 1) Youth: Increase quality-of-life opportunities for low-and moderate-income students and their families by improving their social and physical environment with specific focus in the Mission Park Area.
- 2) Economic Development: Provide economic development opportunities for low-and moderate-income residents with specific focus in the Mission Park Area.
- 3) Transportation for Seniors: Explore and develop coordinated, low-cost, flexible transportation alternatives for seniors.
- 4) Neighborhood Revitalization: Identify and improve low-income neighborhood areas appropriate for revitalization through direct citizen involvement.
- 5) Homelessness/AIDS: Support comprehensive, integrated service systems to transition local homeless families and individuals, as well as persons with AIDS, to permanent or residential housing and self-sufficiency.
- 6) ADA Improvements: Continue to utilize CDBG and general fund resources, as they become available, to address the public facility needs identified in the City's ADA Transition Plan.

CDBG-Funded Activities in Escondido

Significant progress continues to be made towards addressing the community development priorities of the FY 2010-2015 Five-Year Consolidated Plan. Additional efforts are still required to improve the quality of life for Escondido's low-and moderate-income residents. Such activities are currently underway for FY 2011-2012, the second year of the Consolidated Plan period, and are listed in Attachment A. Priorities of the Consolidated Plan and their corresponding activities also address current Council Action Plan priorities, specifically the Economic Development and Image and Appearance priorities.

For FY 2012-2013, the third year of the Five-Year Consolidated Plan, it is recommended that City Council re-affirm the community development priorities. The City's and the community's efforts in addressing these priorities to date support the continuation of services directed toward targeted low-and moderate-income neighborhoods. City-sponsored activities continue to build upon previous successes in neighborhoods such as Los Arboles, Escondido's Westside and Park Place in the Mission Park Area.

In the alternative, Council may direct that the community development priorities of the Consolidated Plan be amended to include new or additional priorities.

Allocation Process for FY 2012-13 CDBG-Funded Activities

Historically, the City of Escondido has used the maximum allowable 15 percent public service allocation to provide services in targeted low-and moderate-income neighborhoods to address the Five-Year Consolidated Plan priorities. The City conducts two public hearings in accordance with its Consolidated Plan policy, and utilizes a streamlined allocation process for CDBG. Many public service activities are funded on a continual basis if services are provided satisfactorily. Application materials are posted on the City's Web site and proposals are accepted on a year-round basis for CDBG funding.

To date, the City of Escondido has received two proposals from outside agencies for FY 2012-2013 CDBG funding: 1.) Angels Depot for a senior emergency meal box program; and 2.) Meals on Wheels, whom we currently fund, for in home meal delivery to moderate to low income seniors.

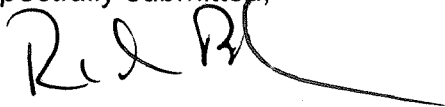
Recommendations

It is recommended that City Council reaffirm the six priorities of the Five-Year Consolidated Plan for CDBG.

It is also recommended that City Council approve an allocation process for FY 2012-2013 CDBG funds to utilize the maximum 15% allowable for public service activities to address the priorities of the Consolidated Plan, and the maximum 20% allowable for administration of the CDBG program.

Additionally it is recommended that City Council approve the use of \$60,000 in unallocated CDBG funds to purchase computer equipment for the proposed East Valley Community Center Computer Lab.

Respectfully submitted,



Rich Buquet
Neighborhood Services Manager

**City of Escondido CDBG
 FY 2010-2015 Consolidated Plan Community Development Priorities
 &
 FY 2011-2012 Activities**

ConPlan Priority	Activity	Organization
Youth	Food 4 Kids Backpack Program	San Diego Food Bank
	Exceptional Promise Club Scholarship Program	City of Escondido Recreation
	SAFEWALK	Escondido Union School District
	Learn to Swim Program	City of Escondido Recreation
Economic Development	Supplemental Education Program	San Diego Children's Discovery Museum
	Bilingual Job-Readiness Computer Training	City of Escondido Recreation
	Healthcare Career Pipeline Program	Escondido Education COMPACT
	Workforce Assistance Computer Lab	City of Escondido Public Library
	Senior Nutrition Program	City of Escondido Older Adult Services
	Senior Transportation Program	City of Escondido Older Adult Services
Senior Transportation	Senior CARE	City of Escondido Older Adult Services
	In-home Meal Delivery for Seniors	Meals on Wheels
Neighborhood Revitalization	Fair Housing Services	North County Life Line
	Tulip Street Improvements, Phase 5	City of Escondido Neighborhood Services
	Code Enforcement	City of Escondido Code Enforcement
	Escondido Creek Trail Improvements	City of Escondido Neighborhood Services
	Elm Street	City of Escondido Neighborhood Services
Homelessness/AIDS	Oak Hill Child Care Facility Improvements	North County Community Services
	Project NEAT	City of Escondido Neighborhood Services
	Regional Winter Weather Shelter	Salvation Army/North County Community Services

LEGAL ADVERTISING
Printed on 03/07/2012 at 14:48 by 11

Ad# 2311209 First taken by 11 03/07/2012 14:45
Last changed by 11 03/07/2012 14:48

(760) 839-6315 Acct# 292430
M. GELLER CITY OF ESCONDIDO
201 N. BROADWAY
NEIGHBORHOOD SERVICES
ESCONDIDO, CA 92025
Subscr? N

Given by DANIELLE
Start 03/14/2012 Stop 03/14/2012
Transient Bill Expir.
Class 16000 LEGAL ADVERTISING
Index: CITY OF ESCONDIDO NOTICE OF PUBLIC
Cols 2 Lines 73 Inches 6.64 Words 711 Box? N

TOTAL AD COST 245.06

**CITY OF ESCONDIDO NOTICE OF PUBLIC HEARING
RE-AFFIRMATION OF COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PRIORITIES AND ADOPTION OF ALLOCATION PROCESS
FOR FY 2012-2013**

NOTICE IS HEREBY GIVEN that the Escondido City Council will hold a Public Hearing to review and affirm, or make changes to, the community development priorities adopted in the FY 2010-2015 Consolidated Plan, to adopt an allocation process for CDBG funds for public service activities in FY 2012-2013 and to amend the FY 2011-2012 One-Year Action Plan for CDBG funds to allocate \$60,000 in unprogrammed funds to the proposed East Valley Community Center Computer Lab for the purchase of computer equipment.

The public hearing will be held on **Wednesday, March 28, 2012 at 4:30 p.m.** in the City Council Chambers, Escondido City Hall, 201 North Broadway. The City encourages and welcomes public comment at this hearing prior to taking action.

The One-Year Action Plan specifies the actions the City plans to undertake and how its CDBG funds will be allocated to address and achieve the community development and affordable housing priorities and goals of the Five-Year Consolidated Plan.

If you challenge the item described above in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Escondido City Council at or prior to the hearing.

The City of Escondido encourages all residents' participation in the development and/or review of the Consolidated Plan and annual Action Plans. All community members, including Spanish-speaking community members, are encouraged to attend the public hearing. For further information please contact Danielle Lopez, Neighborhood Services Division, 760-839-4517 or dmlopez@escondido.org. For Spanish translation assistance please contact Dulce Salazar at 760-839-4057 or dsalazar@escondido.org.

THE CITY OF ESCONDIDO RECOGNIZES ITS OBLIGATION TO PROVIDE EQUAL ACCESS TO QUALIFIED INDIVIDUALS WITH DISABILITIES. PLEASE CONTACT THE ADA COORDINATOR AT 760-839-4643 WITH REQUESTS FOR ACCOMMODATION.

**CIUDAD DE ESCONDIDO AVISO DE AUDIENCIA PÚBLICA
REAFIRMACION DE DESARROLLO COMUNITARIO DE BECA PARA
BLOQUE (CDBG) PRORIDADES Y ADOPCION DEL PROCESO DE
ASIGNACION PARA EL AÑO FISCAL 2012-2013.**

SE HACE CONSTAR que el Consejo Municipal de la Ciudad de Escondido llevara a cabo una Audiencia Pública para repasar y afirmar, o hacer cambios a las prioridades del desarrollo de la comunidad aprobadas en el año fiscal del Plan de Consolidación 2010-2015, para adoptar un proceso de asignación de los fondos de CDBG para actividades de servicios públicos en el Año Fiscal 2012-2013 y para emendar el año fiscal 2011-2012 de un año del Plan de Acción de los fondos de CDBG para asignar \$60,000 en fondos no programados para la propuesta de compra de equipo computacional para el Laboratorio de Cómputo del Centro Comunitario de East Valley.

La audiencia se llevara a cabo el día **Miércoles 28 de Marzo, 2012 a las 4:30 p.m.** en el Consejo Municipal de Escondido, 201 N. Broadway. La Ciudad convoca y da la bienvenida a los comentarios públicos en esta audiencia antes de tomar acción.

El Plan de Acción de un año, especifica las acciones que la Ciudad planea emprender y cómo sus fondos del CDBG serán asignados para dirigir y alcanzar el desarrollo comunitario y las prioridades de vivienda asequible y metas para el Plan Consolidado de cinco años.

Si usted impugna en la corte, los puntos descritos arriba, usted puede ser limitado únicamente a comentar las cuestiones que usted u otra persona mencionaron en la audiencia pública especificadas en este anuncio, o por medio de correspondencia escrita y enviada al Municipio de la Ciudad de Escondido antes de la audiencia o al momento de la junta.

La Ciudad de Escondido convoca la participación de todos los residentes en el desarrollo y/o repaso del Plan de Consolidación y Planes de Acción anual. Todos los miembros de la comunidad, incluyendo miembros de la comunidad hispana son alentados a asistir a la audiencia pública. Para más información contacte a Danielle Lopez, División de Servicios al Vecindario, 760-839-4517 o dmlopez@escondido.org. Para ayuda en traducción al español por favor contacte a Dulce Salazar al 760-839-4057 o dsalazar@escondido.org.

LA CIUDAD DE ESCONDIDO RECONOCE SU OBLIGACION DE PROVEER ACCESO EQUITATIVO A INDIVIDUOS CALIFICADOS CON DISCAPACIDADES. POR FAVOR CONTACTE AL COORDINADOR DE (ADA) AL 760-839-4643 PARA LA SOLICITUD DE ACOMODO.

nct 2311209 03/14/2012



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ file No. _____

Ord No. _____

Agenda Item No.: 14
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: Zoning Code Amendment to add Cargo Container Restrictions to the Zoning Code (AZ 11-0001)

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval on February 28, 2012 (Vote 4-1, Winton voting no).

STAFF RECOMMENDATION:

It is requested that Council adopt Ordinance No. 2012-07 approving an amendment to the Escondido Zoning Code establishing cargo container restrictions.

PROJECT DESCRIPTION:

An amendment to the Escondido Zoning Code establishing restrictions, standards and permit requirements for the use of cargo containers in residential, commercial and industrial zones.

LOCATION:

Citywide.

FISCAL ANALYSIS:

None.

GENERAL PLAN ANALYSIS:

The General Plan contains policies to create an aesthetically pleasing community, and to preserve and enhance existing neighborhoods. The proposed amendment to establish cargo container restrictions and standards would be consistent with the General Plan and would implement these goals by providing specific standards for the use of cargo containers as storage facilities, along with the appropriate locations where they may be situated.

ENVIRONMENTAL REVIEW:

The proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15061(b) "General Rule." The proposal does not have the possibility to have a significant effect on the environment. Therefore, the project is not subject to CEQA.

BACKGROUND:

A cargo container is an industrial, reusable metal vessel that originally was designed for or used in the packing, shipping, movement or transportation of goods by commercial trucks, trains and/or ships. These standardized metal containers come in a variety of sizes and also are used as storage containers within commercial, industrial and residential zones. The establishment of restrictions and standards for cargo containers stems from the City's desire to address the appearance, location and proper use of these containers, especially in residential areas.

Cargo containers typically have been allowed in commercial and industrial areas, where outdoor storage has been approved, or as accessory storage structures. Over the years, cargo containers also have been established on residential properties as accessory structures, typically located on large lots when appropriate setbacks and lot coverage requirements have been met. Building permits typically have not been required since these heavy metal structures meet the general intent of the building code. Cargo containers are now being marketed as cost effective and portable storage units, and staff has seen an increased interest in these containers on small residential properties, where screening options are limited. Due to their large size, industrial nature and appearance, and general lack of proper maintenance, cargo containers currently are not allowed on residential lots. The Code Enforcement Division has responded to complaints about cargo containers on various occasions due to their unsightly appearance. The recently adopted Council Action Plan authorizes staff to initiate amendments to the zoning code to address specific issues. Since there are no defined standards for the placement of cargo containers throughout the City and these containers are not usual and customary to certain residential areas, staff has developed limitations/restrictions on residential properties, and specific provisions for the placement of cargo containers on commercial and industrial properties. A permitting process also has been proposed in order to ensure the appropriate placement, use and screening of the containers is provided and maintained.

PUBLIC COMMENT:

No one from the public spoke at the Planning Commission hearing and staff has not received any correspondence expressing concern regarding the proposal.

PLANNING COMMISSION:

The Planning Commission considered the proposed code provisions on February 28, 2012 and a majority of the Commissioners recommended approval. Commissioner Caster asked how the restrictions would be enforced. Staff indicated enforcement most likely would be complaint based. Commissioner Winton recommended that an additional screening option be included to allow architectural features to be incorporated onto the containers (i.e. siding, pitched roofs, etc.) so they would be less visibly obtrusive. Staff has included this provision in the proposed ordinance. Commissioner Winton supported establishing standards for the use of cargo containers, but felt the proposed ordinance was too restrictive, noting his view that the reuse of the containers should be informally encouraged as an alternative to using resources for new building construction. He also was

opposed to the language regarding the removal of non-conforming cargo containers. Commissioner Yerkes noted concerns with the 90 consecutive day allowance for commercial properties being abused by some property owners that might remove the container for one day and place the container on the site for another 90 days. He felt this would not be consistent with the intent of the provisions. Staff felt this could be controlled through the requirement to obtain a Minor Development Permit to ensure the containers were not being used for permanent storage. The majority of the Commissioners supported the establishment of standards and restrictions for cargo containers, especially in residential zones.

DISCUSSION:

The proposed ordinance has been drafted to address the appearance and use of storage containers on specific lots/zones throughout the City. The proposed ordinance would continue to allow cargo containers on industrial lots where outdoor storage is approved. Cargo containers on commercial lots would be limited to temporary storage purposes only to support seasonal events, provided they are located in a non-conspicuous area and do not adversely affect parking and access. The proposed ordinance would not allow cargo containers to be located within a single-family residential zone (R-1), multi-family zones (R-2, R-3, and R-4) or within mobilehome parks (RT) since the smaller residential lots typically do not have enough land area to properly screen them and provide a buffer area from adjacent residences.

Cargo containers would be allowed to be placed on the larger estate (RE) and agricultural lots (RA) only for storage purposes provided the lots are greater than one acre in size and proper screening is provided. The total amount of containers also is subject to the overall size of the property. In order to place a cargo container on a residential or agricultural lot, the container must be screened from view from the public way and must maintain the setbacks for the primary structure in order to provide appropriate landscape buffer areas from surrounding properties. Cargo containers also would not be allowed to be significantly modified (such as adding doors, windows, and utilities) to ensure they are used for storage purposes only, and could not be stacked. Cargo containers would be allowed to be located on residential properties developed with non-residential uses that contain sports fields (such as schools) in addition to parks, golf courses and government facilities.

The issuance of a Minor Development Permit (\$35) would be required to place a cargo container on private property, and the owner would be required to submit the appropriate site plans, details regarding the container, and demonstrate the method of screening. Existing cargo containers that were lawfully permitted on private property, but not permitted by the provisions of this ordinance would be allowed to continue as a nonconforming use for two years (Sunset Clause). Then they would be required to be removed. Since cargo containers are portable and commonly sold on the open market, the two-year timeline would allow the property owner a reasonable opportunity to recoup the investment. Staff feels the proposed ordinance addresses the appropriate use of and locations for the placement of cargo containers in order to maintain the quality of life for Escondido residents, and meet the needs of commercial and industrial business owners.

Respectfully submitted,



Barbara J. Redlitz
Director of Community Development



Jay Paul
Associate Planner

Exhibit "A"

FACTORS TO BE CONSIDERED

AZ 11-0001

(Cargo Containers)

1. The public health, safety and welfare would not be adversely affected by the proposed amendment to the Zoning Code since the amendment would establish appropriate locations for the placement of cargo containers throughout the City, along with development standards a permitting process.
2. The proposed Amendment to establish cargo container restrictions would not be detrimental to surrounding properties, since the provisions establish appropriate locations/zones where cargo containers could be located, along with appropriate setbacks and screening requirements to avoid potential compatibility and adverse visual issues with surrounding properties.
3. Cargo containers, due to their size and industrial appearance, are not appropriate for use as permanent accessory buildings/structures or storage sheds in certain areas of the City. The use of cargo containers for accessory buildings, sheds, storage and other purposes has increased within the City causing in some instances blight. The General Plan contains policies to create an aesthetically pleasing community, and to preserve and enhance existing neighborhoods. The proposed amendment to establish cargo container restrictions and standards would be consistent with the General Plan and would implement these goals by providing specific standards for usage of cargo containers as storage facilities, along with the appropriate locations where they may be situated.
4. The proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15061(b) "General Rule." The proposal does not have the possibility to have a significant effect on the environment. Therefore, the project is not subject to CEQA.

EXHIBIT "B"

Draft Amendment Language

Article 36. CARGO CONTAINER RESTRICTIONS

Sec. 33-720. Definition and Purpose.

- (a) Definition. A Cargo Container is an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships. A cargo container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a cargo container for purpose of this article.
- (b) Purpose. This article establishes minimum development standards for the placement of metal shipping containers within the City, limits the use of cargo containers in residential zones and addresses requirements in other zones.

Sec. 33-721. Permitted Locations and Prohibitions.

- (a) It shall be unlawful to place, use, allow or maintain Cargo Containers on residential property zoned R-1, R-2, R-3, R-4, or RT; unless specifically exempted pursuant to this article.
- (b) It shall be unlawful to place, use, allow or maintain Cargo Containers on property zoned R-A or R-E; unless specifically authorized or exempted pursuant to this article.
- (c) It shall be unlawful to place, use, allow or maintain Cargo Containers in any commercial or industrial zone unless there is a legal primary use on the property where it is located, required parking is not impacted and access is maintained.
- (d) It shall be unlawful to place, use, allow or maintain Cargo Containers in any planned development or specific plan zone unless specifically authorized by the Director of the Community Development, and consistent with provisions of the specific plan or planned development.
- (e) Where permissible, the placement of cargo containers on private property shall be subject to the issuance of a Minor Development Permit by the Director of Community Development.

Sec. 33-722. Authorized Residential Use.

A cargo container may be allowed in the RA and RE zones only for storage uses if it meets all of the following requirements:

- (a) A parcel within the RE and RA zone must be a minimum of one acre in size. Only one cargo container is allowed for the first one acre and one additional cargo container per every additional five acres.
- (b) A legal primary use exists on the property.
- (c) The cargo container meets all applicable use, development standards and maintenance regulations in the Escondido Municipal and Zoning Codes.
- (d) The cargo container is appropriately screened from public view by fencing, landscaping, terrain, existing buildings, exterior architectural enhancements to the container (i.e. decorative siding, pitched roof, etc.) or some combination of these methods.
- (e) Cargo containers must meet setback requirements for primary structures, but shall not be allowed closer than ten feet to any property boundary. A container also must maintain a separation of ten feet from the primary structure and other accessory structures, except for other authorized cargo containers.

Sec. 33-723. Cargo Containers in Nonresidential Zones.

- (a) Cargo containers used for the routine transportation of goods and temporarily stored in commercial and industrial zones are exempt from the provisions of this article, but subject to other use restrictions found in both the Escondido Municipal and Zoning Codes. Cargo containers may be used for long term storage on industrial zoned property in areas where open storage has been approved.
- (b) Cargo containers may be used on a temporary basis in commercial zones for additional storage to support seasonal events, but shall not be located on the site for more than 90 consecutive days. The containers shall be located to the rear or other non-conspicuous areas of the site. The containers shall not be located within the front areas of the site or highly visible areas from the public way.

Sec. 33-724. Cargo Containers for Sports Fields.

- (a) Cargo containers may be used for storage purposes in conjunction with schools that maintain sports fields, and also for parks, golf courses, governmental facilities, and other similar uses as determined by the Director of Community Development.
- (b) The container(s) shall be located in a non-conspicuous location on the site and conform to the setbacks of the underlying zone, but no closer than ten feet to any exterior property boundary. Appropriate screening may be required, as determined by the Director of Community Development.

Sec. 33-725. Temporary Storage.

- (a) Cargo containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit on the same property. If the building permit is expired or finalized, the container shall be removed within ten calendar days of the permit expiration or building permit final. If construction ceases for a period of thirty days or is abandoned, the container shall be removed no later than ten calendar days after notice to remove is issued by the City. The temporary placement on lots smaller than one acre shall never exceed 180 days in any calendar year.

Sec. 33-726. Permit Administration

- (a) A Minor Development Permit shall be required prior to the placement of a cargo container on private property, unless expressly exempted by this article. An application for a Minor Development Permit shall be made to the Planning Division on forms prescribed by the Director of Community Development. The application shall be accompanied by the following:
 - (1) Three copies of a detailed site plan showing the location of the proposed container, including, but not limited to setbacks from property lines and other structures located on the site, drive aisles, parking spaces, etc.).
 - (2) Details regarding the container (including height, width, length, color, etc.).
 - (3) Method of screening.
 - (4) Such other information the Director of Community Development may require to adequately review an application
 - (5) Minor Development Permit fee, as adopted by City Council Resolution.

Sec. 33-727. Standards.

- (a) It shall be unlawful for any property owner, tenant or other responsible party to use, allow or maintain a cargo container in violation of any standard provided in this section.
- (b) Cargo containers shall not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements or adjacent structures and buildings. The cargo container(s) shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.
- (c) Cargo containers may be used for storage only and shall not be used for human habitation or for commercial business purposes.
- (d) Cargo containers shall not be used to store hazardous materials in violation of any local, state or federal requirements.
- (e) Cargo containers may not occupy any required off-street parking spaces, loading/unloading areas, or fire lanes. Parking spaces may be used for temporary storage

in commercial zones to support seasonal events provided the amount of spaces is not more than 20% of the required parking spaces for the sponsoring business or 5% of the overall spaces within a commercial center containing multiple tenants.

- (f) No signage shall be allowed on any permanent cargo container.
- (g) Cargo containers shall not be stacked on top of each other or on another structure.
- (h) Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers may include passive systems to provide appropriate ventilation. Utility services shall not be provided to the container.
- (i) All cargo containers shall be operated in a safe manner, and be structurally sound, stable and in good repair. The container shall not contain any holes, peeling paint, rust, damage or structural modifications.
- (j) Cargo Container(s) used for long-term storage shall not be visible from the portion of any public or private road that abuts the lot or property. Acceptable screening features for a cargo container include landscaping, fencing, terrain, existing structures, exterior architectural enhancements, or a combination of these features.
- (k) Cargo container(s) used for temporary storage in commercial zones may not be placed within any designated landscape or storm water facility.
- (l) Cargo container(s) shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.

Sec. 33-728. Nonconforming Use Expiration Date

- (a) A cargo container that was lawfully on private property before _____, 2012 may be allowed to continue as a nonconforming use for two years.



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

Notice of Exemption

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

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

Project Title/Case No.: AZ 11-0001

Project Location - Specific: Citywide

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

Description of Project: An amendment to the Escondido Zoning Code establishing restrictions, standards and permit requirements for the use of cargo containers in residential, commercial and industrial zones.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name Jay Paul, Associate Planner, City of Escondido Telephone (760) 839-4537
Address 201 N. Broadway, Escondido, CA 92025

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

Exempt Status: Categorical Exemption. Section 15061(b)(3) "General Rule." The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Reasons why project is exempt:

The project only involves establishing standards and restrictions for the continued placement of specific small accessory storage structures "metal cargo containers" on residential, commercial and industrial properties. Cargo containers typically have been allowed in commercial and industrial areas, where outdoor storage has been approved, or as accessory storage structures. Over the years, cargo containers also have been allowed in residential zones as accessory structures, when appropriate setbacks and lot coverage requirements have been met. Small accessory structures used for storage currently are permitted in residential, commercial and industrial zones subject to the appropriate administrative permits and any necessary building permits. Since there is no defined standards for the placement of metal cargo containers throughout the City and these containers are not usual and customary to certain residential areas, staff has developed limitations/restrictions on residential properties, and specific provisions for the placement of cargo containers on commercial and industrial properties. A permitting process also has been proposed in order to ensure the appropriate placement, use and screening of the containers is provided and maintained. In staff's opinion, the establishment of standards to regulate the continue placement and use of storage containers throughout the City of Escondido does not have the potential for causing a significant effect on the environment.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature: February 13, 2012
Date

Signed by Lead Agency Date received for filing at OPR: N/A

PLANNING COMMISSION MINUTES
February 28, 2012

2. ZONING CODE AMENDMENT – AZ 11-0001

REQUEST: An Amendment to the Escondido Zoning Code to add Article 36 establishing restrictions, standards and permit requirements for metal cargo containers in all zones, and restricting the permanent placement of cargo containers within the R-1, R-2, R-3, R-4 and RT zones.

LOCATION: Citywide

Bill Martin, Principal Planner, referenced the staff report and recommended the Commission approve the proposed Amendment to the Zoning Code establishing Cargo Container Restrictions.

Chairman Caster asked if code enforcement would take a proactive approach with regard to the containers. Mr. Martin replied in the negative, noting current budget and staffing issues would limit code enforcement to responding to complaints.

Commissioner Weber referenced a correction in the staff report on Page 2.

Commissioner Weber questioned how often code enforcement had received complaints about containers. Mr. McCarthy noted this was not a common complaint. He also stated that the amendment would help standardize the City's approach and be in line with the County's requirements.

Commissioner Weber noted that the subject containers were very secure, noting that chemicals for agriculture were typically stored in these types of facilities. He suggested having a caveat for agricultural uses. Mr. Paul noted that the allowance for containers in the RE and RA zones was specifically put into the language to accommodate agricultural storage needs.

Commissioner Yerkes referenced Page 5, Section 33-723, and questioned whether allowing containers to be used 90 days consecutively might be abused for someone wanting to remove it for a day and then bring it back the next day. Mr. Martin noted that the minor development permit would allow review for these types of situations.

Commissioner Winton questioned whether the consideration had been given to allow shipping containers to be modified for purposes other than storage. Commissioner Weber noted that Page 7, Subparagraph H precluded this.

Commissioner Winton and staff discussed the setbacks proposed for containers.

Commissioner Winton suggested that the permissible methods of screening for containers should include architectural enhancement (addition of siding, gable roofs, etc.) so the containers were less obtrusive. Mr. Martin noted the Commission could recommend this as an acceptable method of screening.

Commissioner Winton asked if the City Attorney's Office was comfortable with the proposed "sunset" provisions requiring the removal of non-conforming cargo containers even if a permit had previously been issued. Mr. McCarthy replied in the affirmative.

Commissioner Winton expressed concern with the language being too restrictive, noting his view that the reuse of the containers should be informally encouraged as an alternative to using resources for new building construction. He concurred with establishing standards for using the containers, but felt the use was beneficial since the facilities could be removed versus a shed that would need to be torn down. He noted he was opposed to the language regarding the removal non-conforming cargo containers.

Chairman Caster concurred with staff regarding the need to establish guidelines for cargo containers. He noted the proposed ordinance would only ban them on smaller residential lots while maintaining the ability to use them in many other areas.

ACTION:

Moved by Commissioner McQuead, seconded by Commissioner Weber, to approve staff's recommendation. Motion carried. Ayes: Caster, Weber, McQuead, and Yerkes. Noes: Winton. (4-1)

ORDINANCE NO. 2012-07

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
TO ADD ARTICLE 36, CARGO CONTAINERS
TO THE ESCONDIDO ZONING CODE

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

SECTION 1. The use of cargo containers for accessory buildings, sheds, storage, and other purposes has increased within the City causing in some instances blight.

SECTION 2. Cargo containers present unique challenges to public safety, health and welfare based on the lack of specific standards for usage as accessory buildings.

SECTION 3. Cargo containers, due to their size and industrial appearance, are not appropriate for use as permanent accessory buildings or storage sheds in certain areas of the City.

SECTION 4. The City desires, in order to protect the health, safety and welfare, to regulate and provide for the use of such cargo containers.

SECTION 5. That cargo containers are portable personal property, commonly sold on the open market and two years from the date of approval provides the owner a reasonable opportunity to recoup the investment if adoption of this ordinance creates a nonconforming use.

SECTION 6. That proper notice of a public hearing has been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 7. That the City Council has determined that this Zoning Code Amendment clarifies a prior interpretation of the Zoning Code and is exempt from the California Environmental Quality Act (CEQA) in conformance with Title 14 California Code of Regulations section 15061(b)(3) "General Rule" and finds that no significant environmental impact will result from approving this code amendment.

SECTION 8. That upon consideration of the staff report; Planning Commission recommendation; Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated by this reference; and all public testimony presented at the hearing held on this project, this City Council finds the Zoning Code Amendment to be consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 9. That Article 36 of the Zoning Code is replaced with the following:

Article 36. CARGO CONTAINER RESTRICTIONS

Sec. 33-720. Definition and Purpose.

- (a) Definition. A Cargo Container is an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships. A cargo container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a cargo container for purpose of this article.

- (b) Purpose. This article establishes minimum development standards for the placement of metal shipping containers within the City, limits the use of cargo containers in residential zones and addresses requirements in other zones.

Sec. 33-721. Permitted Locations and Prohibitions.

- (a) It shall be unlawful to place, use, allow or maintain Cargo Containers on residential property zoned R-1, R-2, R-3, R-4, or RT; unless specifically exempted pursuant to this article.
- (b) It shall be unlawful to place, use, allow or maintain Cargo Containers on property zoned R-A or R-E; unless specifically authorized or exempted pursuant to this article.
- (c) It shall be unlawful to place, use, allow or maintain Cargo Containers in any commercial or industrial zone unless there is a legal primary use on the property where it is located, required parking is not impacted and access is maintained.
- (d) It shall be unlawful to place, use, allow or maintain Cargo Containers in any planned development or specific plan zone unless specifically authorized by the Director of the Community Development, and consistent with provisions of the specific plan or planned development.
- (e) Where permissible, the placement of cargo containers on private property shall be subject to the issuance of a Minor Development Permit by the Director of Community Development.

Sec. 33-722. Authorized Residential Use.

A cargo container may be allowed in the RA and RE zones only for storage uses if it meets all of the following requirements:

- (a) A parcel within the RE and RA zone must be a minimum of one acre in size. Only one cargo container is allowed for the first one acre and one additional cargo container per every additional five acres.
- (b) A legal primary use exists on the property.
- (c) The cargo container meets all applicable use, development standards and maintenance regulations in the Escondido Municipal and Zoning Codes.
- (d) The cargo container is appropriately screened from public view by fencing, landscaping, terrain, buildings, exterior architectural enhancements to the container (i.e. decorative siding, pitched roof, etc.) or some combination of these methods.

- (e) Cargo containers must meet setback requirements for primary structures, but shall not be allowed closer than ten feet to any property boundary. A container also must maintain a separation of ten feet from the primary structure and other accessory structures, except for other authorized cargo containers.

Sec. 33-723. Cargo Containers in Nonresidential Zones.

- (a) Cargo containers used for the routine transportation of goods and temporarily stored in commercial and industrial zones are exempt from the provisions of this article, but subject to other use restrictions found in both the Escondido Municipal and Zoning Codes. Cargo containers may be used for long term storage on industrial zoned property in areas where open storage has been approved.
- (b) Cargo containers may be used on a temporary basis in commercial zones for additional storage to support seasonal events, but shall not be located on the site for more than 90 consecutive days. The containers shall be located to the rear or other non-conspicuous areas of the site. The containers shall not be located within the front areas of the site or highly visible areas from the public way.

Sec. 33-724. Cargo Containers for Sports Fields.

- (a) Cargo containers may be used for storage purposes in conjunction with schools that maintain sports fields, and also for parks, golf courses, governmental facilities, and other similar uses as determined by the Director of Community Development.
- (b) The container(s) shall be located in a non-conspicuous location on the site and conform to the setbacks of the underlying zone, but no closer than ten feet to any exterior property boundary. Appropriate screening may be required, as determined by the Director of Community Development.

Sec. 33-725. Temporary Storage.

- (a) Cargo containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit on the same property. If the building permit is expired or finalized, the container shall be removed within ten calendar days of the permit expiration or building permit final. If construction ceases for a period of thirty days or is abandoned, the container shall be removed no later than ten calendar days after notice to remove is issued by the City. The temporary placement on lots smaller than one acre shall never exceed 180 days in any calendar year.

Sec. 33-726. Permit Administration

- (a) A Minor Development Permit shall be required prior to the placement of a cargo container on private property, unless expressly exempted by this article. An application for a Minor Development Permit shall be made to the Planning Division on forms prescribed by the Director of Community Development. The application shall be accompanied by the following:
- (1) Three copies of a detailed site plan showing the location of the proposed container, including, but not limited to setbacks from property lines and other structures located on the site, drive aisles, parking spaces, etc.).
 - (2) Details regarding the container (including height, width, length, color, etc.).
 - (3) Method of screening.
 - (4) Such other information the Director of Community Development may require to adequately review an application
 - (5) Minor Development Permit fee, as adopted by City Council Resolution.

Sec. 33-727. Standards.

- (a) It shall be unlawful for any property owner, tenant or other responsible party to use, allow or maintain a cargo container in violation of any standard provided in this section.
- (b) Cargo containers shall not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements or adjacent structures and buildings. The cargo container(s) shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.
- (c) Cargo containers may be used for storage only and shall not be used for human habitation or for commercial business purposes.
- (d) Cargo containers shall not be used to store hazardous materials in violation of any local, state or federal requirements.
- (e) Cargo containers may not occupy any required off-street parking spaces, loading/unloading areas, or fire lanes. Parking spaces may be used for temporary storage in commercial zones to support seasonal events provided the amount of spaces is not more than 20% of the required parking spaces for the sponsoring business or 5% of the overall spaces within a commercial center containing multiple tenants.
- (f) No signage shall be allowed on any permanent cargo container.

- (g) Cargo containers shall not be stacked on top of each other or on another structure.
- (h) Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers may include passive systems to provide appropriate ventilation. Utility services shall not be provided to the container.
- (i) All cargo containers shall be operated in a safe manner, and be structurally sound, stable and in good repair. The container shall not contain any holes, peeling paint, rust, damage or structural modifications.
- (j) Cargo Container(s) used for long-term storage shall not be visible from the portion of any public or private road that abuts the lot or property. Acceptable screening features for a cargo container include landscaping, fencing, terrain, existing structures, exterior architectural enhancements, or a combination of these features.
- (k) Cargo container(s) used for temporary storage in commercial zones may not be placed within any designated landscape or storm water facility.
- (l) Cargo container(s) shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.

Sec. 33-728. Nonconforming Use Expiration

- (a) A cargo container that was lawfully on private property prior to the effective date of this ordinance may be allowed to continue as a nonconforming use for two years after the effective date.

SECTION 10. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 11. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Jerry Van Leeuwen, Community Services Director
SUBJECT: Energy Roadmap Report and Recommendations

RECOMMENDATION:

It is requested Council receive a report from the SANDAG Energy Roadmap Program. In addition, staff requests approval of up to \$450,000 from the Recycling Fund Balance to install some of the energy conservation improvements recommended by SANDAG, for other improvements associated with the installation of solar photovoltaic panels at certain City facilities and exploration of electric vehicle charging stations.

FISCAL ANALYSIS:

The Recycling Fund receives revenues from both fees for service and the sale of recycled materials. The Fund has an adequate balance to fund the suggested improvements. The analysis suggests annual savings of \$35,000 to operations when all accepted recommendations are installed. These savings will be ongoing.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

Suggested activities are in line with objectives to address Financial Stability.

PREVIOUS ACTION:

Council directed staff to work with Climatec to install energy conservation measures and to install solar photovoltaic systems where appropriate. This work also made possible many other improvements including a new roof at City Hall, a new roof at EVCC, and HVAC improvements at the Joslyn Center.

BACKGROUND:

Escondido has identified and installed many energy conservation measures over the years. Last fall, Escondido agreed to participate in the ENERGY ROADMAP program offered by SANDAG. This no cost program evaluated many City facilities for potential energy conservation and also provided

suggestions on other efforts to reduce Green House Gas Emissions. The final report has been prepared and will be presented and distributed at the meeting. The report reflects the positive efforts taken previously and also recommends additional actions. Staff has evaluated the report and recommends that many, but not all, suggestions be implemented. The report identifies opportunities for rebates and for low-cost/no-cost financing. SANDAG is available to assist on the submission of rebates and that strategy is recommended. However, since one time funding is available from the Recycling Fund, it is recommended to use those funds as opposed to the financing options. This strategy will allow the operational budgets of the City to realize the cost savings as soon as improvements are installed.

Council is aware that solar photovoltaic installations are in process and will be completed in the near future. Through this process, significant deficiencies have been identified, particularly in parking lots. Staff is requesting that the Recycling Fund be utilized to make improvements to the parking lots associated with the solar installations. These efforts will enhance the facilities and improve City appearance without impacting the general fund.

Staff is also recommending exploration and possible installation of one or more electric vehicle charging stations. The recycling fund is an appropriate use to advance this greenhouse gas emission reduction strategy.

The Recycling fund receives deposits from the sale of recycled materials. It has been the practice of the City to utilize these funds for regular management of the recycling program. However, a fund balance is available for one time expenditures. Staff suggests using these funds to purchase additional improvements to achieve operational savings and to complete activities related to solar installation and ball field re-lamping. These activities will result in reducing hazardous waste, achieving energy efficiency, reducing greenhouse gas emissions or enhancing the market for recycled materials.

Respectfully submitted,



Jerry Van Leeuwen
Community Services Director

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 16
Date: **March 28, 2012**

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance

SUBJECT: Fiscal Year 2012/2013 Budget Briefing

RECOMMENDATION:

It is requested that Council provide direction regarding the Fiscal Year 2012/2013 General fund operating budget.

FISCAL ANALYSIS:

Projected Revenues and Expenses for Fiscal Year 12/13 will be presented at the City Council meeting.

PREVIOUS ACTION:

The City Council adopted a two-year budget for the General Fund. The second year (FY 12/13) of this two year budget estimates total sources at \$75,851,760 with estimated revenues accounting for \$73,741,000 of this total. Total uses were estimated at \$75,851,760 with department budgets accounting for \$73,628,740 (FY 2011/12 budgets were \$72,543,740). All of these numbers were prepared as estimates and staff will outline a revised estimate of Sources and Uses.

BACKGROUND:

Staff will present a summary overview of the General Fund Sources and Uses. Changes to the original revenue estimates are the result of recent sales tax information and the result of monitoring current revenue trends. Changes to the expense side include many factors such as: labor negotiations, ending of redevelopment housing programs, retirement rates and necessary increases in department budgets. The goal of this meeting will be to give staff an overview of topics it may want to discuss at future City Council meetings such as funding for the Center of the Arts.

Respectfully submitted,



Gilbert Rojas
Director of Finance

**CITY OF ESCONDIDO
FY 2011-12 & 2012-13 Operating Budgets
General Fund Sources and Uses**

GENERAL FUND

This fund was created to account for transactions related to the collection of all general revenues of the City not specifically levied or collected in other City funds, and for the expenditures related to the rendering of general services by the City.

Sources of Funds:

	11/12		12/13
Estimated Revenue	\$ 72,081,425	\$	73,741,000
Transfer from Cable Technology	11,000		11,000
Transfer from Daley Ranch Restoration	30,000		30,000
Transfer from Gas Tax	2,000,000		2,000,000
Transfer from Heygi Trust	2,000		2,000
Transfer from Ryan Trust-Library/Pioneer Room	42,760		42,760
Transfer from Warehouse	150,000		-
Transfer from Wastewater	25,000		25,000
TOTAL, Sources	\$ 74,342,185	\$	75,851,760

Uses of Funds:

General Fund Operating Budget	\$ 72,543,740	\$	72,543,740
Pension Reform	-		(380,000)
Transfer to Center for the Arts	1,159,630		1,159,630
Transfer to Reidy Creek Golf Course Debt Service	348,015		348,015
Transfer to Vehicle Parking District	78,800		78,800
Advance Payback to Wastewater-Principal	212,000		212,000
Increase in Medical/Dental	-		390,000
Increase in Benefits Administration	-		20,000
Increase in Workers' Compensation	-		450,000
Increase in Internal Service Charges	-		165,000
Decrease in Allocations Out	-		100,000
Increase in PERS Rates	-		340,000
Increase in Reserve Balance	-		424,575
TOTAL, Uses	\$ 74,342,185	\$	75,851,760

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 17
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: A Status Report on the General Plan Update, Climate Action Plan, Downtown Specific Plan, and Draft Environmental Impact Report (EIR)
Case Nos.: PHG 09-0020, PHG 10-0016 Documents are online at:
<http://www.escondido.org/general-plan-update.aspx>

STAFF RECOMMENDATION:

It is recommended that the City Council:

- 1) Review comments received to date pertaining to the Draft General Plan Update;
- 2) Consider modifications to General Plan policies and residential land use designations to address issues raised by the public;
- 3) Discuss alternatives for locating homeless shelters in concert with the updated General Plan Housing Element;
- 4) Initiate a private property owner request for a General Plan Amendment involving approximately 2.1 acres from Light Industrial to General Commercial (2120 – 2122 W. Mission Road);
- 5) Direct staff to further refine the General Plan based on comments received;
- 6) Continue to receive public input upon request for consideration; and,
- 7) Forward the Draft General Plan, Climate Action Plan, Downtown Specific Plan, and EIR to the Planning Commission in May for their final recommendation.

FISCAL ANALYSIS:

Three contracts totaling \$1,116,437 (including a \$100,000 contingency) were executed with Atkins Consultants for planning technical studies, developing a Climate Action Plan (CAP) that promotes sustainability and reduces Greenhouse Gas (GHG) emissions in concert with Assembly Bill 32 (funded by the federal Energy Efficiency and Conservation Block Grant (EECBG) Program), and an EIR to assess these projects in concert with the General Plan Update.

A total of \$204,617 remains available and unencumbered in the City's Capital Account for the General Plan Update. This amount is sufficient to complete the General Plan and related projects through the public hearing process. More funding may be needed in next year's Capital Improvement Program budget for General Plan Implementation efforts and the salary of the staff Project Manager and minor, incidental expenses.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Community Outreach; Economic Development; Image and Appearance; Public Safety Facilities and Workforce Development.

ENVIRONMENTAL REVIEW:

The Draft EIR (DEIR) was released in January for its statutory 45-day public review period, which concluded on February 27, 2012. A total of 28 comment letters have been received (see Attachment D); staff and consultants are preparing responses and editing the DEIR as necessary. No comments necessitate redrafting and re-circulating the DEIR. Several significant and unavoidable impacts will be associated with the build out of Escondido's General Plan, which is not an unusual conclusion based on staff's understanding of other General Plan updates conducted throughout the state. The significant and unavoidable impacts include air quality, biological resources, noise, population and housing, transportation and traffic, and utilities and service systems. Certifying the EIR will require adoption of Overriding Findings concluding that the benefits of the projects outweigh the impacts associated with their implementation.

GENERAL PLAN UPDATE WORKSHOPS:

Staff conducted community workshops on February 17 and March 6. Workshops requested by citizen groups were held on February 28 and March 17. Attendance at these meetings ranged from 15 – 40 participants. A summary of comments received at each meeting is included in Attachment A which can be categorized into the following main issues and discussed below:

- 1) The Draft General Plan weakens the integrity of specific General Plan policies that were readopted and reaffirmed in the 1998 voter initiative Proposition S.
- 2) The proposed residential designation of Urban V (multifamily up to 45 units / acre), and the Downtown Specific Plan residential densities of 75 and 100 units per acre (with building heights up to 85 feet), are too intense and could degrade community character and lead to blight.
- 3) Amending the Traffic Quality of Life threshold establishing Level of Service (LOS) "D" citywide, and LOS "E" for certain Downtown streets, as the threshold for implementing mitigation measures represents an unacceptable degradation of service.
- 4) Growth Management policies requiring infrastructure and services to keep pace with growth have not been effectively implemented; and fees collected do not adequately address the true impacts of new development.
- 5) Policies pertaining to Smart Growth, Sustainability, Complete Streets, and Climate Action Planning are derived from United Nations Agenda 21 principles which restrict individual rights and local control and ultimately will sacrifice facilities and service in outlying areas while draining resources to serve the urban core.
- 6) Informing the community and drafting the General Plan ballot measures should be in a manner that fosters an educated decision by the voters.

- 1) **Issue:** The Draft General Plan weakens specific General Plan policies that were readopted and reaffirmed in the 1998 voter initiative (Proposition S).

Recommendation: Modify Draft General Plan to incorporate current Proposition S Policies as described on Attachment B

Discussion: Staff's preparation of the General Plan update involved editing existing policies, including those ratified in Proposition S, in order to establish grammatical consistency among all the Elements. With two exceptions, there was no intent to delete or modify the intent of the readopted and reaffirmed policies identified in Proposition S from the General Plan. However, in order to eliminate confusion, staff proposes modifying the Draft General Plan Update to directly incorporate Proposition S policies.

The proposed policy edits are presented in a "side by side" comparison (see Attachment B). Most original policies can be directly transferred to the Updated General Plan without editing. Certain policies contain text that is specific to the 1990 General Plan, which staff will update as necessary to maintain their original intent and avoid the need for voter approval. Based on these modifications two General Plan policies would be subject to election; 1) a policy to eliminate one residential clustering provision, as endorsed by the General Plan Citizens' Committee; and 2) the addition of a policy defining a new Urban V (multi-family; 45 du/acre) residential land use category (refer to Attachment B).

2) Issue: The proposed residential designation of Urban V (multifamily up to 45 units / acre), and the Downtown Specific Plan residential densities of 75 and 100 units per acre (with building heights up to 85 feet), are too intense and could degrade community character and lead to blight.

Recommendation: Direct staff to analyze reduced residential densities and intensities for consideration.

Discussion: The adopted General Plan's most intense multifamily designation allows up to 24 units per acre. The adopted Downtown Specific Plan allows up to 45 units per acre in mixed use developments. The General Plan Update's proposal to more than double the current densities is an effort to generate a residential population in an urbanized "Smart Growth" environment that supports amenities for a dynamic, vibrant downtown.

A consistent apprehension among attendees at the public workshops is the General Plan Update's inclusion of residential densities that are significantly higher than current provisions. Residents' particular concern is that the dramatic increase of densities and building heights in the Urban V and Downtown Specific Planning Area will adversely impact the character of the community, and that the additional multi-family development could lead to blight.

The Environmental Impact Report evaluated the Draft General Plan at the densities and intensities described above. However, the Council may wish to consider reductions to address residents' concerns that would still provide opportunities for supporting smart growth features and dynamic downtown activities. It is recommended that the City Council direct staff to analyze alternative densities (units per acre) and intensities (building heights) for recommendation at the May Planning Commission public hearings.

3) Issue: Amending the Traffic Quality of Life threshold establishing Level of Service (LOS) "D" citywide, and LOS "E" for certain Downtown streets, as the threshold for implementing mitigation measures represents an unacceptable degradation of service.

Recommendation: Retain draft language based on the reasons discussed below.

Discussion: Both the adopted General Plan *and* the Draft General Plan Update include the Traffic Quality of Life standard stating: "Circulation Element Streets and intersections to be planned and developed to achieve a minimum Level of Service (LOS) "C." The *adopted* Traffic Quality of Life Standard states that: "Due to physical design characteristics, environmental resource considerations, existing development, freeway interchange impacts and incomplete system improvements, level of service "C" may not be feasible in all areas." The updated General Plan is intended to further qualify situations where LOS "C" may not be feasible, and establishes LOS "D" as the threshold for determining significant impacts that require mitigation on a city-wide basis, and LOS "E" for a confined area within the Downtown Specific Plan.

Updating the General Plan incorporates "industry standards" for the development and provision of *all* infrastructure and services (including sewer, water, traffic, libraries, etc.). The Draft General Plan's circulation system that incorporates LOS "D" and LOS "E" thresholds described above is developed on a traffic modeling platform that utilizes adopted regional standards and conditions. This methodology also facilitates the pursuit of future traffic improvement grants because of the traffic model's standardized approach.

It should also be noted that the existing circulation system is not fully implemented, and that existing deficiencies are not indicative of long term conditions. Additionally, traffic LOS signifies conditions during limited periods of peak flows, which typically occur during weekday morning and evening commutes. Roadways and intersections will be generally free-flowing over the course of 24 hours. Further, it should be acknowledged that widening streets to achieve LOS "C" in all situations would be extremely costly, impact many properties, and potentially degrade community character.

The traffic model analyzed over 300 street segments and 40 intersections in the community and concluded that build out of the Draft General Plan would only result in significant and unavoidable impacts to the four (4) street segments and six (6) intersections listed below. The Council will need to adopt a Statement of Overriding Findings acknowledging significant and unavoidable impacts determining that the benefits from the updated General Plan outweigh impacts associated with the project.

Roadway Segments:

Mission Road between Barham Drive and Auto Park Way (LOS E)
Valley Parkway between Hickory Street and Fig Street (LOS F)
Valley Parkway between Fig Street and Date Street (LOS F)
Valley Parkway between Date Street and Ash Street (LOS F)

Intersections:

Nordahl Road/Auto Park Way/Mission Road (LOS E, PM peak hour)
Centre City Parkway/Felicita Avenue (LOS F, PM peak hour)
Escondido Boulevard/Felicita Avenue (LOS E/F, AM/PM peak hours, respectively)
Ash Street/Valley Parkway (LOS E, both AM/PM peak hours)
I-15 Southbound Ramps/Via Rancho Parkway (LOS E/F, AM/PM peak hours, respectively)
El Norte Parkway/Centre City Parkway (LOS E/F, AM/PM peak hours, respectively)

- 4) Issue:** Growth Management policies requiring infrastructure and services to keep pace with growth have not been effectively implemented; and fees collected do not adequately address the true impacts of new development.

Recommendation: Retain draft language based on the reasons discussed below.

Discussion: The purpose of the Growth Management Element is to provide a link between the Land Use and Community Form, Mobility and Infrastructure, and Resource Conservation Elements, and specific implementation techniques to ensure that services are available to meet citizens' demands as the population grows. Residents expressed concerns that the General Plan's policies calling for the timely installation of infrastructure improvements have not kept pace with population growth, and that existing development fees need more thorough scrutiny and adjustment to reflect their ability to finance each project's impacts.

It should be noted that all standards cannot be met at all times because facilities are often built in increments that do not match the rate of development. For example, a deficiency may exist while funding is being collected to improve a park, construct a library, or widen a street etc. When that park, library or street improvement is made there may be a surplus of capacity. The acceptable lag in the service standards is determined through Capital Improvement Programing and discussed in the Quality of Life Status Report and Citywide Facility Plan.

The Draft General Plan Update maintains policies calling for the development of public facility master plans based on anticipated growth projections and to periodically update development fees to fund those public facilities. The Updated General Plan also acknowledges that deficiencies in facility service levels may arise based on the incremental nature of installing infrastructure. In addition, policies are included that call for withholding discretionary approvals and subsequent building permits from projects demonstrated to be out of compliance with applicable service standards.

5) **Issue:** Policies pertaining to Smart Growth, Sustainability, Complete Streets, and Climate Action Planning are derived from United Nations Agenda 21 principles which restrict individual rights and local control and ultimately will sacrifice facilities and service in outlying areas while draining resources to serve the urban core.

Recommendation: Retain draft Smart Growth, Sustainability, Complete Streets and Climate Action Planning policies based on the reasons discussed below. Address increased urban density and intensity concerns in concert with staff's recommendation pertaining to Issue #2 above.

Discussion: A large and vocal contingent expressed strong opposition to the General Plan's Sustainability, Smart Growth, Complete Streets, and Climate Action planning principles at the community meeting on March 6, 2012. Their opposition appeared to be based on a belief that Agenda 21's goal ultimately restricts individual rights and local control, forces residents into high density inner city housing only accessed by mass transit, and sacrifices facilities and service in outlying areas by draining resources to serve the urban core. Their sentiments extended to Complete Streets policies that promote wider sidewalks, shade and seating for pedestrians, as well as improvements for bicyclists and transit, by advocating for wider streets to accommodate more lanes of traffic for automobiles. Comments included concerns regarding the City's lack of street maintenance and other infrastructure deficiencies. The group expressed opposition to Climate Action Planning efforts to curb greenhouse gas emissions, but acknowledged that the City was required to follow state law.

Staff attempted to clarify the General Plan's vision incorporated specific community preferences of preserving establish single family residential character in the areas beyond downtown and nearby arterial corridors. Further, that the General Plan accommodates additional single family development at existing General Plan densities outside the downtown area which also aligns with residents' input gathered over the past several years. Staff noted that Facility Master Plans have been, or are in the process of being, updated and that those Plans incorporate "citywide" standards rather than differentiating between "urban" and "rural" areas. Staff countered that widening streets to accommodate automobiles without accommodating transit, cyclists and pedestrians would significantly impact adjacent properties in many areas.

Regarding the Climate Action Plan, staff commented the program will be structured to provide builders and developers flexibility in selecting their own path for compliance. Comments opposing higher density in the downtown area were similar to community input received at other meetings. Staff recommends addressing those concerns as discussed in Issue #2.

5) Issue: Informing the community and drafting the General Plan ballot measures should be in a manner that fosters an educated decision by the voters.

Recommendation: Continue to meet with citizen groups and further analyze formats for pending General Plan ballot measures.

Discussion: Questions regarding the format and arrangement of General Plan ballot measures for the November election have been a common inquiry. While less opposition has been expressed regarding the re-designation of residential land to employment land, citizens have commented that the arrangement and grouping of land use measures on the ballot should be carefully considered in order to avoid confusion and / or overwhelm the voters. Staff will provide options at the City Council meeting for discussion and recommends that additional meetings to inform and educate the citizenry be conducted when requested by local organizations. The City Council's decision on matters pertaining to the ballot measures' format and language will need to be made by June 2012.

HOMELESS SHELTER ALTERNATIVES:

The Draft General Plan includes a Housing Element update, which has an 8-year cycle extending from January 1, 2013 to December 31, 2020. Recent legislation requires that jurisdictions include homeless shelters as a permitted use somewhere within their community. Escondido's draft Housing Element proposed to amend the Hospital Professional (H-P) zone to accommodate homeless shelters by right, given the area's proximity to transit, facilities, and services. The Housing Element was reviewed and endorsed by the City Council on August 10, 2011, and staff forwarded the document to the State Department of Housing and Community Development. Comments from the state have been received and staff is finalizing a response.

Recently concerns have expressed that the H-P zone may not be an appropriate area for homeless shelters given the need to bolster the downtown medical office environment in response to the restructuring of medical services provided by Palomar Hospital's new west side facility. Staff recommends that an alternative area(s) for designating homeless shelters be identified in the Housing Element for consideration, which would likely be light industrial and/or general commercial areas. Staff would work with its consultant to evaluate other locations and refine the Housing Element text accordingly for resubmittal to the state.

PRIVATE GENERAL PLAN LAND USE AMENDMENT REQUEST:

During the General Plan public review period a private request was made for a General Plan Amendment (GPA) involving approximately 2.1 acres located at 2120 – 2122 W. Mission Road for re-designation from Light Industrial to General Commercial (see Attachment C). The GPA would not trigger a public vote because the land use change involves two non-residential designations. The property is constructed with industrial office suites and located near the east-bound off-ramp of Highway 78 and Nordahl Road, adjacent to two General Commercial properties.

Staff conferred with the Environmental Review consultant to determine whether the request could be incorporated in the EIR prior to Planning Commission and City Council consideration. The consultants indicated their ability to perform the required analysis, without delaying the timing of the Final EIR. Staff recommends including the GPA request in the General Plan update and the consultant would pay all costs associated with the amendment.

MISCELLANEOUS GENERAL PLAN AMENDMENT TEXT CHANGES:

Various comments were received from agencies, organizations and individuals during the recent public review period (see Exhibit D). Staff has analyzed the letters and feels that edits suggested by SANDAG, pertaining to mobility, and comments from the San Diego County Regional Airport Authority, pertaining to compliance with the Palomar Airport's Land Use Compatibility Plan and real estate disclosures associated with aircraft, warrant inclusion in the Draft General Plan (refer to letters). Staff recommends modifying the draft General Plan by incorporating comments from those agencies as well as comments that warrant inclusion received up until the public hearings. Staff will redistribute a "red-line" edited version of the draft General Plan reflecting proposed modifications prior to the Planning Commission public hearings.

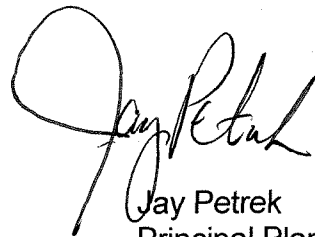
STAFF RECOMMENDATION AND NEXT STEPS IN THE PROCESS:

Public outreach remains an important component in the General Plan adoption process. Staff recommends scheduling meetings with community groups and organizations upon request. Staff is meeting with the City Attorney regarding appropriate information to include for the election and the wording proposed for the ballot (which is subject to City Council approval). Planning Commission public hearings are scheduled for early May 2012, and the City Council General Plan public hearings are scheduled to conclude by June in order to meet the Registrar of Voter's timeframe for receiving the General Plan ballot measure language.

Respectfully submitted,



Barbara J. Redlitz
Director of Community Development



Jay Petrek
Principal Planner

ATTACHMENT A (page 1 of 4)

Community Workshop Summary of Comments

DATE: February 16, 2012

WORKSHOP GOALS

Review information pertaining to:

- Draft General Plan
- Draft Downtown Specific Plan
- Draft Climate Action Plan
- Draft Environmental Impact Report
- Discuss General Plan Update relationship with 'Proposition S'
- Solicit Testimony
- Provide feedback to City Council for further direction

RESIDENTIAL DEVELOPMENT COMMENTS

- Higher densities and building heights will block views to surrounding hills
- Taller buildings will create issues with wind patterns and shade
- Higher density may turn into 'ghettos'
- Condo projects will become rentals where tenants don't care about the community
- Include policies for high density and smart growth areas that prescribe residential amenities for multifamily development.

(Note: March 6 workshop to include examples of urban development)

- Allowing residential in commercial areas (i.e. mixed use) increases population buildout

GENERAL PLAN ELECTION AND 'PROPOSITION S' COMMENTS

- Removing "shall" from policies weakens their intent.
- Public needs to be clearly informed of voter approved policy changes.
- Questions asked regarding what happens if voters reject General Plan changes.
- "Bundling" all land use changes on the ballot together would not be fair to each property consideration.
- Separate ballot items by the type of change.
- More information is needed regarding ballot measures prior to election.
- Select areas where citizens gather to provide GP Update and ballot information.

MISCELLANEOUS COMMENTS

- Large billboard signs along Del Dios Highway adversely impact community aesthetics.
- Smart Growth policies promote community rights over individual rights.

ATTACHMENT A (page 2 of 4)

Escondido Chamber of Citizens Summary of Comments

DATE: February 28, 2012

WEORKSHOP GOALS

Review information pertaining to:

- Draft General Plan
- Draft Downtown Specific Plan
- Draft Climate Action Plan
- Draft Environmental Impact Report
- Solicit Testimony
- Answer Questions

GROWTH MANAGEMENT COMMENTS

- City's permit fees do not reflect true development impacts; residents are left subsidizing projects.
- Infrastructure does not keep pace with development even though current GP policies require it.
- Proposed GP amendments will follow the same "track record" of the past where developers take advantage of city's low standards and current residents are impacted. Examples:
 - Poorly designed / maintained aging apartment complexes (senior housing projects, and apartments along Mission Avenue).
 - Infrastructure not installed to serve developments' own growth (streets, sewers, etc.).
 - On-site amenities not provided, new growth over burdens existing resources (parks and open space).

RESIDENTIAL DEVELOPMENT COMMENTS

- Densities proposed for the new Urban V land use (multi-family; up to 45 du/acre) and in the Downtown Specific Plan (75 – 100 du/acre) are too high.
- Include policies that prescribe residential amenities for multifamily development.

TRAFFIC / CIRCULATION COMMENTS

- Traffic congestion is significant now, adding more density will make it worse.
- Traffic management (timed signals) should be improved to move vehicles more efficiently.

GENERAL PLAN QUALITY OF LIFE STANDARDS AND POLICIES COMMENTS

- Community Quality of Life has degraded over the past decade.
- Readopted / reaffirmed "Prop S" text in adopted General Plan should transfer to Draft.
- Quality of Life thresholds are too easily modified.
- Traffic Level of Service "D" equates to a reduction in quality of life.

ESCONDIDO CREEK COMMENTS

- Escondido Creek plan needs a grander vision. Improvements should include removing concrete lining and re-vegetating, walking trails, incentivize businesses that orient towards the creek, etc.

EMPLOYMENT EXPANSION COMMENTS

- Potential support if Growth Management concerns can be addressed.
- There are already too many vacant business parks in Vista, San Marcos, and Carlsbad.
- Businesses are provided too great a subsidy at the expense of existing residents.

ATTACHMENT A (page 3 of 4)

Community Workshop Summary of Comments

DATE: March 6, 2012

WORKSHOP GOALS

Review information pertaining to:

- Draft General Plan
- Draft Downtown Specific Plan
- Draft Climate Action Plan
- Draft Environmental Impact Report
- Discuss General Plan Update relationship with 'Proposition S'
- Solicit Testimony
- Provide feedback to City Council for further direction

SMART GROWTH /SUSTAINABILITY POLICY COMMENTS

- Use of ICLEI (International Council for Local Environmental Initiatives) principles restricts individual rights.
- United Nations Agenda 21 principles governing Smart Growth and Sustainability are illegal for General Plans.
- Complete Streets policies with pedestrian, bicycle, and transit features will force people out of cars.
- No taxes should fund Smart Growth, Sustainability, and/or Complete Streets programs.

RESIDENTIAL DENSITY INCREASES / MIXED USE DEVELOPMENT COMMENTS

- Intensifying the urban core (75-100 units / acre as proposed) will force people to use transit.
- High urban densities will destroy Escondido's character (lower densities and lower heights more desirable).
- Mixed use development is not a successful land use and will result in vacant buildings leading to blight.
- General Plan should include policies requiring amenities for high density urban areas.
- Density increases will impact schools' ability to educate students.

INFRASTRUCTURE AND SERVICES COMMENTS

- Financial incentives given to attract / expand businesses adversely impacts resident's quality of life.
- New development does not adequately fund its impacts to the existing infrastructure system.
- Existing residents will be required to bond for maintaining/improving infrastructure and services.
- Facilities and services will be impacted in outlying areas in order to serve increased urban core densities.

CLIMATE ACTION PLAN COMMENTS

- Carbon emission mandates are influenced by ICLEI and flawed; City should explore other solutions.

MISCELLANEOUS COMMENTS

- High Speed Internet is needed in Escondido's business parks.
- Loss of single family homes due to proposed land use changes is an impact.
- California's population is declining; the plan should not accommodate so much growth.
- New development should reflect Escondido's unique character, not be a "look alike" from another area.
- High paying employers won't come to Escondido because the community lacks amenities of other areas.
- Plan is "wishful thinking"

ATTACHMENT A (page 4 of 4)

Escondido Democratic Club Summary of Comments

DATE: March 17, 2012

WORKSHOP GOALS

Review information pertaining to:

- Draft General Plan
- Draft Downtown Specific Plan
- Draft Climate Action Plan
- Draft Environmental Impact Report
- Solicit Testimony
- Answer Questions

SMART GROWTH / SUSTAINABILITY / COMPLETE STREETS POLICY COMMENTS

- Complete Streets policies with pedestrian, bicycle, and transit features will benefit community.
- Traffic management in congested areas needs to be more efficient – extensive wait times at intersections where there is no cross traffic occurring)
- Concern that the revised Level of Service “D” (citywide) and “E” (downtown) will cause a spill over of traffic in adjacent residential areas.

RESIDENTIAL DENSITY INCREASES / MIXED USE DEVELOPMENT COMMENTS

- Proposed urban densities are too high and will degrade Escondido’s character. Project at CCP and Mission Avenue is too high. More projects like that will not be good for downtown or Escondido.
- Lower densities and lower heights that proposed are more desirable.
- Higher building heights will obstruct panoramic views from valley floor
- General Plan should include policies requiring amenities for high density urban areas.

INFRASTRUCTURE AND SERVICES COMMENTS

- Financial incentives given to attract / expand businesses adversely impacts resident’s quality of life.
- New development does not adequately fund its impacts to the existing infrastructure system.
- Existing residents will be required to bond for maintaining/improving infrastructure and services.
- Facilities and services will be impacted in outlying areas in order to serve increased urban core densities.

CLIMATE ACTION PLAN COMMENTS

- City Council needs to be more supportive of greenhouse gas reduction measures
- Continue to develop and install solar in the community
- Homeowner Associations need to cooperate with property owners who want to install solar

MISCELLANEOUS COMMENTS

- Residential Specific Plan Areas need to include more recreational play equipment for young children (Rancho San Pasqual amenities are lacking in this area).

ATTACHMENT B

“Side by side” Comparison of Existing Proposition “S” (adopted) and alternative for Draft General Plan.

KEY: = Policy text changes proposed not requiring a public vote
 = Policy text changes requiring a public vote

GENERAL PLAN UPDATE POLICY COMPARISON		NECESSARY EDIT TO DRAFT
EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	
Chapter: Land Use (Policies Regarding Land Use)		
<p>Land Use Policy A1.1: New development should serve to reinforce the City’s present development pattern of higher-intensity development within the downtown area and lower-intensity development in outlying areas. As a guide toward accomplishing this objective, new development projects shall be at an appropriate density or clustered intensity with the majority of the existing surrounding land uses. This policy shall limit density transfers from constrained portions of a property as defined in the land use and open space goals. (Amendment to this policy is subject to voter approval.)</p>	<p>Community Character Policy 1.1 New development should serve to reinforce the City’s present development pattern of higher-intensity development within the downtown area and lower-intensity development in outlying areas. As a guide toward accomplishing this objective, new development projects shall be at an appropriate density or clustered intensity based upon their compatibility with the majority of the existing surrounding land uses. This policy shall limit density transfers from constrained portions of a property as defined in the land use and open space goals. (Amendment to this policy is subject to voter approval.)</p>	<p>Revise Proposed Community Character Policy 1.1</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Land Use Policy A1.2: The City should maintain its single-family residential development pattern, except in locations such as the downtown, along major transportation corridors, and around commercial and public activity centers, where higher densities are more appropriate. (Amendment to this policy is subject to voter approval.)</p>	<p>Community Character Policy 1.5 The City should maintain its single-family residential development pattern, except in locations such as the downtown, along major transportation corridors, and around commercial and public activity centers, where higher densities are more appropriate. (Amendment to this policy is subject to voter approval.)</p>	<p>Revise Proposed Community Character Policy 1.5</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Land Use Policy A1.3: Prior to any major extensions of services or utilities to accommodate changes in land use, significant growth-inducing, and environmental implications including significant growth inducing impacts, shall be thoroughly reviewed based upon the Growth Management policies of this document and any necessary mitigation measures implemented. (Amendment to this policy is subject to voter approval.)</p>	<p>General Plan Review and Amendment Policy 17.3 Prior to any major extensions of services or utilities to accommodate changes in land use, significant growth-inducing, and environmental implications including significant growth inducing impacts, shall be thoroughly reviewed based upon the Growth Management policies of this document and any necessary mitigation measures implemented. (Amendment to this policy is subject to voter approval.)</p>	<p>Revise Proposed GP General Plan Review and Amendment Policy 17.3</p> <p>NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>Land Use Policy A1.4: The boundaries of the Land Use categories depicted on the General Plan are not precise. However, the categories are generally intended to avoid intensification of existing land use or zoning designations where land use compatibility and the objectives of the General Plan are at issue. (Amendment to this policy is subject to voter approval.)</p>	<p>Community Character Policy 1.2 The boundaries of the Land Use categories depicted on the General Plan are not precise. However, the categories are generally intended to avoid intensification of existing land use or zoning designations where land use compatibility and the objectives of the General Plan are at issue. (Amendment to this policy is-subject will continue to require voter approval).</p>	<p>Revise Proposed Community Character Policy 1.2</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Land Use Policy B1.1: Residential Density is defined as the maximum number of dwelling units permitted per acre, including streets within the development, excluding all ultimate circulation element street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA—see Flooding Map) or the City, slope mental factors as designated in each land use category and/or open space/ conservation element. Building intensity is based upon the number of dwellings per acre permissible in each category subject to constraints and opportunities provided by all General Plan policies. Limited nonresidential development, such as churches or schools, may occur in residential categories subject to state and local ordinances. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Development Policy 3.1 Residential Density is defined as the maximum number of dwelling units permitted per acre, including streets within the development, excluding all ultimate circulation element street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA—see Flooding Map) or the City, slope categories, and other environmental factors as designated in each land use category and/or open space/ conservation element. Building intensity is based upon the number of dwellings per acre permissible in each category subject to constraints and opportunities provided by all General Plan policies. Limited nonresidential development, such as churches or schools, may occur in residential categories subject to state and local ordinances. (Amendment to this policy is-subject will continue to require voter approval).</p>	<p>Revise Proposed Residential Development Policy 3.1</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Land Use Policy B1.2: The maximum development yield for slopes over 35% are established only for the purpose of determining the potential for density transfer as permitted by the General Plan. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Development Policy 3.11 The maximum development yield for slopes over 35% are established only for the purpose of determining the potential for density transfer as permitted by the General Plan. (Amendment to this policy is-subject will continue to require voter approval).</p>	<p>Add new Residential Development Policy 3.11</p> <p>NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>Land Use Policy B1.3: No development shall be permitted on slopes greater than 35% or in natural 100-year floodways. If approved by the City and other appropriate local, state and federal agencies, an environmental channel may be considered within the floodway. Adequate landscaping, revegetation, flood control measures and usable open space beyond the environmental channel shall be provided as determined by the City. (Amendment to this policy is subject to voter approval.)</p>	<p>Community Character Policy 1.12 No development shall be permitted on slopes greater than 35% or in natural 100-year floodways. If approved by the City and other appropriate local, state and federal agencies, an environmental channel may be considered within the floodway. Adequate landscaping, revegetation, flood control measures and usable open space beyond the embankments of the environmental channel shall be provided as determined by the City. (Amendment to this policy is subject to continue to require voter approval.)</p>	<p>Revise Proposed Community Character Policy 1.12</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Land Use Policy B1.4: Subject to City approval, parcels legally created prior to the adoption of this General Plan and wholly within constrained lands as defined in Land Use Policy B1.3 may be eligible for the development of a single dwelling unit, providing the property meets minimum lot size for the zoning and land use designations. (Amendment to this policy is subject to voter approval.)</p>	<p>Community Character Policy 1.12 Subject to City approval, parcels legally created prior to the adoption of this General Plan and wholly within constrained lands as defined in Land Use Community Character Policy B1.3 1.12 may be eligible for the development of a single dwelling unit, providing the property meets minimum lot size for the zoning and land use designations. (Amendment to this policy is subject to continue to require voter approval.)</p>	<p>Revise Proposed Community Character Policy 1.13 with clarifying text.</p> <p>NO CHANGE FROM CURRENT POLICY</p> <p>(Minor text change)</p>
<p>Land Use Policy B1.5: The residential land use designation indicates MAXIMUM development yields. To meet General Plan Goals and Objectives, including, but not limited to, population goals and environmental considerations, the ACTUAL yield may be considerably less than maximum potentials. Population density can be determined by the San Diego Association of Governments (SANDAG) projection of an average number of residents per dwelling unit by the buildout target year of 2010 and the maximum units per acre allowed by each land use designation. In lower density categories, the number of residents per unit will often exceed three due to relatively large structures. Conversely, in multi-family areas, smaller unit sizes will result in 1-2 persons per unit being commonplace. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Development Policy 3.3 The residential land use designation indicates MAXIMUM development yields. To meet General Plan Goals and Objectives, including, but not limited to, population goals and environmental considerations, the ACTUAL yield may be considerably less than maximum potentials. Population density can be determined by the San Diego Association of Governments (SANDAG) projection of an average number of residents per dwelling unit by the buildout target year of 2010 and the maximum units per acre allowed by each land use designation. In lower density categories, the number of residents per unit will often exceed three due to relatively large structures. Conversely, in multi-family areas, smaller unit sizes will result in 1-2 persons per unit being commonplace. Further, population and building intensities are estimated</p>	<p>Revise Proposed Residential Development Policy 3.3 with clarifying text</p> <p>ORIGINAL INTENT OF POLICY IS MAINTAINED</p> <p>(Minor text change)</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE <small>in the General Plan Vision and Purpose. Section "C" of the element: (Amendment to this policy is <u>subject will continue to require voter approval</u>).</small>	NECESSARY EDIT TO DRAFT
<p>Land Use Policy B1.6: Where slope categories are indicated, the maximum development yield will be determined by the sum of acreages within each slope category. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Development Policy 3.12 Where slope categories are indicated, the maximum development yield will be determined by the sum of acreages within each slope category. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Add new Residential Development Policy 3.12</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Land Use Policy B1.7: No permits shall be approved for the development of any lot which is not consistent with the density restrictions of the General Plan except for single-family lots which were existing prior to the effective date of the General Plan. Such single-family lots shall comply with all other provisions of the General Plan, including applicable requirements of a Subarea Facilities Plan.</p> <p>Exceptions from density requirements may also be permitted to allow the timely development of lots created a vesting tentative subdivision map subsequent to the effective date of the General Plan providing it conforms with applicable requirements of a Subarea Facilities Plan.</p> <p>Nothing in this General Plan shall prohibit the continued use of legally established mobile home spaces and the possibility of ownership conversion at existing densities under previous ordinances and statutes. Said mobile home spaces shall also be exempt from the clustering provisions discussed in this General Plan. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Development Policy 3.7 No permits shall be approved for the development of any lot which is not consistent with the density restrictions of the General Plan except for single-family lots which were existing prior to the effective date of the General Plan. Such single-family lots shall comply with all other provisions of the General Plan, including applicable requirements of a Subarea Facilities Plan.</p> <p>Exceptions from density requirements may also be permitted to allow the timely development of lots created by the recordation of a vesting tentative subdivision map subsequent to the effective date of the General Plan providing it conforms with applicable requirements of a Subarea Facilities Plan.</p> <p>Nothing in this General Plan shall prohibit the continued use of legally established mobile home spaces and the possibility of ownership conversion at existing densities legally established under previous ordinances and statutes. Said mobile home spaces shall also be exempt from the clustering provisions discussed in this General Plan. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Edit Proposed Residential Development Policy 3.7 with clarifying text</p> <p>NO CHANGE FROM CURRENT POLICY (Minor text change)</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>Land Use Policy B1.8: The development potential on slopes greater than 35% or in natural floodways or in City-approved environmental channels may be transferred to other portions on the site at one dwelling unit per 20 acres in all residential land use categories. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Development Policy 3.13 The development potential on slopes greater than 35% or in natural floodways or in City-approved environmental channels may be transferred to other portions on the site at one dwelling unit per 20 acres in all residential land use categories. (Amendment to this policy is-subject will continue to require voter approval.)</p>	<p>Add new Residential Development Policy 3.13</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Land Use Policy B1.9: Residential Categories are established for purposes of providing the City with a range of building intensities to address various site constraints and opportunities. Proposed development shall not exceed the densities shown on the Land Use Plan and outlined in this document. (Amendment to this policy is subject to voter approval.)</p>	<p>Community Character Policy 1.6 Residential Categories are established for purposes of providing the City with a range of building intensities to address various site constraints and opportunities. Proposed development shall not exceed the densities shown on the Land Use Plan and outlined in this document.—Figure II-6. (Amendment to this policy is-subject will continue to require voter approval.)</p>	<p>Revise proposed Community Character Policy 1.6 with clarifying text.</p> <p>ORIGINAL INTENT OF POLICY IS MAINTAINED (Minor text change)</p>
<p>No Policy exists for Urban V – This is a new General Plan residential land use category</p> <p>URBAN V (up to 45 dwelling units per acre). Higher density multi-family residential units, town homes and apartments, flats and condominiums. This designation is appropriate near the downtown core, transit stations, along major thorough-fares in close proximity to shopping centers, entertainment, community facilities and employment opportunities to provide residents the opportunity to live near work and amenities.</p> <p>(Amendment to this policy is subject to voter approval.)</p> <p>VOTER APPROVAL REQUIRED</p>		
<p>Chapter: Land Use (Policies Regarding Residential Preservation and Development)</p>		
<p>Residential Policy B2.1: Residential neighborhoods shall be protected from the encroachment of incompatible activities or land uses such as heavy service commercial businesses which may have a negative impact on the residential living environment. (Amendment to this policy is subject to voter approval.)</p>	<p>Neighborhood Maintenance & Preservation Policy 4.2 Residential neighborhoods shall be protected from the encroachment of incompatible activities or land uses such as heavy service commercial businesses which may have a negative impact on the residential living environment. (Amendment to this policy is-subject will continue to require voter approval.)</p>	<p>Revise Proposed Neighborhood Maintenance and Preservation Policy 4.2</p> <p>NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>Residential Policy B2.2: In the design of both Rural designations and of Estate I single-family residential development, consideration should be given to public improvement standards which allow for a more rural environment, such as flexibility in street rights of-way, increased setbacks and pedestrian circulation systems such as trails or paths, provided health and safety is not compromised. (Amendment to this policy is subject to voter approval.)</p>	<p>Neighborhood Maintenance & Preservation Policy 4.4 In the design of both Rural designations and of Estate I single-family residential development, consideration should be given to public improvement standards which allow for a more rural environment, such as flexibility in street rights of-way, increased setbacks and pedestrian circulation systems such as trails or paths, provided health and safety is not compromised. (Amendment to this policy is subject to voter approval.)</p>	<p>Revise Proposed Neighborhood Maintenance and Preservation Policy 4.4 NO CHANGE FROM CURRENT POLICY</p>
<p>Residential Policy B2.3: Mobile home parks should be given particular attention to ensure that building and safety regulations are continually met and that the mobile home parks are well maintained. Additionally, criteria will be developed to evaluate the conversion of mobile home parks to ownership or alternative uses. (Amendment to this policy is subject to voter approval.)</p>	<p>Neighborhood Maintenance & Preservation Policy 4.5 Mobile home parks should be given particular attention to ensure that building and safety regulations are continually met and that the mobile home parks are well maintained. Additionally, criteria will be developed to evaluate the conversion of mobile home parks to ownership or alternative uses. (Amendment to this policy is subject to voter approval.)</p>	<p>Revise Proposed Neighborhood Maintenance and Preservation Policy 4.5 NO CHANGE FROM CURRENT POLICY</p>
<p>Residential Policy B2.4: A Land Use Area Plan will be developed for the Old Escondido Neighborhood (see map). This area is geographically defined by Escondido Boulevard on the west, Chestnut Street on the east, Fifth Avenue on the north, and Thirteenth Avenue on the south. The neighborhood is predominantly characterized by older single-family residential housing stock. The area plan shall address the following objectives:</p> <p>(a) Orientation towards pedestrian activities: The improvement of area streetscapes to provide, at a minimum, street lights and continuous sidewalks.</p> <p>(b) Preservation of the single-family residential character: Introduction of zoning that discourages demolition of single-family dwellings that are subsequently replaced by high density multifamily units.</p> <p>(c) Preservation of historic/cultural resources: Consideration of a conservation district that would provide guidelines for protecting the historical/cultural resources in the area through design and development standards.</p>	<p>Neighborhood Maintenance & Preservation Policy 4.6 A Land Use Area Plan will be developed for the Old Escondido Neighborhood (see map) and other This area is geographically defined by Escondido Boulevard on the west, Chestnut Street on the east, Fifth Avenue on the north, and Thirteenth Avenue on the south. The neighborhoods is predominately characterized by older single-family residential housing stock. The area plans shall address the following objectives:</p> <p>(a) Orientation towards pedestrian activities: The improvement of area streetscapes to provide, at a minimum, street lights and continuous sidewalks.</p> <p>(b) Preservation of the single-family residential character: Introduction of zoning that discourages demolition of single-family dwellings that are subsequently replaced by high density multifamily units.</p>	<p>Edit Neighborhood Maintenance and Preservation Policy 4.6 that includes and strengthens original policy objectives and allows for other residential area plans ORIGINAL INTENT OF POLICY IS MAINTAINED (Minor text change)</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>(d) Integration with Downtown Specific Plan and South Escondido Corridor Area Plan: Development guidelines that require uses that will complement the two areas that border the neighborhood and provide a transition between the single-family residential core and commercial uses.</p> <p>(e) Implementation measures such as overlay zones, design guidelines and incentive programs for rehabilitation and preservation. (Amendment to this policy is subject to voter approval.)</p>	<p>(c) Preservation of historic/cultural resources: Consideration of a conservation district that would provide guidelines for protecting the historical/cultural resources in the area through design and development standards.</p> <p>(d) Integration with Downtown Specific Plan and South Escondido Corridor other adjacent Area Plans: Development guidelines that require uses that will complement the two areas that border the neighborhood and provide a transition between the single-family residential core and commercial uses.</p> <p>(e) Implementation measures such as overlay zones, design guidelines and incentive programs for rehabilitation and preservation. (Amendment to this policy is subject to voter approval.)</p>	
<p>Residential Policy B2.5: A Land Use Area Plan will be developed for the residential area between Fifth and Sixteenth Avenues, Centre City Parkway and Escondido Boulevard (see Centre City Residential Area Plan map). The neighborhood is predominately characterized by older single and multifamily housing stock. The area plan shall address the following objectives:</p> <p>(a) Promote a wide range of housing opportunities.</p> <p>(b) Provide adequate infrastructure.</p> <p>(c) Establish development standards and design guidelines to ensure quality architecture and landscaping, adequate off-street parking, on-site open space, and recreation areas.</p> <p>(d) Include strategies for the development of neighborhood parks within the area.</p> <p>(e) Create standards to facilitate the establishment of child care homes and centers.</p> <p>(f) Establish a density range where maximum densities can only be attained through lot consolidation and consistency with the above goals. (Amendment to this policy is subject to voter approval.)</p>	<p>d. S. Escondido Blvd / Centre City Pkwy Target Area A Land Use Area Plan will be developed maintained for the residential area between Fifth and Sixteenth Avenues, Centre City Parkway and Escondido Boulevard (see Centre City Residential Area Plan map). The neighborhood is predominately characterized by older single and multifamily housing stock. The area plan shall address the following objectives:</p> <p>(a) Promote a wide range of housing opportunities.</p> <p>(b) Provide adequate infrastructure.</p> <p>(c) Establish development standards and design guidelines to ensure quality architecture and landscaping, adequate off-street parking, on-site open space, and recreation areas.</p> <p>(d) Include strategies for the development of neighborhood parks within the area.</p> <p>(e) Create standards to facilitate the establishment of child care homes and centers.</p>	<p>Edit text for South Escondido Boulevard / Centre City Parkway Target Area</p> <p>ORIGINAL INTENT OF POLICY IS MAINTAINED (Minor text change)</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
	(f) Establish a density range where maximum densities can only be attained through lot consolidation and consistency with the above goals. (Amendment to this policy is <u>subject</u> <u>will continue</u> to require voter approval).	
<p>Chapter: Implementation (Policies Regarding Planned Development Zoning)</p> <p>P.D. Zoning Policy C3.1: Planned Development Zoning shall be used to address unique characteristics of a development site and the surrounding land uses to better implement the goals and policies of the General Plan but not to attain maximum yield. (Amendment to this policy is <u>subject</u> to voter approval.)</p>	<p>Planned Development Policy 6.1 Planned Development Zoning shall be used to address unique characteristics of a development site and the surrounding land uses to better implement the goals and policies of the General Plan but not to attain maximum yield. (Amendment to this policy is <u>subject</u> <u>will continue</u> to require voter approval).</p>	<p>Revise Proposed Planned Development Policy 6.1</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>P.D. Zoning Policy C3.2: Development proposals involving Planned Developments shall address and/or include, if applicable:</p> <ul style="list-style-type: none"> a. visual impacts of the development from the Valley floor and from adjoining properties; b. preservation of the natural setting by minimizing earth movement and removal of native vegetation and by using compatible building materials, textures and colors; c. grading, erosion control and revegetation/ landscaping requirements; d. preservation of the creeks and their adjoining natural state and the use of buffering techniques to control undesired access; e. implementation of appropriate management techniques in areas of rare and endangered plant and animal species; f. adequate buffers and separations from adjacent properties; g. superlative architectural design features of all structures; h. adequate separation between structures and attention to achieve General Plan goals and objectives. 	<p>Planned Development Policy 6.3 Development proposals involving Planned Developments shall address and/or include, if applicable:</p> <ul style="list-style-type: none"> a. visual impacts of the development from the Valley floor and from adjoining properties; b. preservation of the natural setting by minimizing earth movement and removal of native vegetation and by using compatible building materials, textures and colors; c. grading, erosion control and revegetation/ landscaping requirements; d. preservation of the creeks and their adjoining vegetation in a natural state and the use of buffering techniques to control undesired access; e. implementation of appropriate management techniques in areas of rare and endangered plant and animal species; f. adequate buffers and separations from adjacent properties; g. superlative architectural design features of all structures; h. adequate separation between structures and attention to achieve General Plan goals and objectives. 	<p>Revise Proposed Planned Development Policy 6.3</p> <p>NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
(Amendment to this policy is subject to voter approval.)	<p>to the bulk and scale to avoid a monotonous streetscape; and</p> <p>i. preservation/maintenance of common open space or community area.</p> <p>The Planned Development zoning ordinance may require further detailed information to achieve General Plan goals and objectives. (Amendment to this policy is-subject will continue to require voter approval).</p>	
P.D. Zoning Policy C3.3: Clustering residential units shall be permitted only in conjunction with a Planned Development or Specific Planning Areas (SPA) (see provisions for clustering). (Amendment to this policy is subject to voter approval.)	Planned Development Policy 6.4 Clustering residential units shall be permitted only in conjunction with a Planned Development or Specific Planning Areas (SPA) (see provisions for clustering). (Amendment to this policy is-subject will continue to require voter approval).	Add new Planned Development Policy 6.4 NO CHANGE FROM CURRENT POLICY
P.D. Zoning Policy C3.4: Planned Development zoning should be limited to projects of adequate size and unique physical characteristics to effectively implement the appropriate policies. (Amendment to this policy is subject to voter approval.)	Planned Development Policy 6.2 Planned Development zoning should be limited to projects of adequate size and unique physical characteristics to effectively implement the appropriate policies. (Amendment to this policy is subject will continue to require voter approval).	Revise Proposed Planned Development Policy 6.2 NO CHANGE FROM CURRENT POLICY
Chapter: Implementation (Policies Regarding Specific Planning Areas)		
S.P.A. Policy C4.1: Specific Planning Areas (SPA's) shall be utilized to consider development proposals analyzing zoning regulations, development standards, land uses, densities, building intensities tailored to the need and unique characteristics of a particular area. Generally, SPAs should only be applied to larger areas and where community benefit can be demonstrated. (Amendment to this policy is subject to voter approval.)	Specific Planning Area Land Use Policy 11.1 Specific Planning Areas (SPA's) shall be utilized to consider development proposals analyzing zoning regulations, development standards, land uses, densities, building intensities tailored to the need and unique characteristics of a particular area. Generally, SPAs should only be applied to larger areas and where community benefit can be demonstrated. (Amendment to this policy is-subject will continue to require voter approval).	Revise Proposed Specific Planning Area Land Use Policy 11.1 NO CHANGE FROM CURRENT POLICY

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>S.P.A. Policy C4.2: Specific Plans shall not be utilized in a wide-spread manner to circumvent or modify the character or intent of ordinances, land use designations and/or city goals and objectives, but rather should be reserved for a limited number of proposals which, by nature, are ideally suited for the comprehensive planning efforts involved in the Specific Planning process. (Amendment to this policy is subject to voter approval.)</p>	<p>Specific Planning Area Land Use Policy 11.3 Specific Plans shall not be utilized in a wide-spread manner to circumvent or modify the character or intent of ordinances, land use designations and/or city goals and objectives, but rather should be reserved for a limited number of proposals which, by nature, are ideally suited for the comprehensive planning efforts involved in the Specific Planning process. (Amendment to this policy is subject to voter approval.)</p>	<p>Revise Proposed Specific Planning Area Land Use Policy 11.3</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>S.P.A. Policy C4.3: Specific criteria to evaluate the suitability of a site shall be established which shall include:</p> <ol style="list-style-type: none"> a. The site should be of sufficiently large area to take advantage of density transfers where appropriate, thereby preserving significant open space areas within the Specific Plan area; b. The site should have unique physical characteristics, such as uneven terrain or hillside areas that, without a Specific Plan, might not be effectively protected and incorporated into the overall development plan; c. The site should be of sufficient area that lends itself to a comprehensive site design utilizing a combination of attractive landscaping and open space amenities left in their natural condition; and d. The site should require flexibility in planning to deal with compatibility with different surrounding land uses and extensive public improvement requirements. (Amendment to this policy is subject to voter approval.) 	<p>Specific Planning Area Land Use Policy 11.5 Specific criteria to evaluate the suitability of a site shall be established which shall include:</p> <ol style="list-style-type: none"> a. The site should be of sufficiently large area to take advantage of density transfers where appropriate, thereby preserving significant open space areas within the Specific Plan area; b. The site should have unique physical characteristics, such as uneven terrain or hillside areas that, without a Specific Plan, might not be effectively protected and incorporated into the overall development plan; c. The site should be of sufficient area that lends itself to a comprehensive site design utilizing a combination of attractive landscaping and open space amenities left in their natural condition; d. The site should be of sufficient area and nature that lends itself to long-term development phasing (e.g., in excess of five years) which can effectively be monitored and controlled; and e. The site should require flexibility in planning to deal with compatibility with different surrounding land uses and extensive public improvement requirements. (Amendment to this policy is subject to voter approval.) 	<p>Revise Proposed Specific Planning Area Land Use Policy 11.5</p> <p>NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>S.P.A. Policy C4.4: No Specific Plan shall be adopted by the City Council until the Council has reviewed the proposed Plan for compliance with the following requirements which are in addition to requirements imposed by State Government Code Sections 65450, et seq.:</p> <ul style="list-style-type: none"> a. Residential, industrial and commercial structures built within the Specific Plan area shall be constructed under rigorous quality control programs and safeguards (e.g., appropriate restrictive covenants running with the land); b. Appropriate protection against soil erosion, particularly where hillside development is involved, shall be assured; c. Assurance shall be provided that any hillside cutting will be minimized or appropriately landscaped so that visible scarring will be mitigated to the extent feasible; d. All open space areas shall be identified and appropriate measures providing for their preservation shall be included; e. Design criteria, development regulations and building standards shall be provided sufficient to ensure that residential, industrial and commercial structures are compatible with the surrounding environment; f. Adequate assurance shall be provided that the circulation and access needs of the project residents and the surrounding community are properly addressed; g. Appropriate arrangements to ensure that public facilities and services adequate to serve the project residents are available shall be described; and h. The Specific Plan demonstrates implementation of the goal and objectives of the General Plan and furthers the interests of the community. <p>(Amendment to this policy is subject to voter approval.)</p>	<p>Specific Planning Area Land Use Policy 11.6</p> <p>No Specific Plan shall be adopted by the City Council until the Council has reviewed the proposed Plan for compliance with the following requirements which are in addition to requirements imposed by State Government Code Sections 65450, et seq.:</p> <ul style="list-style-type: none"> a. Residential, industrial and commercial structures built within the Specific Plan area shall be constructed under rigorous quality control programs and safeguards (e.g., appropriate restrictive covenants running with the land); b. Appropriate protection against soil erosion, particularly where hillside development is involved, shall be assured; c. Assurance shall be provided that any hillside cutting will be minimized or appropriately landscaped so that visible scarring will be mitigated to the extent feasible; d. All open space areas shall be identified and appropriate measures providing for their preservation shall be included; e. Design criteria, development regulations and building standards shall be provided sufficient to ensure that residential, industrial and commercial structures are compatible with the surrounding environment; f. Adequate assurance shall be provided that the circulation and access needs of the project residents and the surrounding community are properly addressed; g. Appropriate arrangements to ensure that public facilities and services adequate to serve the project residents are available shall be described; and h. The Specific Plan demonstrates implementation of the goal and objectives of the General Plan and furthers the interests of the community. <p>(Amendment to this policy is subject <u>will continue</u> to require voter approval).</p>	<p>Revise Proposed Specific Planning Area Land Use Policy 11.6</p> <p>NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>S.P.A. Policy C4.5: Clustering residential units shall be permitted only in conjunction with a Planned Development or Specific Planning Area (SPA) (see provisions for clustering). (Amendment to this policy is subject to voter approval.)</p>	<p>Specific Planning Area Land Use Policy 11.7 Clustering residential units shall be permitted only in conjunction with a Planned Development or Specific Planning Area (SPA) (see provisions for clustering). (Amendment to this policy is-subject will continue to require voter approval).</p>	<p>Add new Specific Planning Area Land Use Policy 11.7 NO CHANGE FROM CURRENT POLICY</p>
<p>Chapter: Implementation (Policies Regarding Clustering)</p>		
<p>Cluster Policy D1.1: Minimum Lot size standards for single-family cluster development shall be: <i>Designation Minimum Lot Size</i> Rural I 2acres Rural II 1acre Estate I 20,000 square feet Estate II 10,000square feet Suburban 7,920 square feet Urban I 3,630square feet (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.1 Minimum Lot size standards for single-family cluster development shall be: <i>Designation Minimum Lot Size</i> Rural I 2acres Rural II 1acre Estate I 20,000 square feet Estate II 10,000square feet Suburban 7,920 square feet Urban I 3,630square feet (Amendment to this policy is-subject will continue to require voter approval).</p>	<p>Revise proposed Residential Clustering Policy 5.1 NO CHANGE FROM CURRENT POLICY</p>
<p>Cluster Policy D1.2: The provisions for clustering units shall be utilized only within Planned Development Zones or Specific Planning Areas. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.8 The provisions for clustering units shall be utilized only within Planned Development Zones or Specific Planning Areas. (Amendment to this policy is-subject will continue to require voter approval).</p>	<p>Add new Residential Clustering Policy 5.8 NO CHANGE FROM CURRENT POLICY</p>
<p>Cluster Policy D1.3: Clustering is not intended to maximize the density or yield, or to circumvent the existing zoning. It shall be utilized as a tool to preserve slopes, ridgelines and sensitive habitat or provide a community benefit. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.2 Clustering is not intended to maximize the density or yield, or to circumvent the existing zoning. It shall be utilized as a tool to preserve slopes, ridgelines and sensitive habitat or provide a community benefit. (Amendment to this policy is-subject will continue to require voter approval).</p>	<p>Revise Proposed Residential Clustering Policy 5.2 NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>Cluster Policy D1.4: Under the clustering provision, lot widths, building separations and setbacks, and unit bulk shall be consistent with Community Design (see Chapter V) and zoning policies. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.3 Under the clustering provision, lot widths, building separations and setbacks, and unit bulk shall be consistent with community design (see Chapter V) and zoning policies. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Edit Proposed Residential Clustering Policy 5.3 with clarifying text.</p> <p>ORIGINAL INTENT OF POLICY IS MAINTAINED (Minor text change)</p>
<p>Cluster Policy D1.5: In no event shall the reduction of lot sizes for clustered projects exceed the open space areas within the development. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.4 In no event shall the reduction of lot sizes for clustered projects exceed the open space areas within the development. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Add new Residential Clustering Policy 5.9</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Deleted pursuant to General Plan Committee Recommendation and City Council Direction.</p> <p>VOTER APPROVAL REQUIRED</p>		
<p>Cluster Policy D1.6: Under the clustering provisions, at least 50 percent of all residential lots must backup to open space areas. (Amendment to this policy is subject to voter approval.)</p>	<p>Deleted</p>	<p>Deleted pursuant to General Plan Committee Recommendation and City Council Direction.</p> <p>VOTER APPROVAL REQUIRED</p>
<p>Cluster Policy D1.7: When clustering, the portion of the site to be developed for residential purposes shall not significantly change the character of the surrounding area. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.10 When clustering, the portion of the site to be developed for residential purposes shall not significantly change the character of the surrounding area. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Add new Residential Clustering Policy 5.10</p> <p>NO CHANGE FROM CURRENT POLICY</p>
<p>Cluster Policy D1.8: When utilizing cluster provisions, a project shall not have an adverse visual impact on the surrounding areas by blocking scenic views, by resulting in a scale of development incompatible with the setting, by siting buildings that project above the ridgeline, or by extensive grading, cutting and filling, or by terracing that disrupts the natural shape and contour of the site. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.4 When utilizing cluster provisions, a project shall not have an adverse visual impact on the surrounding areas by blocking scenic views, by resulting in a scale of development incompatible with the setting, by siting buildings that project above the ridgeline, or by extensive grading, cutting and filling, or by terracing that disrupts the natural shape and contour of the site. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Revise Residential Clustering Policy 5.4</p> <p>NO CHANGE FROM CURRENT POLICY</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>Cluster Policy D1.9: Cluster developments shall not increase geotechnical and flooding hazards for adjoining properties. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.5 Cluster developments shall not increase geotechnical and flooding hazards for adjoining properties. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Revise Proposed Residential Clustering Policy 5.5 NO CHANGE FROM CURRENT POLICY</p>
<p>Cluster Policy D1.10: Cluster projects shall avoid sensitive cultural and biological resources and density transfer from such sensitive areas shall be of limited yield to meet the above policies. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.6 Cluster projects shall avoid sensitive cultural and biological resources and density transfer from such sensitive areas shall be of limited yield to meet the above policies. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Revise Proposed Residential Clustering Policy 5.6 NO CHANGE FROM CURRENT POLICY</p>
<p>Cluster Policy D1.11: Lands devoted to permanent open space should not be developed with structural uses other than agricultural accessory buildings. Uses should be restricted to agriculture; historic, archaeological, or wildlife preserve; water recharge area; leach field or spray disposal area; scenic areas; protection from hazardous area; or public outdoor recreation. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Clustering Policy 5.7 Lands devoted to permanent open space should not be developed with structural uses other than agricultural accessory buildings. Uses should be restricted to agriculture; historic, archaeological, or wildlife preserve; water storage or recharge area; leach field or spray disposal area; scenic areas; protection from hazardous area; or public outdoor recreation. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Revise Proposed Residential Clustering Policy 5.7 NO CHANGE FROM CURRENT POLICY</p>
<p>Chapter: Implementation (Policies Regarding Population Objectives)</p> <p>Population Policy F1.1: The City Council will consider ordinances or policies intended to meet the maximum population objectives of 150,000 with a maximum anticipated population of 155,000. (Amendment to this policy is subject to voter approval.)</p>	<p>Community Character Policy 1.14 The City Council will consider ordinances or policies intended to meet the maximum population objectives of 150,000 to 165,000 with a maximum anticipated population of 155,000. Demographic trends may affect the ability to achieve these population objectives. (Amendment to this policy is <u>subject will continue to require voter approval</u>).</p>	<p>Edit Proposed Community Character Policy 1.14 with clarifying text. ORIGINAL INTENT OF POLICY IS MAINTAINED (Minor text change)</p>

GENERAL PLAN UPDATE POLICY COMPARISON

EXISTING POLICY	POLICY ALTERNATIVE FOR GP UPDATE	NECESSARY EDIT TO DRAFT
<p>Population Policy F1.2: Land use designations and zoning classifications may accommodate maximum yields for one residential development proposal which may not be achievable due to conflict with the overall population objectives. In review of residential development proposals, population objectives may be considered to preserve the welfare of the community. (Amendment to this policy is subject to voter approval.)</p>	<p>Residential Development Policy 3.8 Land use designations and zoning classifications may accommodate maximum yields for one residential development proposal which may not be achievable due to conflict with the overall population objectives. In review of residential development proposals, population objectives may be considered to preserve the welfare of the community. (Amendment to this policy is subject to <u>continue</u> to <u>require</u> voter approval).</p>	<p>Revise Proposed Residential Development Policy 3.8 NO CHANGE FROM CURRENT POLICY</p>
<p>GP Amendment Policy E2.3. Permitted land uses in the residential areas of the City shall be intensified only when the voters approve such changes. No General Plan Amendment or new Specific Planning Area shall be adopted which would:</p> <ol style="list-style-type: none"> 1) increase the residential density permitted by law, 2) change, alter, or increase the General Plan Residential Land Use categories, or 3) change any residential to commercial or industrial designation on any property designated as: Rural, Estate, Suburban, Urban. <p>Unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such election. (Policy E2.3 added per voter approved Proposition "S" 11/3/98)</p>	<p>General Plan Review and Amendment Policy 17.6 Permitted land uses in the residential areas of the City shall be intensified only when the voters approve such changes. No General Plan Amendment or new Specific Planning Area shall be adopted which would:</p> <ol style="list-style-type: none"> 1) increase the residential density permitted by law, 2) change, alter, or increase the General Plan Residential Land Use categories, or 3) change any residential to commercial or industrial designation on any property designated as: Rural, Estate, Suburban, Urban. <p>Unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such election. (Policy E2.3 added per voter approved Proposition "S" 11/3/98) (Amendment to this policy is subject to <u>continue</u> to <u>require</u> voter approval).</p>	<p>Revise Proposed General Plan Review and Amendment Policy 17.6 NO CHANGE FROM CURRENT POLICY (Minor text change)</p>

ATTACHMENT C

Law Offices of
STEPHEN H. ARNOLD
Attorney at Law

March 7, 2012

Barbara Redlitz
Director of Community Development
201 N. Broadway
Escondido, CA 92025
Email: bredlitz@escondido.org

Re: **Request for Initiation of Amendment to General Plan
2120-2122 W. Mission Road, Escondido, CA**

Dear Ms. Redlitz:

I represent Helix REIT who owns commercial property located at 2120-2122 W. Mission Road in Escondido. As an easy reference, the M1 zoned property is located directly across the street from the new Sprinter light rail commuter station on W. Mission Road and Nordahl Road.

My client requests to be included in re-designation of the property from Light Industrial to General Commercial during the General Plan Amendment (GPA) currently under process.

Pursuant to Policy E2.2 the following written findings are submitted to substantiate the need for the land use change. Specifically, this request documents the physical, social, and/or city-wide economic factors or changes that have made the (industrial) General Plan designation inappropriate from the standpoint of the general public welfare.

- The Sprinter commuter station has significantly increased the make-up of foot traffic in the area. It now serves the community's best interest to allow for retail/office use of the property located, as it is, directly across the street from the station.
- The property is located on the main thoroughfares leading directly to the soon to be opened hospital nearby. This major new neighboring use will add to the viability of foot traffic and ease of access for the public with appropriate intended commercial space/location as a designation.

1850 Fifth Avenue, Suite A * San Diego, CA 92101 * Tel: (619) 240-4263 * Fax: (619) 238-6139

Barbara Redlitz

March 7, 2012

Page 2

- Prospective commercial tenants have been prohibited from locating viable commercial business at the property because of the current land use designation and zoning.
- There has very recently been a prospective tenant in the medical supply business who could not seriously explore **occupying/leasing** space at the property as the present zoning would present a challenge to his retail needs despite their small parking requirement.
- The businesses established at the property will be of a nature to attract higher-paying job opportunities for the community.
- The property has had a long 2+ year history of extreme vacancy which has invited an on-going battle with the homeless. The property owner has worked extensively with the city police to maintain the security of the property and to combat a constant amount of illegal trespass.
- The requested land use re-designation and rezoning is a lateral one; that is, non-residential to non-residential. The requested change would impose little, if any, impact on the surrounding area but will increase the cities viable taxation base. The two lots adjacent to and abutting the property on its west side are already zoned as General Commercial.
- Caltrans is currently undergoing major revisions to its Nordahl Road overpass and adjacent ramps. These changes will greatly improve the flow of traffic in the immediate area, particularly on W. Mission road in front of the property which further facilitates the impact of any possible traffic increases due to the proposed plan amendment.

Thank you for your serious consideration of my client's proposed initiating request. Please contact me at your convenience if any further information is required at this time.

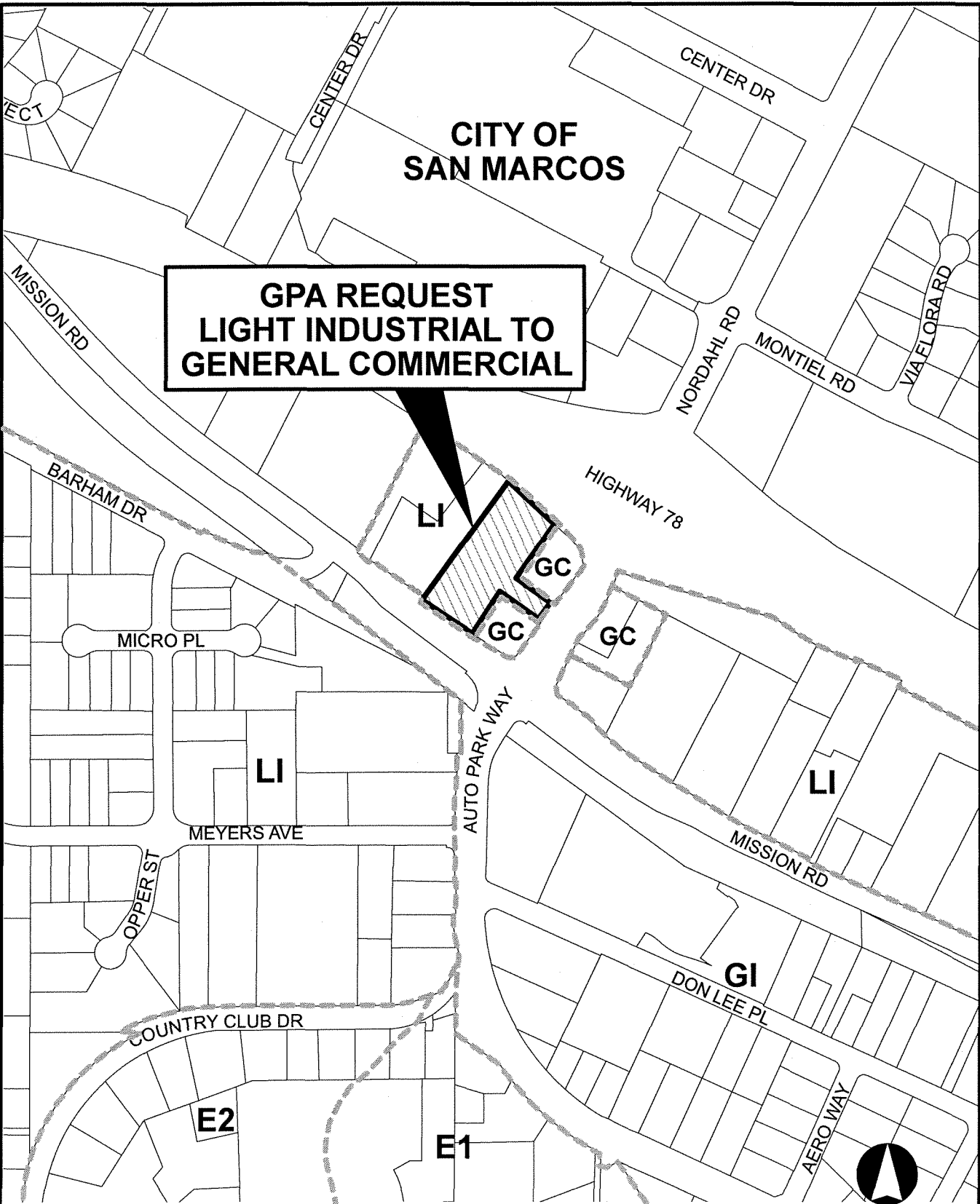
Very truly yours,



Stephen H. Arnold
Attorney for Helix REIT
cc: Client

**CITY OF
SAN MARCOS**

**GPA REQUEST
LIGHT INDUSTRIAL TO
GENERAL COMMERCIAL**



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**PROPOSED PROJECT
PHG 09-0020**



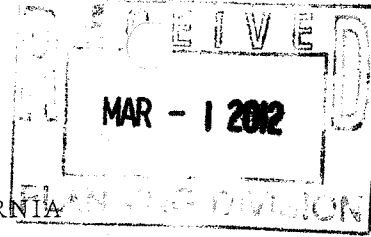
GENERAL PLAN

ATTACHMENT D
Comment Letters





EDMUND G. BROWN JR.
GOVERNOR



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

February 28, 2012

Jay Petrek
City of Escondido
201 North Broadway
Escondido, CA 92025-2798

Subject: Escondido General Plan Update, Downtown Specific Plan Update & Climate Action Plan
SCH#: 2010071064

Dear Jay Petrek:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 27, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

TRANSMITTED TO CONSULTANT
ON 3/1/12

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010071064
Project Title Escondido General Plan Update, Downtown Specific Plan Update & Climate Action Plan
Lead Agency Escondido, City of

Type EIR Draft EIR
Description The City of Escondido is the Lead Agency for the preparation of a Program EIR, as defined in Section 15168 of the CEQA Guidelines, addressing the Escondido General Plan Update, Downtown Specific Plan Update and Climate Action Plan. A summary of each of these project components is provided below.

Lead Agency Contact

Name Jay Petrek
Agency City of Escondido
Phone (760) 839-4556 **Fax**
email jpetrek@escondido.org
Address 201 North Broadway
City Escondido **State** CA **Zip** 92025-2798

Project Location

County San Diego
City San Diego
Region
Lat / Long 33° 7' 29" N / 117° 4' 51" W
Cross Streets I-15 and SR 78
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 78, I-15
Airports Lake Wohlford Airstrip
Railways NCTD Sprinter Line
Waterways Escondido Creek, Reidy Creek
Schools Escondido HS/Escondido ES
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Department of Housing and Community Development; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 01/12/2012 **Start of Review** 01/12/2012 **End of Review** 02/27/2012



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

February 21, 2012

*2/27/12
Clear*



Mr. Jay Petrek
City of Escondido Planning Department
201 North Broadway
Escondido, California 92025

NOTICE OF COMPLETION & ENVIRONMENTAL IMPACT REPORT (EIR)
DOCUMENT TRANSMITTAL FOR ESCONDIDO GENERAL PLAN UPDATE (SCH#
2010071064)

Dear Mr. Petrek:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation Report for the above-mentioned project. The following project description is stated in your document: "The General Plan will include an updated vision, with goals, objectives, and policies anticipating a 2050 buildout reflecting the current needs and preferences of the community, and ensuring compliance with state law. The EIR will also include analysis of a Climate Action Plan for developing implementing energy efficiency and conservation strategies to reduce fossil fuel emissions created as a result of transportation, building, and other appropriate sectors within the General Plan. Amendments are proposed involving the following elements: Land Use, Housing, Circulation, Community Facilities and Services, Community Protection and Safety, Community Open Space/Conservation, Economic Prosperity, Growth Management, General Plan Implementation, and Specific Planning Areas".

DTSC sent you comments on Notice of Preparation Report for the above-mentioned project on 8/17/2010, which should be addressed. Based on the review of the submitted document DTSC has no further comments.

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely

Al Shami
Project Manager
Brownfields and Environmental Restoration Program

Mr. Jay Petrek
February 21, 2012
Page 2

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov

CEQA # 3452



Department of Toxic Substances Control

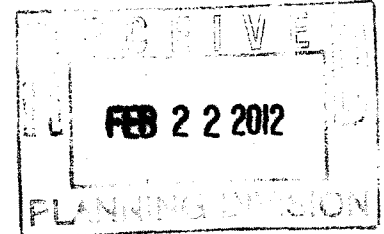
Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

February 21, 2012

Mr. Jay Petrek
City of Escondido Planning Department
201 North Broadway
Escondido, California 92025



NOTICE OF COMPLETION & ENVIRONMENTAL IMPACT REPORT (EIR)
DOCUMENT TRANSMITTAL FOR ESCONDIDO GENERAL PLAN UPDATE (SCH#
2010071064)

Dear Mr. Petrek:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation Report for the above-mentioned project. The following project description is stated in your document: "The General Plan will include an updated vision, with goals, objectives, and policies anticipating a 2050 buildout reflecting the current needs and preferences of the community, and ensuring compliance with state law. The EIR will also include analysis of a Climate Action Plan for developing implementing energy efficiency and conservation strategies to reduce fossil fuel emissions created as a result of transportation, building, and other appropriate sectors within the General Plan. Amendments are proposed involving the following elements: Land Use, Housing, Circulation, Community Facilities and Services, Community Protection and Safety, Community Open Space/Conservation, Economic Prosperity, Growth Management, General Plan Implementation, and Specific Planning Areas".

DTSC sent you comments on Notice of Preparation Report for the above-mentioned project on 8/17/2010, which should be addressed. Based on the review of the submitted document DTSC has no further comments.

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,

Al Shami
Project Manager
Brownfields and Environmental Restoration Program

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ON 2/23/12

Mr. Jay Petrek
February 21, 2012
Page 2

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

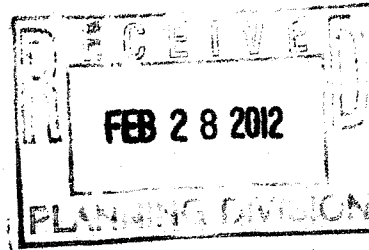
CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov

CEQA # 3452

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ON 2/22/12

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
PLANNING DIVISION
4050 TAYLOR STREET, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



*Flex your power!
Be energy efficient!*

February 27, 2012

11-SD-15

Various

Escondido General Plan and Specific Plan Update and
Climate Action Plan

DEIR

SCH 2010071064

Mr. Jay Petrek
City of Escondido
Planning Department
201 N. Broadway
Escondido, CA 92025

Dear Mr. Petrek:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Escondido General and Specific Plan update and Climate Action Plan. Caltrans would like to submit the following comments:

- The California Governor's Office of Planning and Research states the following regarding general law and policy concerning the relationship between Regional Transportation Plans (RTP) and General Plans (GP):
 - *When preparing or revising a General Plan, cities and counties should carefully analyze the implications of regional plans for their planning area. General Plans are required to include an analysis of the extent to which the General Plan's policies, standards, and proposals are consistent with regional plans.*
 - *The policies and plan proposals contained in the land use and circulation elements should reflect the RTP and Regional Transportation Improvement Program (RTIP). Clearly, transit standards, congestion management measures, proposed facilities, and transportation related funding may directly affect land use patterns and capital improvements. Although there is no explicit requirement that the RTP and RTIP be consistent with local general plans, good practice dictates that cities and counties should address these regional goals, policies, and programs to the extent they are relevant.*
- The city should cooperate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction, as well as coordinate with Caltrans as development proceeds and funds become available to ensure that the capacity of on/off ramps is adequate.

"Caltrans improves mobility across California"

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ON 2/27/12

- Caltrans recognizes that there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both total vehicle miles traveled (VMT) and the number of trips per household. Therefore, Caltrans encourages local agencies as part of their General Plan updates to work towards a safe, functional, interconnected, multi-modal system integrated with land use planning that supports the concept of a local circulation system which is pedestrian, bicycle, and transit-friendly in order to enable residents to choose alternative modes of transportation. Transit accommodations can be accomplished through the provision of park and ride facilities, bicycle access, signal prioritization for transit, or other enhancements which can improve mobility and alleviate traffic impacts to State facilities serving the City: Interstate 15 (I-15) and State Route 78 (SR-78). Such proposed accommodations in Caltrans R/W should be coordinated early with Caltrans staff; contact Chris Schmidt, Caltrans Transportation Planning, Public Transit Branch (619-220-7360).
- **SR-78 Corridor Study:** The San Diego Association of Governments (SANDAG) and Caltrans are currently working on the SR-78 Corridor Study for improving transportation and land use along the SR-78 corridor. The SANDAG project manager for the SR-78 Corridor Study is Rachel Kennedy (619-699-5638), and the Caltrans project manager is Robin Owen (619-688-2507).
- **SANDAG 2050 RTP:** With SANDAG's Sustainable Communities Strategy efforts in the 2050 RTP Update, per Senate Bill 375 (SB 375), Caltrans encourages the City to coordinate with SANDAG to address regional strategies to reduce greenhouse gases (GHG) and VMT as part of the City's General Plan update.
- **The California Complete Streets Act of 2008:** Beginning January 1, 2011, Assembly Bill 1358 requires that any substantive revision of the circulation element of the general plan includes planning for a balanced multimodal transportation network that meets the needs of all users of streets, roads, and highways in a manner that is suitable to the context of the general plan. The Act defines all users as motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation. Caltrans supports Complete Streets policies and continues to implement our own Complete Streets directive, DD-64-R1.
- **Traffic Impact Study:** A significant impact is identified in the Traffic Impact Study (TIS) of the EIR for the General Plan update on I-15 at Valley Parkway. The TIS as part of the EIR documented that this significant impact was unmitigatable. Caltrans has provided the City as part of previous development reviews, potential improvements at this freeway ramp location. It is recommended the attached improvements be considered as mitigation for future land developments that may have impacts at the location.

Mr. Jay Petrek
February 27, 2012
Page 3

If you have any questions or require further information, please contact Marisa Hampton at (619) 688-6954 or email at marisa.hampton@dot.ca.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacob Armstrong', written in a cursive style.

JACOB ARMSTRONG, Chief
Development Review Branch

I-15 MANAGED LANES-NORTH VALLEY PKWY NB OFF DOUBLE RIGHT TURN

SECTION	CURRENT ESTIMATE			
ROADWAY ITEMS	UNIT	QUANTITIES	UNIT PRICE	TOTAL
CLEARING AND GRUBBING	M2	3,300	4	13,200
EROSION CONTROL	M2	3,300	5	16,500
EARTHWORK	M3	1,000	30	30,000
CLASS 2 AB	M3	300	85	25,500
HMA PAVEMENT	TONN	250	180	45,000
DRAINAGE	LS	1	30,000	30,000
PLANTING	LS	1	15,000	15,000
IRRIGATION AND WATER EXP.	LS	1	50,000	50,000
3 YEARS PLANT ESTABLISH.	LS	1	18,000	18,000
TRAFFIC ELECTRICAL	LS	1	70,000	70,000
TRAFFIC ITEMS	LS	1	15,000	15,000
MINOR ITEMS	LS	1	20,000	20,000
SUB-TOTAL				318,500
CONTINGENCY 20%	LS	1	1	63,700
SUPPLEM. WORK	LS	1	1	20,000
STATE FURNISH	LS	1	1	20,000
MOBILIZATION 8%	LS	1	1	25,480
TOTAL CAPITAL COST				447,680
DESIGN SUPPORT				44,768
CONSTRUCTION SUPPORT				67,152
TOTAL PROJECT COST				560,000



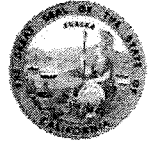
State of California - The Natural Resources Agency

DEPARTMENT OF FISH AND GAME

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
<http://www.dfg.ca.gov>

EDMUND G. BROWN JR., Governor

CHARLTON H. BONHAM, Director



March 2, 2012

Mr. Jay Petrek
City of Escondido
Planning Department
201 North Broadway
Escondido, California 92025

Subject: Comments on the Draft Environmental Impact Report for the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Project, City of Escondido, San Diego County, California (SCH # 2010071064)

Dear Mr. Petrek:

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Environmental Impact Report (EIR) dated January 12, 2012. The comments provided herein are based upon information provided in the draft EIR, our knowledge of sensitive and declining vegetation communities in the County of San Diego, the City of Escondido's (City) draft Multiple Habitat Conservation Program (MHCP) Subarea Plan (SAP) goals, and the North County Multiple Species Conservation Plan (NC MSCP). The Department acknowledges and appreciates the willingness of the City to accept comments for this draft EIR until March 2, 2012.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; Fish and Game Code §2050 et seq.) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City is participating in the Department's NCCP program through the preparation of its draft SAP. The Department also is responsible for the administration of the Streambed Alteration Agreement Program, which oversees potential threats to the State's wetlands resources.

The proposed project is located in northwestern San Diego County in the City. The City is located approximately 30 miles north of San Diego and approximately 18 miles east of the Pacific Ocean. Located approximately 615 feet above mean sea level (AMSL), the City is situated in a natural valley and is surrounded by rolling hills and rugged terrain ranging up to 4,200 feet AMSL. The unincorporated communities of Valley Center and Hidden Meadows bound the City on the north, and the City of San Marcos bounds the City on the west. The City is bounded on the south by Lake Hodges and the City of San Diego and on the east by unincorporated San Diego County. Interstate 15 (I-15) bisects Escondido in a north-south direction and State Route (SR) 78 transitions from freeway to surface streets in an east-west direction through the City.

Conserving California's Wildlife Since 1870

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ON 3/2/12

The project has three components: an update to the existing City General Plan (General Plan Update) including the Housing Element (General Plan Update), implementation of an update to the existing City's Downtown Specific Plan (Downtown Specific Plan Update), and creation and implementation of an Escondido Climate Action Plan.

The Department offers the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

1. The draft EIR (Section 4.4) provides a good summary of the MHCP and City's SAP, which is still in progress. Currently the U.S. Fish and Wildlife Service (Service) 4 (d) interim Habitat Loss Permit is not available to the City. Therefore the draft EIR should recommend consulting with the Service to determine the appropriate steps to initiate the process for acquiring a 4 (d) interim Habitat Loss Permit (HLP) from the Wildlife Agencies (Service and Department) for any impacts to coastal sage scrub while the plan is in-progress. Projects under the General Plan Update that result in impacts to sensitive habitat should also provide adequate mitigation following the City's draft SAP and ensure adequate funding for long-term management of the mitigation site.
2. The draft EIR identifies (Section 4.4.3.1) that impacts to sensitive species could be potentially significant because some study areas currently include open space (e.g., Nutmeg Street Study Area and the Imperial Oakes Specific Planning Area while other study areas are located adjacent to open space areas (e.g., Escondido Research and Technology Center North and South SPA, the I-15/Felicita Road Corporate Office Target Area, the Westfield Shopping Town Target Area and Kit Carson Park). Additionally, development that would occur outside of the study areas and growth that will be accommodated in the City's sphere-of-influence could impact sensitive species and habitat. Although development within the urban core would generally not result in the removal of natural habitat, development (including nurseries) would have the potential to remove stands of trees or other vegetation that provides nursery sites to wildlife, particularly birds. The proposed General Plan Update circulation network also proposes new roadways in undeveloped areas that would have the potential to impede wildlife movement. Roads that may impact wildlife movement include the proposed extension of Mountain Meadow Road (crosses through the northern habitat area, slightly north of Daley Ranch) and the extensions of Citracado Parkway and Lariat Drive (would cross a small portion of the southwestern habitat area). Until the City's SAP is completed, the City does not have incidental take authorization for impacts to listed species. Accordingly, if the project, project construction, or any project-related activity during the life of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Additionally, a 10 (a) permit from the Service may be required for take of federally-listed species. For Impacts to coastal sage scrub, an interim 4 (d) permit would be required (see comment 1).
3. The draft EIR states on page 4.4-22 that "protection and replacement standards include making every feasible effort to preserve sensitive biological habitat and species and onsite or offsite mitigation at a ratio of 1:1 or higher." While 1:1 may be an acceptable mitigation ratio for impacts to some habitats (e.g., unoccupied non-native grassland), it would not be acceptable, for example, for impacts to CSS while the City's SAP is still in-progress.

4. The draft EIR (Section 4.4, page 4.4-21) concludes that golden eagles (*Aquila chrysaetos*) potentially occur in the General Plan Update planning area and that impacts to the eagle may be significant. If impacts to golden eagle nesting or foraging habitat may occur from the General Plan Update, the Wildlife Agencies recommend that the City consult with the Service on the need to obtain a Golden Eagle permit pursuant to the Bald and Golden Eagle Protection Act and related new regulations (74 FR 46835-4687, "Eagle Act Regulations") that went into effect on November 10, 2009.
5. The General Plan provides many policies to provide interim resource protection until the City's SAP is completed and approved. Some of these include, but are not limited to, the following:
 - a. Quality of life standard 8 (Open Space System) which requires a system of open space corridors, easements, acquisition programs and trails to be established in the Resource Conservation and Community Health and Services Elements. Further, quality of life standard 8 states that significant wetlands, riparian or woodland habitat, and habitat for rare or endangered species shall be protected in coordination with state and/or federal agencies having jurisdiction over such areas.
 - b. Biological and Open Space Resources Policies 1.2, 1.6 through 1.9, 1.11, and 1.13 require the City to maintain open space and rural residential uses around the perimeter of the City; preserve and protect significant wetlands, riparian, and woodland habitats and rare, threatened or endangered plants and animals and their habitats; require mitigation of resources either onsite or offsite at ratios consistent with state and federal regulations; require surveys be prepared for proposed development projects located in areas potentially containing significant biological resources; prohibit the removal of significant stands of trees unless needed to protect public safety; require appropriate barriers to be constructed to restrict access to areas containing sensitive biological resources; and promote the use of native plants for public and private landscaping purposes within the City.
 - c. Open Space Land Use Policy 12.1, which establishes the Open Space/Park land use designation to identify properties reserved for active and passive parks, habitat preservation, and public safety purposes.
 - d. Residential Clustering Policies 5.2 and 5.6, which encourage utilization of clustering as tool to preserve slopes, ridgelines and sensitive habitats, and require the City to limit density transfers from areas containing sensitive biological resources.
 - e. Planned Development Policy 6.3, which identifies requirements for planned development proposals such as minimization of grading and removal of native vegetation; preservation of the creeks and their adjoining vegetation; and the protection and management of areas supporting rare and endangered plant and animal species.
 - f. Open Space Land Use Policies 12.3 and 12.4, which encourage the preservation of land within the planning area and require the City to explore options to purchase land for recreation or open space purposes that is owned by other public agencies and available for acquisition, as appropriate.

- g. Biological and Open Space Resources Policies 1.7 and 1.8, which require the preparation of a biological survey for development projects that would potentially impact significant biological resources. In the event that significant biological resources are adversely affected, appropriate state and federal agencies must be consulted to determine adequate mitigation for replacement of the resource.

The Department recommends that the General Plan Update include the following policies to minimize impacts to sensitive species and habitats and to ensure it would not significantly impact the City's ability to complete its SAP:

- h. A policy to complete the City's SAP should be identified as a high priority in the General Plan Update and the associated Implementation Plan/Action Plan. The Department recommends that 3-5 years be identified as a reasonable time period to substantially or entirely complete the SAP. Moreover, the draft EIR concludes in Section 4.4 and on page 4.4-39 (Issue 4) that many impacts to sensitive species and to habitat conservation planning from the General Plan Update would be less than significant when the City's SAP is completed and approved. Until that time, the federal and state permitting processes would be the method to ensure that any impacts to listed species are less than significant. This underscores the importance of completing the City's SAP and of including such a policy in the General Plan Update and Implementation Plan/Action Plan.
- i. A fire protection policy that minimizes the removal of native cacti in areas located within or adjacent to areas identified for conservation in the City's SAP, especially where populations of coastal cactus wren (*Campylorhynchus brunneicapillus*, "cactus wren") occur. The City contains one of the core populations of cactus wren in the MHCP Planning area. Retaining native cacti (a low-combustive plant) can contribute to preserving habitat for the cactus wren and help to ensure that additional development authorized under the General Plan Update would not result in a significant impact to cactus wren.
- j. Policies that direct locating public use trails along the edges and perimeter of proposed core lands and linkages included in the City's draft SAP and to avoid encroachment into sensitive habitats or defined (or subsequently identified) wildlife movement areas. The Department recommends that, for any trails designated in the City's SAP preserve, that a Public Access Plan (PAP) to be developed for the trail. The PAP should include a trail compatibility analysis to ensure that impacts to species (e.g., golden eagle, cactus wren, etc.) are avoided, impacts to habitat are minimized and, where appropriate, performing additional monitoring of public trail usage where problems exist.
- k. A policy that the City will actively consult and work with the California Department of Forestry and Fire Protection and the Wildlife Agencies to incorporate appropriate review and mitigation (e.g., CEQA) for impacts to habitat and species into vegetation management projects.
- l. A policy that actions to meet the requirements of AB 375 for sustainable community planning should not be at the expense of multi-species preservation or implementation of the City's draft SAP. For instance, green infrastructure should be viewed as less sustainable in the backcountry versus in existing urban area (viewed as more sustainable). In this case, the latter would be more sustainable because there is no trade-off between green infrastructure and natural habitat. In other words, the push for

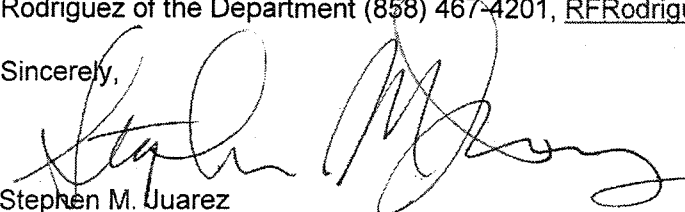
- green infrastructure should not conflict with the City's draft SAP or other regulations that promote species and habitat protection. As an example, although a "wind farm" may be a "green project," it may not be consistent with the goals and objectives of MHCP.
- m. A policy to integrate the City's draft SAP with watershed planning, greenhouse gas reductions (global climate change) and other regional planning involving natural resources. This would potentially allow the City to maximize access to multiple sources of grant funding for conservation-related purposes.
 - n. A policy that all existing and planned SAP conserved lands that contribute to biological preservation will be redesignated to open space-conservation as part of the General Plan Update and Implementation Plan/Action Plan. The underlying zoning could remain unchanged under the General Plan Update, but then be rezoned as an action item in the Implementation Plan/Action Plan (e.g., as part of Community Plan updates). This would shift the land use development in the SAP preserve areas from a land development first focus to a biological minimization focus that is more sensitive to the natural environment.
 - o. A policy for fire protection that emphasizes that for optimal protection against wildfires, "hardening of the structure" should occur first, and then defensible space can supplement structural design requirements. A policy called "Building and Site Design" (or equivalent) should be added that requires UBC/structural "hardening" measures (e.g., boxed eaves, fire rated windows/walls, fire retardant native vegetation, etc.) in project design as part of, and preceding, defensible space measures, especially where located within or adjacent to City SAP preserve and/or Wildlife Agency (Department and Service) lands. All defensible space should be included within the project footprint and property boundary of project applicants. The General Plan Update should establish a policy that the City will not allow variances or other project approvals where it would necessitate impacts to Wildlife Agency and/or SAP-preserve lands (e.g., brush management).
 - p. A policy that monitoring and enforcement is a critical part of natural resource planning and implementation (e.g., encroachment, trail management). Without enforcement (e.g., adequate number of rangers, ensuring that new, unauthorized trails are not being cut/maintained, etc.), realization of conservation goals set forth in the Resource and Conservation Element and other goals in the General Plan Update may be problematic.
 - q. A policy (e.g., Resource Conservation Element) that provides adequate interim protection of biological resources from the period between the discretionary approval and issuance of grading permits. This time period should also be tracked in City records. Often, there is a considerable lag time between the hearing approval and ministerial permits, which leaves "protected" resources at risk. In most cases, the applicant needs to be clearly held responsible for protecting these resources until the transfer of management responsibility has been transferred (along with any endowment or funding mechanism) to another entity approved by the City and the Wildlife Agencies. Failure to account for this interim protection potentially results in management organizations refusing to assume unanticipated clean-up or restoration obligations and could affect the City from achieving conservation goals for MHCP covered species and habitats.

- r. The General Plan Update should take into account all proposed fuel modification zones and maintenance activities (including a buffer area) when planning conservation goals and habitat preserves, and acknowledge that these zones/activities should be undertaken outside the preserve boundaries, consistent with the obligations of the City's draft SAP. If such zones/activities have to occur in the preserve boundaries due to new fire regulations, then the General Plan Update should identify a policy of no net habitat loss from fuel modification within the preserves.
 - s. To address potential impacts from wildlife movement corridors, a policy to limit brush management in wildlife movement and corridor areas as well as provide bridge and crossing to facilitate movement.
6. The Department recommends that the draft EIR for the General Plan Update provide an updated status of Daley Ranch and credits available (e.g. page 4.4-5/Focused Planning Areas).
 7. The General Plan should clearly distinguish between "active" and "passive" recreational uses (i.e., provide an inclusive list of both) and describe which uses would be allowed on and adjacent to various types of open space (e.g., City's SAP preserve lands, active parks, urban amenity, etc.). Moreover, the General Plan Update and Implementation/Action Plan should describe how much annual funding goes into administrative versus stewardship and monitoring, management and enforcement.
 8. The General Plan combines several important areas commonly associated with open space, including recreation, trails, biological conservation, water-resource issues, global climate change, etc. The Department recommends including language in the General Plan Update that would establish biological conservation as the primary objective within the SAP preserve system wherever potential recreation or other resource conflicts may become an issue.
 9. The General Plan Update should acknowledge the City's open space network (including MHCP preserve lands) as "green capital or infrastructure." This infrastructure is essential to the City's responsibility to balance the preservation of environmental resources with its obligation to meet the region's growth needs. The General Plan Update should include policy language that clearly defines and demonstrates that adequate funding (aside from speculative regional funding sources) is available to carry-out the Plan's "green infrastructure," including implementing the conservation actions, management activities, and necessary enforcement in the SAP.
 10. The General Plan and/or Implementation/Action Plan should identify the target number of rangers and preserve managers per 1,000 acres of open space (categorized into biological, active, passive, etc.) and identify an overall goal to have at least one preserve manager in each region or SAP plan area of the City.
 11. The planning boundaries for the County's North County (in-progress) and South County (approved) MSCP are located adjacent to the City in various locations. Any annexation of these lands by the City would require approval from the Wildlife Agencies to ensure it would not significantly impact the NC MSCP, including, but not limited to, wildlife movements, covered species, conservation goals and biological core and linkage areas.

Mr. Jay Petrek
March 2, 2012
Page 7 of 7

The Department appreciates the opportunity to comment on this draft EIR. We are hopeful that further coordination with us will ensure the protection we find necessary for the biological resources that would be affected by this project. If you have questions or comments regarding this letter, please contact Bryand Duke (858) 637-5511, Bduke@dfg.ca.gov or Randy Rodriguez of the Department (858) 467-4201, RFRodriguez@dfg.ca.gov.

Sincerely,

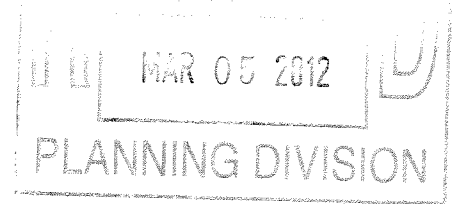


Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

cc: State Clearinghouse (fax only)
Janet Stuckrath, U.S. Fish and Wildlife Service
Diane Sandman, Atkins Global (Emailed copy)
Kim Howlett, Atkins Global (Emailed copy)

Jay Petrek

From: Janet_Stuckrath@fws.gov
Sent: Monday, March 05, 2012 9:05 AM
To: Jay Petrek
Cc: BDuke@dfg.ca.gov
Subject: Escondido General Plan Update



In Reply Refer To:
FWS/CDFG-12B0100-12TA0212

Jay,
The Service has reviewed the Draft Environmental Impact Report (EIR) for the Escondido General Plan Update, Downtown Specific Plan Update, and the Climate Action Plan Project. We offer the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

In 2007, the Service revoked City's ability to process the loss of coastal sage scrub through the 4(d) rule (Habitat Loss Permit). Therefore, the EIR should indicate that impacts to coastal sage scrub occupied by the coastal California gnatcatcher (*Polioptila californica californica*) will require either a section 7 consultation with the Service if there is a Federal nexus or a section 10 (HCP) if there is no Federal nexus.

The Critical Habitat paragraph on page 4.4-12 describes critical locations rather than critical habitat as defined by the Service. Please clarify whether this is intended to be a discussion of critical locations for Multiple Habitat Conservation Plan (MHCP) covered species or whether it should be a discussion of critical habitat designated by the Service for Federally listed species within the General Plan areas.

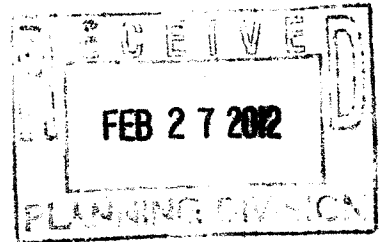
Thank you for the opportunity to comment on the draft EIR. If you have any questions or concerns with these comments, please contact me at (760) 431-9440 extension 270 or Janet_Stuckrath@fws.gov

Janet Stuckrath
Carlsbad Fish and Wildlife Office
(760) 431-9440 ext. 270

TRANSMITTED TO CONSULTANT
ON 3/5/12

SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG



February 24, 2012

Mr Jay Petrek, AICP
City of Escondido
Planning Division
201 North Broadway
Escondido, California 92025-2798

Re: **City of Escondido General Plan Update Draft Environmental Impact Report**

Dear Mr Petrek:

The San Diego County Regional Airport Authority (SDCRAA) appreciates notice of availability of a draft environmental impact report (EIR) for the project referenced above and offers the following comments.

On pages III-21 and VI-23, it is recommended that "the County of San Diego", as the official name of the government entity, be cited as the owner and operator (rather than sponsor) of McClellan-Palomar Airport. San Diego County is a generic term referring to the geographic location (as used in our own agency name) apart from the specific agency of government. Similarly, it would be preferable to say that the airport is located in the "city" (rather than "City") of Carlsbad as a geographic location apart from the specific municipal corporation, particularly given that the airport is not owned or operated by that City government.

While the description of the Airport Influence Area (AIA) on page III-21 is accurate, that discussion might be augmented to note that no overflight notification areas from the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP) apply to land within Escondido, nor does Escondido contain any terrain penetrations to McClellan-Palomar Airport airspace surfaces.

Aviation Policy 11.2 (pages III-41 & X-33) should indicate that all applicable development should be in conformance with the McClellan-Palomar ALUCP. As worded, the policy states that all development in the AIA is required to be in conformance with the General Plan. A general plan must be made consistent with an adopted ALUCP, not the other way round, or the affected local agency must override the ALUCP through a State statutory procedure.

The statement on page VI-23 that the ALUCP requires new residential development to be conditioned with a real estate disclosure statement mixes ALUCP terminology. The ALUCP requires a permitting local agency to condition new residential uses proposed within the overflight notification area to record that notification on affected properties, but none of the overflight notification area extends into Escondido. By contrast, State law requires that professionals in real estate transactions disclose to prospective property owners that a property is located within an AIA if that circumstance applies, but this does not place any conditioning or recordation requirement upon the City of Escondido or property owners. A portion of the AIA does extend into Escondido, as accurately mapped in Figure III-10, and real estate



SAN DIEGO
INTERNATIONAL
AIRPORT

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ON 2/27/12

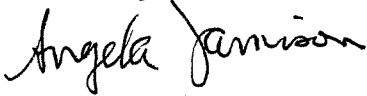
Mr Petrek
Page 2

professionals are thus obligated to make such disclosure for affected properties in the practice of their profession.

Similarly, Noise Policy 5.15 (pages VI-35 and X-49) would involve only real estate professionals in disclosure, rather than McClellan-Palomar Airport itself or the County of San Diego as its owner/operator.

Thank you for the opportunity to offer comment on the General Plan Update draft EIR. Please contact Ed Gowens at (619) 400-2244 or egowens@san.org if you have any questions regarding this letter.

Yours truly,



Angela Jamison
Manager
Airport Planning

cc: Amy Gonzalez, SDCRAA – Director, Counsel Services
Sandy Hesnard, Caltrans – Division of Aeronautics
Chris Schmidt, Caltrans, District 11
Peter Drinkwater, Director, County of San Diego Airports

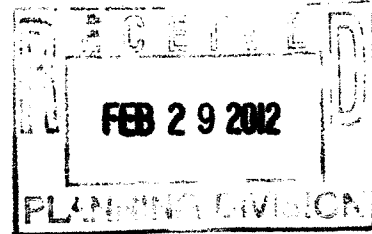


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February 27, 2012

File Number 3330300

Mr. Jay Petrek
 Principal Planner
 City of Escondido
 201 North Broadway
 Escondido, CA 92025



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Dear Mr. Petrek:

SUBJECT: Comments on the City of Escondido's Draft Environmental Impact Report for a General Plan Update, Downtown Specific Plan Update and Climate Action Plan

Thank you for the opportunity to comment on the City of Escondido's Draft Environmental Impact Report (DEIR) for a General Plan Update, Downtown Specific Plan Update, and Climate Action Plan. Our comments, which are based on policies included in the Regional Comprehensive Plan (RCP) and the 2050 Regional Transportation Plan (2050 RTP), are submitted from a regional perspective, emphasizing the need for land use and transportation coordination and implementation of smart growth principles.

SANDAG staff has several specific and general comments for your consideration. SANDAG recommends the following comments be addressed and analyzed in the Draft EIR. These comments are outlined below.

Specific Comments

General Plan

Chapter I – Vision and Purpose:

- Page I-6: SANDAG and Regional Planning Efforts - No mention of the Regional Transportation Plan (RTP). Please refer to the recently adopted (2050 RTP), adopted in October 2011.
- Page I-10: Transportation and Mobility - Use all caps for "SPRINTER" throughout the entire plan.
- Page I-13: Quality of Life Standard 1: Traffic and Transportation - Please refer to the 2050 RTP, Chapter 8, Transportation Demand Management (TDM) for inclusion in this section. Also, consider including Complete Streets policies.

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Chapter II – Land Use and Community Form

- Page II-68 – SANDAG supportive of Target Area 4 Guiding Principles to support investments made for the Escondido BREEZE *Rapid* bus.

Chapter III – Mobility and Infrastructure

- Page III-2: Figure III-1 - see comment referring to Chapter I, page I-13.
- Page III-3: B. Regional Transportation Planning - second paragraph, edit first sentence to read as “The RTP is meant to be action-oriented, practical, and flexible and to consider both short-term and long-term issues.....” Add sentence referring to the RTP being updated every 4 years immediately following. Edit second sentence to read as “Federal guidelines also recommend identifying both the unconstrained and revenue constrained financial resources necessary to accelerate programming.....”
- Page III-10: Transit System - Escondido Rapid is a Rapid Bus service not Bus Rapid Transit (BRT) service.
- Page III-11: Transit System, Figure III-4 - Please refer to Appendix A of the 2050 RTP. This figure is missing BRT service routes including routes 608 and 610, Escondido-downtown express and Temecula, Escondido to downtown. Also, it seems that there may be possible confusion between rapid arterial bus routes versus BRT service. Is the intent of the map to only show extensions of the SPRINTER and arterial rapid service or all BRT, SPRINTER, and arterial rapid planned improvements? If so, consider listing other improvements for SPRINTER and BRT as stated in Appendix A of the 2050 RTP.
- Pages III-15-16: Street Network - Consider widening pedestrian path within the pedestrian zone.
- Page III-19 – Typo – “NCTD”
- Page III-33: Complete Streets Policies - Consider aligning and integrating a comprehensive policy with 2050 RTP policies.
- Page III-34: Pedestrian Network - Consider adding to Pedestrian Network Policy 3.1, data collection/walkability analysis as keys efforts for monitoring performance of pedestrian facilities.
- Page III-35: Bicycle Network - Consider adding to Bicycle Network Policy 3.1, data collection as a key effort for monitoring performance of bicycle facilities.
- Page III-37: TDM – Please refer to Chapter 8 from the 2050 RTP for additional TDM programs.
- Page III-37 – SANDAG supports Transit System Policies 5.5 and 5.6.

- Pages III-38-39: Street Network – Consider including/integrating/referencing within Street Network policies complete street, pedestrian network, bicycle network, transit system, TDM policies. Also, consider incorporating into street network policies, Technical Appendix 20 within the 2050 RTP, which requires all local agency roadway projects seeking federal funds to perform a non-single occupancy vehicle analysis prior to projects being incorporated within the RTIP.
- Page III-40: Traffic Calming - Consider within Traffic Calming Policy 9.1 incorporating safe routes to schools, safe routes to transit, TDM (schoolpools), and other programs.
- Throughout Document – Escondido BREEZE *Rapid* is not a BRT, it should be classified as a Rapid Bus. See page 6-12 of the 2050 RTP for definitions of transit services.

Chapter X – Implementation Program

- Page X-12: Regional Agencies-See comment above to Chapter I, page I-6.

City of Escondido Draft General Plan EIR

Draft EIR Chapter I – Executive Summary

- Page 1-13: Summary of Project Impacts – Provide explanations for significant and unavoidable project impacts for the following intersections:
 - I-15 SB ramps/Valley Parkway (LOS F, PM peak hour).
 - I-15 SB ramps/Via Rancho Parkway (LOS E/F, AM/PM peak hours, respectively).

Draft EIR Chapter 3 – Project Description, Location, and Environmental Setting

- Pages 3-40-41: Quality of Life Standard 1 Traffic and Transportation - Please refer to comment above for the Draft General Plan, Chapter I, Page I-13.

Draft EIR Chapter 4 – Transportation and Traffic

- Figure 4.16-3 – Please refer to comments above for Draft General Plan Chapter III - Mobility and Infrastructure, Figure III-4.
- Figure 4.16-3 – Add layer showing Future Metropolitan Transit System (MTS) I-15 BRT Route.
- Page 4.16-9 – Suggest adding that a Transit Queue Jump lane exists on Valley Parkway east of Centre City Parkway.
- Page 4.16-45 (first paragraph) – Both NCTD and MTS provide service to the project area. MTS provides local bus service from Del Lago Transit Station to San Diego. MTS provides Express Bus service from Escondido to San Diego.

- Page 4.16-45 (second paragraph) – NCTD operates “Rapid Bus” service not BRT service. SANDAG constructed but does not operate the Escondido BREEZE Rapid (Route 350). See page 6-12 of the 2050 RTP for definitions of transit services. The Escondido BREEZE Rapid does not connect to MTS trolley.
- Page 4.16-45 (3rd paragraph) – Capitalize SPRINTER.
- Page 4.16-45 (3rd paragraph) – The 2 major bus transfer points within the project area include Escondido Transit Center and Del Lago Transit Station. Del Lago BRT station is located near the intersection of I-15, Del Lago Blvd, and Avenida Magoria. There are timed transfers between NCTD Route 350 and MTS Route 20 bus routes. There are no major bus transfer points at Westfield or Second Ave.
- Page 4.16-47 – Capitalize SPRINTER, COASTER, and BREEZE.
- Page 4.16-50: Regional/Local – Please update the Congestion Management Program to the Congestion Management Process. SANDAG and the local jurisdictions opted out of the state Congestion Management Program. Refer to Technical Appendix 20 in the 2050 RTP and the Congestion Management Process Web site¹ for additional information.
- Consider including the Pedestrian Master Plan in this section.
- Page 4.16-82: Infeasible Mitigation Measures – Please refer to comment above, Draft EIR Chapter I, Executive Summary, page 1-13.

Draft EIR Appendix I – Traffic Impact Analysis

- Page 14: Future Volumes Traffic Model – Four managed lanes are included to on I-15 from SR 163 to SR 78 only. Improvements on I-15 north of SR 78 to the Riverside county line include four toll lanes, not managed lanes. General comment- There is no mitigation proposed or explanation for significant and unavoidable project impacts for the intersections mentioned in Draft EIR Chapter 1, Executive Summary. Please work with Caltrans to develop proposed mitigation for these intersections.
- Draft EIR Appendix I-3 Complete Streets Assessment provides a well-established multimodal existing conditions framework. Per the Regional Multimodal Transportation Analysis Report, consider incorporating into Draft EIR Appendix I-1 Traffic Impact Analysis, existing and planned transit service impacts.

Climate Change Plan

Chapter 4: Greenhouse Gas (GHG) Reduction Programs and Regulations

- Pages 4-6 and 4-7 regarding “SANDAG ENERGY ROADMAP PROGRAM.” Please update the description of Escondido’s Roadmap and bulleted section from the second half of paragraph onward. Replace all language beginning with, “Currently, Escondido is in Phase 2 of the Roadmap Program; energy assessments....” Suggested language is:

¹ <http://www.sandag.org/index.asp?projectid=13&fuseaction=projects.detail>

- Escondido began its Energy Roadmap with SANDAG in April 2011. As of February 2012, baseline electricity and natural gas use for 29 municipal sites was established through this program. The 29 preliminary energy assessments indicated that almost all Escondido municipal sites were performing significantly more efficient than the comparable facilities in California and the nation. Either in response to a specific issue discovered through the site assessment process, or as instructed by city staff, eight sites and two technologies citywide were identified to be further evaluated in the form of comprehensive energy audits. The energy assessments were performed at no cost to the City. Escondido is finalizing its Energy Roadmap with SANDAG, which is scheduled for completion in March 2012. The government operations component of the Roadmap includes the following elements:
 - Saving Energy in City Buildings and Facilities
 - Demonstrating Emerging Energy Technologies
 - Greening the City Vehicle Fleet
 - Developing Employee Knowledge of Energy Efficiency
 - Promoting Commuter Benefits to City Employees
- The communitywide component of the Roadmap will provide the following elements:
 - Leveraging Planning and Development Authority, including smart growth development policies, energy efficient building upgrades, and clean and efficient transportation options
 - Marketing Energy Programs to Local Residents, Schools, and Businesses
 - Supporting Green Jobs and Workforce Training

Page 4-18. In the bulleted measures for R2-E1: NEW RESIDENTIAL ENERGY EFFICIENCY REQUIREMENTS, the following edits are suggested:

- Install ENERGY STAR-qualified or equivalent appliances, including air conditioning and heating units, dishwashers, clothes washers, etc.;
- Install solar water heaters;
- Install ENERGY STAR-qualified or equivalent windows and appropriate insulation per climate zone;
- Install ENERGY STAR-qualified or equivalent lighting;

Page 4-18, INSET Table "GHG Reduction Potential." Suggest the following edits:

- These emissions reductions assume all new residential units will increase energy efficiency an average of 10% beyond currently adopted California Title 24 standards. Based on the 2008 Title 24 standards, this results in a 25% decrease in electricity and natural gas use from new residential developments.
- Private Costs: \$4.06 million (one time cost). 100% units going 10% beyond 2008 Title 24 is approximately equivalent to 83% of units increasing efficiency to 15% beyond Title 24.
- Potential Funding Sources: Rebates and incentives from San Diego Gas & Electric (SDG&E) and/or California Center for Sustainable Energy (CCSE).

Page 4-19: R2-E2: NEW COMMERCIAL ENERGY EFFICIENCY REQUIREMENTS, suggested edits to following bulleted measures:

- Install ENERGY STAR-qualified or equivalent appliances, including air conditioning and heating units, dishwashers, etc.;

- Install ENERGY STAR-qualified or equivalent windows and appropriate insulation for climate zone;
- Install ENERGY STAR-qualified or equivalent lighting; and
- Install ENERGY STAR-qualified or equivalent computer systems and electronics to reduce electricity need from plug load.

Page 4-19: INSET BOX on GHG Reduction Potential.

- These emissions reductions assume all new residential units will increase energy efficiency an average of 10% beyond currently adopted California Title 24 standards. Based on the 2008 Title 24 standards, these emissions reductions assume a 25% decrease in electricity and natural gas use from new commercial developments.
- Private Costs: \$4.6 million (one time cost). The cost is based on an estimated \$1.00 per square foot to achieve 10% beyond 2008 Title 24 standards (Anders 2009).
- Potential Funding Sources: SDG&E and CCSE.

Page 4-20: R2-E3: NEW RESIDENTIAL RENEWABLE ENERGY REQUIREMENTS. Delete the following bulleted statement as this topic is new construction:

- Energy retrofits of existing buildings in order to offset energy use.

Page 4-21: R2-E4: NEW COMMERCIAL RENEWABLE ENERGY REQUIREMENTS. Delete the following bulleted statement as this topic is new construction:

- Energy retrofits of existing buildings in order to offset energy use.

Page 4-22: R2-E5: EXISTING RESIDENTIAL ENERGY RETROFITS

- Replace inefficient air conditioning and heating units with ENERGY Star-qualified or equivalent models;
- Replace older, inefficient appliances and electronic equipment with ENERGY STAR-qualified or equivalent models;
- Seal and insulate homes to stop drafts, block heat loss in winter, and block heat gain in summer;
- Replace old windows with ENERGY STAR-qualified or equivalent windows; and
- Replace inefficient and incandescent lighting with energy efficient lighting.

Page 4-23: R2-E6: EXISTING COMMERCIAL ENERGY RETROFITS. Suggest making identical edits to bulleted measures as proposed for R2-E5 on page 4-22.

Chapter 7: Implementation

Page 7-5: 7.2 Step 2, Financing and Budgeting.

- Energy Upgrade California. Replace SDG&E Web site for Energy Upgrade California with State of California's Web site. Energy Upgrade California is larger than just the SDG&E rebate. The California-wide Web site provides homeowners and contractors with all programs and funding available. See <https://energyupgradeca.org/overview>.

Page 7-5: 7.2 Step 2, Financing and Budgeting.

- California Solar Initiative (CSI). The information is out of date. The following revision to the paragraph and Web site is proposed:

In January 2006, the California Public Utilities Commission (CPUC) adopted the CSI to provide more than \$3 billion in incentives for solar-energy projects with the objective of providing 3,000 megawatts (MW) of solar capacity by 2016. In December 2011, the CPUC increased the CSI budget by \$200 million in order to cover a budget shortfall. The action implements Senate Bill (SB) 585 signed by Governor Jerry Brown on Sept. 22, 2011. The CSI program is administered by PG&E, SCE, and CCSE for the SDG&E territory. CSI is comprised of five rebate programs: the general CSI Program of solar rebates for existing homes, new/existing commercial, agricultural, and public agencies; the CSI-Thermal Program for solar hot water rebates for homes and businesses; the Single-family Affordable Solar Homes program for low-income residents that own their own single-family home and meet a variety of income and housing eligibility criteria; the Multifamily Affordable Solar Housing program for multifamily affordable housing; and the CSI RD&D (research, development, demonstration, and deployment) Program. See <http://energycenter.org/csi>.

General Comments

Smart Growth Opportunity Areas

A key goal of the RCP is to focus growth in Smart Growth Opportunity Areas. There are a total of eight Smart Growth Planning Area place types located within the City of Escondido, and as you know, SANDAG has recently updated the Smart Growth Concept Map. We appreciate the help we received from your staff on these updates, and the incorporation of Smart Growth principles in Escondido's planning documents.

Multimodal Transportation Analysis

The 2050 RTP sets forth a multimodal approach to meeting the region's transportation needs. As such, we recommend that the traffic analysis for the Draft EIR strive to balance the needs of motorists, transit riders, pedestrians, and bicyclists. The Regional Multimodal Transportation Analysis, adopted by the SANDAG Board on October 14, 2011, is another tool that may be used to enhance traffic impact analysis of development projects where use by transit, bicycle, and/or pedestrians is anticipated. This new tool is available online at www.sandag.org/igr.

We request that you coordinate the Draft EIR's development with the 2050 RTP and its Sustainable Communities Strategies as well as the recently approved Regional Housing Needs Assessment.

Transit and Highways

Please evaluate the consistency of the Draft EIR and the City of Escondido's General Plan Update, Downtown Specific Plan Update, and Climate Action Plan with the 2050 RTP goals as they relate to specific transit projects.

Transportation Demand Management

Please consider developing a TDM plan that outlines your strategy(ies) for providing and promoting transportation alternatives to driving alone during peak periods such as carpooling, vanpooling, bicycling, telecommuting, and flexible work hours for employees, to help mitigate regional transportation impacts. Carpooling and vanpooling could be promoted by providing priority reserved and/or free parking for high-occupancy vehicles. We recommend contacting the SANDAG iCommute team to explore TDM options.

Consult with North County Transit District and Caltrans

SANDAG advises the project applicant to consult with NCTD, the transit service providers within the project area, and with Caltrans to coordinate planned transit and/or highway improvements.

Natural Environment

A key RCP objective is to preserve and maintain natural areas in urban neighborhoods, such as canyons and creeks, and provide access for the enjoyment of the region's residents. Please consider this criteria, if applicable, to your project.

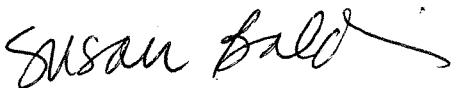
Other Considerations

Please consider the following State of California laws and Executive Order when developing the DEIR: Assembly Bill 32 (Nunez, 2006) (AB 32); Senate Bill 375 (Steinberg, 2008) (SB 375); SB 97 (Dutton, 2007); and Executive Order S-13-08, which call for analysis of GHG emissions. Additionally, it is suggested that consideration be given to the policies included in the SANDAG Regional Energy Strategy that promote the reduction of energy demand and water consumption.

We appreciate the opportunity to comment on the Draft EIR for the City of Escondido's General Plan Update, Downtown Specific Plan Update and Climate Action Plan. We encourage the City of Escondido, where appropriate, to evaluate these plans based on the following SANDAG publications: (1) Designing for Smart Growth, Creating Great Places in the San Diego Region; (2) Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region; (3) Trip Generation for Smart Growth; and (4) Parking Strategies for Smart Growth. These publications can be found on our Web site at www.sandag.org/igr.

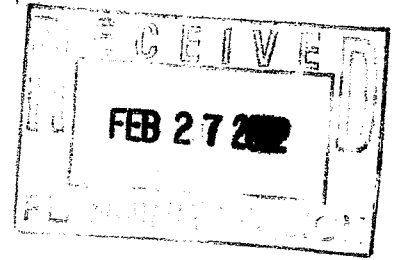
If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943 or sba@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

SBA/RSA/dsn



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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February 24, 2012

Jay Petrek, AICP, Principal Planner
City of Escondido Planning Division
201 North Broadway
Escondido, California 92025

Transmitted via email to: jpetrek@escondido.org

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN UPDATE, DOWNTOWN SPECIFIC PLAN UPDATE, AND CLIMATE ACTION PLAN

Dear Mr. Petrek:

The County of San Diego (County) has received and reviewed the City of Escondido's (City) Draft Environmental Impact Report (DEIR), General Plan Update, Downtown Specific Plan Update, and Climate Action Plan dated January 13, 2012 and appreciates this opportunity to comment. In response to the documents, the County, as a responsible agency under CEQA Section 15381, has comments that identify potentially significant environmental issues that may have an effect on the unincorporated lands of San Diego County. In addition, the comments may identify reasonable alternatives and mitigation measures that the County will need to have explored in the environmental document.

County Department of Planning and Land Use (DPLU), Department of Parks and Recreation (DPR), and Department of Public Works (DPW) have completed their review and have the following comments regarding the content of the above documents:

GENERAL COMMENTS

1. The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used to determine the significance of environmental impacts and mitigation options for addressing

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potentially significant impacts in the unincorporated portions of the County of San Diego. Project impacts that could have potentially significant adverse effects to the unincorporated County or County facilities should evaluate and mitigate environmental impacts using these guidelines, available online at: <http://www.sdcounty.ca.gov/dplu/procguid.html#guide>.

FLOOD CONTROL

2. Potential future developments in accordance with the proposed changes to the General Plan may have impacts to existing County flood control facilities, which is acknowledged in the DEIR in Section 4.9.3.5.

As previously noted in the County's NOP comment letter dated August 30, 2010, policies related to coordination of flood control facilities managed by other jurisdictions and policies that recognize the potential need for additional hydraulic studies are not included in the draft General Plan Update and should be added.

If you have questions on these comments from DPW Flood Control Engineering, please contact Sara Agahi at (858) 694-2665 or by email at Sara.Agahi@sdcounty.ca.gov.

LAND USE

3. As previously noted in the County's NOP comment letter dated August 30, 2010, the City's General Plan Update boundaries extend beyond both the City's boundaries as well as the Sphere of Influence (SOI) boundaries. Per the 2003 State General Plan Guidelines, the planning area boundary encompasses areas "bearing a relation to the city's planning." The Guidelines also state that cities and counties should work together to delineate planning areas. County staff has identified three areas where the draft Escondido General Plan extends beyond the Escondido SOI (see areas A, B and C on attached Figure-1). As such, the County's land use comments below refer only to those areas within the proposed Escondido General Plan Area, but outside of the SOI.
 - a. Plan Area A - Located along the eastern boundary of the City, this area is designated Rural Lands 40 under the County General Plan (see Areas A-1 and A-2 on attached Figure-1). These areas are sparsely populated, located outside of the County Water Authority boundary, and contain steep slopes greater than 25 percent. The County General Plan's Guiding Principle 5 emphasizes that development must account for the physical constraints and natural hazards of the land. A discussion of how the existing land use plan for this area compares to the draft Escondido General Plan is provided below.

- **Area A-1:** Based on the draft Escondido General Plan, Area A-1 contains most of Valley View Specific Plan Area (SPA) #4, excepting the part of the SPA that is within City limits (see Figure 1). The draft Plan indicates that although the portion of the SPA within the City limits has been developed with 80 units on 133 acres of the 1,590-acre SPA, the City intends for the remainder of the SPA to yield 720 additional units in the portion located within the unincorporated area. This correlates to a density of approximately one dwelling unit per two acres.

It should be noted that although the property owner requested a corresponding density increase as part of the County's General Plan Update (request NC13), the request included in the approved General Plan and the density remains at one dwelling unit per 40 acres. Moreover, previous attempts to annex into the City of Escondido were not successful.

- **Area A-2:** The draft Escondido General Plan assigns a Rural I designation to Area A-2. While this is the City's least intensive land use designation, it will still potentially result in a tenfold increase in permitted density when compared to the adopted County General Plan. While the Escondido Rural I designation would allow a density as high as one dwelling unit per four acres, the adopted County Plan's RL-40 designation only allows a maximum of one dwelling unit per 40 acres. Therefore, the Rural I designation is not consistent with the County's General Plan.
- b. **Plan Area B** - This area, located north of Lake Wohlford and along the northern boundary of the Escondido SOI, is assigned a Rural I designation in the draft Escondido General Plan (see Figure-1). In some cases that designation matches the County's General Plan for Semi-Rural 4 (one dwelling unit per four acres). However, in other areas (B-2 and B-3) the Rural I designation is inconsistent with the County's designation of RL-40 or RL-20 (one dwelling unit per 40 or 20 acres, respectively). Since the draft Escondido General Plan contains no designation that is consistent with the County's Rural Lands category, the County is opposed to the inclusion of these areas within the draft Escondido General Plan unless a new category of land use designations is created to address the planning goals of these sparsely populated areas. A more detailed discussion of how the existing land use plan for this area compares to the draft Escondido General Plan is provided below.
- **Area B-1:** The draft Escondido General Plan assigns a Rural I designation; however, the adopted County General Plan assigns the Open

Space Conservation designation since these areas are part of an existing open space preserve.

- **Area B-2:** The draft Escondido General Plan assigns a Rural I designation, which would result in a tenfold density increase over the adopted County General Plan (one dwelling unit per four acres vs. one dwelling unit per 40 acres). Most of Area B-2 is characterized by steep slopes and sensitive natural resources. Moreover, this area provides a buffer between Escondido and Valley Center.
 - **Area B-3:** The draft Escondido General Plan assigns a Rural I designation, while the County Plan's designation for this area is RL-20. The area is located along Lake Wohlford Road, which gives it greater accessibility than the neighboring lands designated RL-40 and RL-80. The RL-20 designation is consistent with the County's Community Development Model to assign Rural Lands designations on the periphery of communities (Valley Center) and create a buffer with adjacent communities (Escondido).
- c. Plan Area C - This area is located near the unincorporated communities of Harmony Grove and Elfin Forest. The County Plan identifies an approved Specific Plan in the area and has designated many of the surrounding parcels (between the SPA and the City of Escondido) as one dwelling unit per 10 or 20 acres, or as open space. The draft Escondido General Plan assigns a range of higher density designations between Rural I and Estate II. The County's General Plan emphasizes the importance of maintaining the individual character of a community through appropriate buffers between communities; an objective that is supported by the County's lower semi-rural and rural designations. Consequently, there are numerous individual differences between the County's and City's general plans in this area.
4. Due to the significant differences between the two plans, County staff is interested in better understanding the City of Escondido's intentions to annex these regions in the future. Past discussions with City staff seem to indicate that the City may have no intention of annexing some areas shown within the proposed Planning Area Boundary of the draft General Plan. If there is no foreseeable expectation that such lands will be annexed, then it would be appropriate to remove them from the Escondido General Plan planning area, since in many instances there is no comparable designation to the designation assigned by the County Plan. Alternatively, the County recommends that Escondido create a land use designation that matches the County's definition of

Rural Lands to more appropriately characterize the existing land uses and preserve the rural character of outlying lands in these areas.

If you have questions on these comments from DPLU General Plan staff, please contact Bob Citrano at (858) 694-3229 or Robert.Citrano@sdcounty.ca.gov.

MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP)

5. Planning Areas A and B as identified on the Attached Figure-1 and discussed under the Land Use section above have the potential to impact existing Pre-Approved Mitigation Area (PAMA) in the County's MSCP South County Subarea as well as potential future PAMA in the County's proposed North County MSCP. While the DEIR discusses the need to comply with habitat conservation plans, it does not adequately analyze or disclose how the proposed land uses and densities could be accomplished without substantially affecting PAMA. Therefore, and for reasons noted above, the County requests that these areas within the unincorporated lands but outside of the SOI be removed from the City's planning documents.
6. Please note that throughout the DEIR the County of San Diego Draft North County MSCP is incorrectly referred to as a Subarea. It is proposed as a stand-alone habitat conservation plan.

If you have questions on these comments from DPLU Multiple Species Conservation Program staff, please contact Bobbie Stephenson at (858) 694-3680 or Bobbie.Stephenson@sdcounty.ca.gov.

PARKS AND RECREATION

7. All Land Use maps incorrectly designate Assessor's Parcel Numbers (APNs) 238-021-07 and 238-010-57 as "Residential". These parcels were acquired by the County for inclusion in the Del Dios Highlands Preserve and Escondido Creek Preserve, respectively, and should be designated "Public Land/Open Space".
8. **Page 4.15-1, Existing Parks** – The last sentence of this paragraph indicates that, with the exception of Felicita Park, all parks within the project area (as identified in Figure 4.15-1) are operated by the City. However, this section should be revised to clarify that the City also does not operate the San Diego County Open Space areas identified in Figure 4.15-1 (#28).
9. **Figure 4.15-1 Park and Recreational Facilities** –

- a. This figure should be revised to include APNs 238-021-07, and 238-010-57 as San Diego County Open Space.
 - b. The San Diego County Open Space Areas should be called out by name (i.e., Escondido Creek Preserve and Del Dios Highlands Preserve).
10. **Table 4.15-1 Escondido Park Facilities** – This table should be revised to include Escondido Creek Preserve and Del Dios Highlands Preserve under Regional Open Space Parks.
 11. **Page 4.15-8, Trails** – The last sentence inaccurately states that all trails within the proposed project area (as identified in Figure 4.15-2) are owned and operated by the City. However, the spur trail depicted in the figure from Del Dios Highway to Harmony Grove Road crosses through the County's Del Dios Highlands Preserve. There is an existing rural trail within the Preserve that connects to the Elfin Forest Recreational Reserve property trail system and Harmony Grove Road to the west; however, these trails are not owned or operated by the City. Therefore, it is recommended that the last sentence be deleted to avoid confusion.

If you have questions on these comments from DPR staff, please contact Trish Boaz at (858) 966-1370 or Trish.Boaz@sdcounty.ca.gov.

TRAFFIC / TRANSPORTATION

12. **Roadways Not Assessed** - There are various roadways within Escondido's General Plan Boundary/Sphere of Influence that are within the current unincorporated area of San Diego County. These roadways, which are on the County of San Diego's General Plan Mobility Element Network, are adjacent to and/or affected by traffic from the City of Escondido. The DEIR and Traffic Impact Analysis (TIA) should assess any direct and cumulative impacts and identify appropriate mitigation for these roadways which were not assessed in the DEIR:
 - Deer Springs Road
 - Lake Wohlford Road
 - Harmony Grove Road
13. **Mobility Element / Circulation Inconsistencies** – There are several major inconsistencies for roadway classifications within the unincorporated area between the City of Escondido's Draft General Plan Update Mobility and Infrastructure Element-Circulation System and the County's General Plan Mobility Element Network. The DEIR should identify the discrepancies in

proposed roadway classifications or update the classifications in the City's Draft General Plan Update to reflect the County's adopted General Plan Mobility Element. The roadway classification inconsistencies are identified below:

Roadway	Escondido GP Update	County of San Diego GP
Broadway (DEIR-Pg.4.16-30) <ul style="list-style-type: none"> Mtn Meadow Rd to North Av 	4-lane: Collector	2-lane: 2.1D Community Collector
Valley Center Road (Pg.4.16-31) <ul style="list-style-type: none"> North of Lake Wohlford Rd 	8-lane: Prime Arterial	4-lane: 4.1A Major Road
Del Dios Highway (Pg.4.16-32) <ul style="list-style-type: none"> Via Rancho Pkwy to Mt Israel Rd 	6-lane: Super Major	2-lane: 2.1D Community Collector
Bear Valley Parkway (Pg.4.16-34) <ul style="list-style-type: none"> Mary Ln to Sunset Dr Sunset Dr to San Pasqual Vly Rd 	8-lane Prime Arterial 6-lane: Super Major	4-lane: 4.1A Major Road
Lake Wohlford Road (DEIR-Fig.3-6) <ul style="list-style-type: none"> North of Guejito Rd 	4-lane: Collector	2-lane: 2.2F Light Collector

Link to the County's General Plan and Mobility Element Network maps:
<http://www.sdcounty.ca.gov/dplu/generalplan.html>

14. **County Guidelines** - The DEIR/TIA should reference and use the County's Guidelines for Determining Significance (modified February 19, 2010) for any traffic analysis of direct and cumulative impacts on roadway segments and intersections within the County's jurisdiction.

Link to the County's Traffic Guidelines:
http://www.sdcounty.ca.gov/dplu/docs/Traffic_Guidelines.pdf

15. **Level of Service** - Page 4.16-2 notes that Level of Service (LOS) is based upon the City's Roadway Classification, Level of Service, and Average Daily Trip (ADT) Table (Table 4.16-1). The County requests that any LOS assessment for roadways within the County's jurisdiction utilize the County's LOS thresholds and road classifications per the County's Public Road Standards (Table 1).

Link to the County's Public Road Standards:
<http://www.sdcounty.ca.gov/dpw/docs/pbrdstds.pdf>

16. **Traffic Impacts to Unincorporated Area** - The General Plan and DEIR should note that future development projects within the City of Escondido should also propose mitigation for significant traffic impacts to roadway facilities within the unincorporated area. Potential mitigation measures for significant traffic impacts can include traffic signal improvements, physical road improvements, street re-

striping and parking prohibitions, fair share contributions toward identified, funded and scheduled projects, and transportation demand management programs. Fairshare contributions to the County's Transportation Impact Fee (TIF) program should be considered to mitigate cumulative traffic impacts. The fairshare contributions should be based upon the amount of project trips that will be distributed onto County roadways.

17. **County Roadways** - Tables in the DEIR and TIA (e.g., DEIR-4.16-2) should note which roadways are within the County's jurisdiction.
18. **Figure 3-6 / Circulation System Inconsistencies** – Figure 3-6 is missing the Super Major classification. In addition, there are various discrepancies between Figure 3-6 and tables within the DEIR. Examples of discrepancies include:
 - Via Rancho Parkway is shown as a Major Road in Figure 3-6 while in Table 3-6 it is proposed as a Collector
 - Bear Valley Parkway is shown as a Major Road in Figure 3:6, while in Table 3-6 it is proposed as a Prime
 - Del Dios Highway appears to be Major Road in Figure 3-6, but is designated as a 6-lane Super Major in Table 4.16-2
19. **“Circulation Element”** – All incidental references to the “Circulation Element” should be corrected to “Mobility and Infrastructure Element” in the text, table, and figures. (e.g., Pg.3-29, Section 3.4.1.4, first paragraph; Table 3-6, title; Figure 3-6, legend; etc.)

If you have questions on these comments from DPW Traffic/Transportation Planning staff, please contact Richard Chin at (858) 874-4203 or Richard.Chin@sdcounty.ca.gov.

WASTEWATER

20. As identified in the NOP comments provided by the County and in comments from DPLU above, the City of Escondido's General Plan boundary includes areas within the unincorporated County. Within the southwestern portion of the boundary is the Harmony Grove Sewer Maintenance District operated by the County of San Diego. The DEIR should acknowledge the existence of a County sanitation/sewer district within the City's proposed general plan boundaries that will be providing service by means of an on-site sewer treatment plant.

Mr. Petrek
February 24, 2012
Page 9 of 9

If you have any questions on these comments from the DPW Wastewater Management Section, please contact Jeff Bosvay at (858) 694-2711, or by email at Jeff.Bosvay@sdcounty.ca.gov.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any general questions regarding these comments, please contact Mindy Fogg, Land Use Environmental Planner at (858) 694-3831 or email mindy.fogg@sdcounty.ca.gov.

Sincerely,



ERIC GIBSON, Director
Department of Planning and Land Use

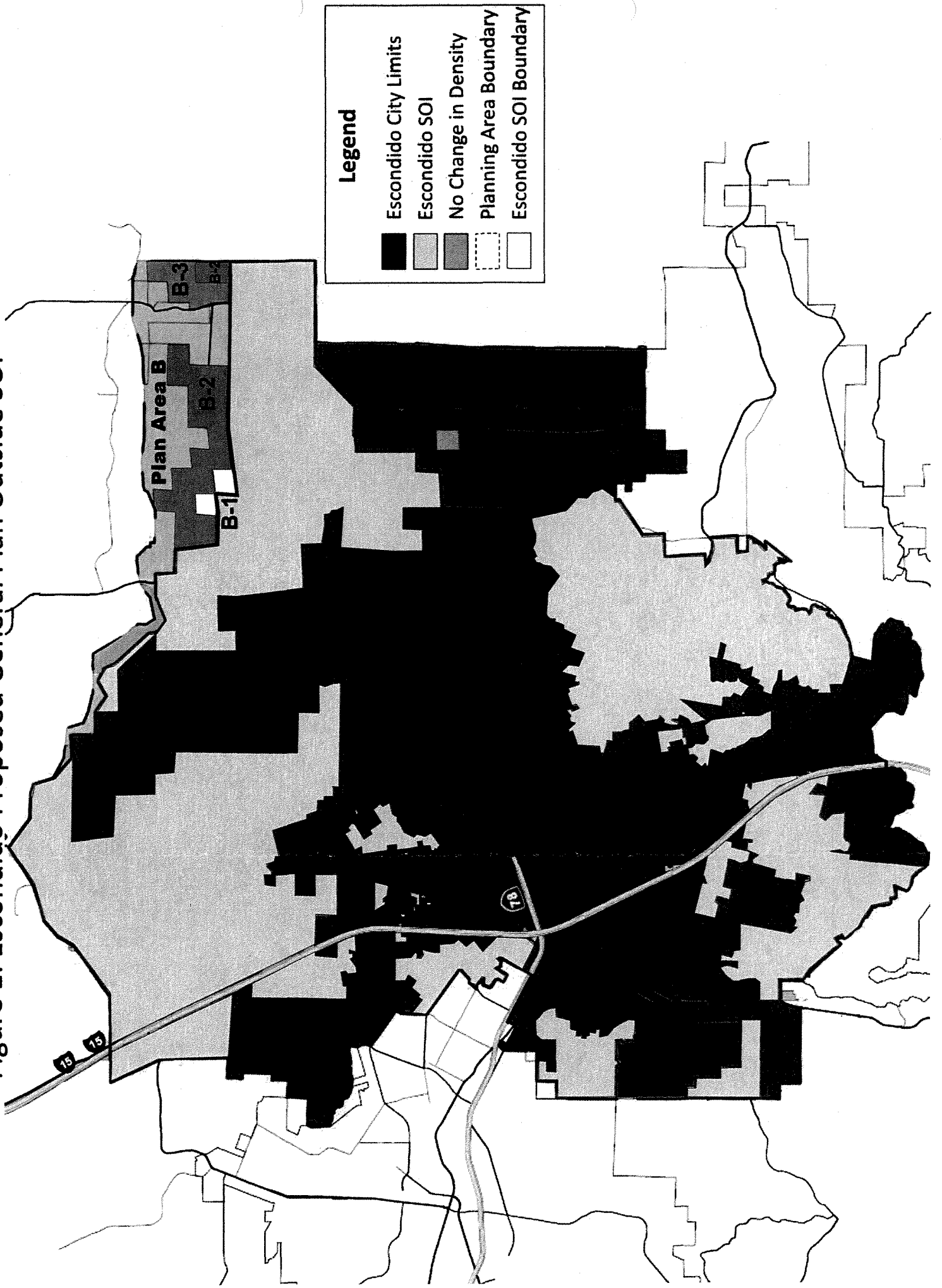
Attachments:

Figure 1: Escondido Proposed General Plan Outside SOI
County of San Diego NOP Comment Letter dated August 30, 2010

e-mail cc:

Sachiko Kohatsu, Policy Advisor, Board of Supervisors, District 3
Dustin Steiner, Deputy Chief of Staff, District 5
Megan Jones, Land Use Environment Group Program Manager, DCAO
Trish Boaz, Chief, County Department of Parks and Recreation
Richard Chin, Associate Transportation Specialist, Department of Public Works
Jeff Bosvay, Unit Manager, Department of Public Works
Sara Agahi, Senior Civil Engineer, Department of Public Works
Robert Citrano, Planning Manager, Department of Planning and Land Use
Bobbie Stephenson, Land Use Environmental Planner, Department of Planning and Land Use
Hidden Meadows Community Sponsor Group
San Dieguito Community Planning Group
Valley Center Community Planning Group
Twin Oaks Community Sponsor Group
Mindy Fogg, Land Use Environmental Planner, Department of Planning and Land Use
Priscilla Jaszowski, Administrative Secretary, Department of Planning and Land Use

Figure 1: Escondido Proposed General Plan Outside SOI





County of San Diego

ERIC GIBSON
DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

August 30, 2010

Jay Petrek, Principal Planner
City of Escondido Planning Division
201 N. Broadway
Escondido, California 92025

Transmitted via email to: jpetrek@escondido.org

COMMENTS ON THE NOTICE OF PREPARATION OF A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ESCONDIDO GENERAL PLAN UPDATE AND CLIMATE ACTION PLAN

The County of San Diego has received and reviewed the Notice of preparation of a program environmental impact report (PEIR) for a general plan update and climate action plan and appreciates this opportunity to comment. In response to the document the County, as a responsible agency under CEQA Section 15381, has comments that identify potentially significant environmental issues that may have an affect on the unincorporated lands of San Diego County that the County will need to have explored in the environmental document.

Department of Planning and Land Use (DPLU), Department of Public Works (DPW), and Department of Parks and Recreation (DPR) staff have completed their review and have the following comments regarding the content of the above documents:

GENERAL COMMENTS

1. The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used as guidance for determining the significance of environmental impacts in the unincorporated portions of the County of San Diego. Projects that could have potentially significant adverse effects to the unincorporated County should evaluate impacts using the guidance described in these guidelines, available online at: <http://www.sdcountry.ca.gov/dplu/procguid.html#guide>.

2. The NOP and attached maps all refer to General Plan Designations and zones using acronyms. Descriptions of the land use designations, both density and intensity, and the proposed zones are needed in order for the reader to understand what the project is proposing.

FLOOD CONTROL

3. Flood Control Engineering has reviewed the City of Escondido's General Plan Update NOP. Potential future developments in accordance with the proposed changes to the General Plan may have impacts to existing County flood control facilities that may be located downstream. Please include a policy in the General Plan that requires coordination of flood control facilities managed by other jurisdictions and recognizes that additional hydraulic studies may be needed when the proposed developments are further refined.

LAND USE

4. The City of Escondido's General Plan Update boundaries extend beyond both the City's boundaries and its Sphere of Influence (SOI) boundaries. Per the 2003 State General Plan Guidelines, the planning area boundary encompasses areas "bearing a relation to the city's planning". The Guidelines also state that cities and counties should work together to delineate planning areas. There are areas where the draft Escondido Land Use Map is different from the County General Plan Update Land Use Map, which is the result of a twelve-year public planning process. The County General Plan is tentatively scheduled to be considered for adoption by the Board of Supervisors on October 20, 2010, which, if adopted, will result in significant land use changes when compared to the existing General Plan. Outside its SOI, the Escondido General Plan Update is proposing significantly different land use and residential densities than those proposed by the County's General Plan Update. The Escondido General Plan Update appears that it would return the densities to these areas between the two communities that the County General Plan is seeking to avoid. A copy of this Land Use Map that the County staff will present to the County Board of Supervisors for adoption on October 20th is available on the County General Plan Update web site at: <http://www.sdcounty.ca.gov/dplu/gpupdate/docs/pcrec/ncmetro.pdf>
5. The County is interested in the City of Escondido's intentions to annex these areas in the future. Past discussions with city staff seem to indicate that the City may have no intention of ever annexing some areas shown within the General Plan planning area or SOI. If there is no intention of annexing these areas, then it would seem the land use designations for those areas should either reflect the County General Plan Update Land Use Map or more preferably be removed from the Escondido General Plan planning area. County Department of Planning and Land Use staff would like to meet with City of Escondido staff to discuss further. Please contact Bob Citrano at 858-694-3229 or Robert.Citrano@sdcounty.ca.gov if you would like to schedule a meeting.

6. Several specific plan areas are shown on the Escondido draft General Plan Land Use Map outside the SOI; however, a description of planned uses is not included in Attachment 3 of the NOP. A breakdown of uses should be provided, along with an analysis for whether these areas are different from the County General Plan Update Land Use Map and Community Development Model (see Guiding Principle 2 in the draft County General Plan at the following link: http://www.sdcounty.ca.gov/dplu/gpupdate/docs/draftgp/ch2_vision_2010.pdf)

MOBILITY

7. Similar to the Escondido General Plan Update, the County General Plan Update Mobility Element is recommending reduced classifications on many roadways through physically constrained areas. The PEIR should identify any discrepancies in proposed roadway classifications between the Escondido General Plan Update and the County General Plan Update Mobility Element. The County draft Mobility Element road network is available at: http://www.sdcounty.ca.gov/dplu/gpupdate/docs/draftgp/m-appendix_2010.pdf

MULTIPLE SPECIES CONSERVATION PROGRAM

8. The EIR must analyze how the Escondido General Plan Update and Climate Action Plan will impact the County of San Diego Multiple Species Conservation Program (MSCP), Draft North County Plan which can be found at the following link: <http://www.sdcounty.ca.gov/dplu/mscp/nc.html>
9. Many of the areas within the sphere of influence and within planning area (which extends beyond both the sphere of influence and the city boundaries) are considered to be focal areas for conservation under the North County Plan. These areas are identified in the North County Plan as Pre-Approved Mitigation Areas (PAMA). According to the North County Plan, 75% of these PAMA lands will ultimately be conserved as biological open space.
10. Of particular concern are SPA's 2, 3, and 4 (shown on the Land Use Map; NOP Attachment 3) in the unincorporated areas of the county. These SPAs are either wholly or mostly within PAMA areas. No explanation is provided as to what uses are expected within these SPAs. The North County Plan requires that annexations of land by jurisdictions adjacent to the within the plan area be in a manner consistent with the goals and requirements of the plan. These requirements includes specific project review standards and approval processes. If development is proposed within the annexed areas, the conservation goals for the North County Plan must not be compromised. The EIR should analyze how these SPAs and other areas of PAMA with the scope of the update will be maintained in a manner consistent with the North County Plan.

PARKS AND RECREATION

11. The General Plan boundary includes lands owned and managed by DPR including the Del Dios Highlands Preserve and Felicita County Park. The location of these parks can be viewed at www.sdparcs.org. These lands appear to be designated R1 or R2 in Attachment 2. County DPR owned lands should be included in the "Corrective/Clean-Up Amendment Areas" and/or Public Land Classifications and be designated as open space and/or public lands.
12. When planning for growth management, the General Plan Update and Climate Action Plan should avoid impacting existing DPR parks and preserves or existing or planned trails to the maximum extent feasible. Additionally, adjacent land use designations should complement existing open space/preserve land use designations (such as DPR parks and preserves). If impacts are unavoidable, coordination with DPR to determine appropriate mitigation measures is requested.

DPR appreciates the opportunity to participate in the review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions or comments please contact Megan Hamilton, Group Program Manager at (858) 966-1377 or e-mail Megan.Hamilton@sdcountry.ca.gov

TRAFFIC/TRANSPORTATION

13. There are numerous roadways within Escondido's General Plan Boundary that are within the current unincorporated area of San Diego County. The PEIR should assess direct and cumulative impacts and identify appropriate mitigation for all roadways located on the County of San Diego's Circulation Element network, in particular:
 - Deer Springs Road
 - North Centre City Parkway
 - Mountain Meadow Road
 - Valley Center Road
 - Lake Wohlford Road
 - Country Club Drive
 - Harmony Grove Road
 - Citricado Parkway/Gamble Lane
 - Del Dios Highway
 - Via Rancho Parkway
 - Bear Valley Parkway
 - San Pasqual Valley Road
 - Mary Lane/Summit Drive
 - San Pasqual Road

14. For all potential cumulative impacts to facilities located within the unincorporated area of San Diego County, fairshare contributions to the County's Transportation Impact Fee (TIF) program should be considered to mitigate the cumulative traffic impacts. The fairshare contributions should be based upon the amount of project trips that will be distributed onto the County roadways.
15. The PEIR should reference and use the County's Guidelines for Determining Significance (modified February 19, 2010) for any traffic analysis of direct and cumulative impacts on roadway segments and intersections within the County's jurisdiction.
16. The PEIR should coordinate with County staff on the list of near-term / cumulative proposed / pending projects for the analysis of cumulative traffic conditions.
17. The PEIR should identify any discrepancies in proposed roadway classifications between Escondido's GP Update and the County's GP Update Mobility Element.

If you have any questions on the comments from DPW Traffic/Transportation Planning section, please contact Bob Goralka, DPW Program Manager, at (858) 874-4202, or by email at Robert.Goralka@sdcounty.ca.gov.

WASTEWATER

18. Escondido's general plan boundary includes areas of unincorporated County. Within the southwestern portion of the boundary is the Harmony Grove Sewer Maintenance District. We would request that the EIR show the boundaries of the Harmony Grove SMD and acknowledge the recorded map, and future on-site sewage treatment facility and agreement with Rincon Water to received reclaimed water from the development. Attached are maps that might be useful.

If you have any questions on the comments from the DPW Wastewater Management Section, please contact Jeff Bosvay, Unit Manager, at (858) 694-2711, or by email at Jeff.Bosvay@sdcounty.ca.gov.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving and future environmental documents related to this project or providing additional assistance at your request. If you have any questions regarding these comments, please contact LeAnn Carmichael at (858) 694-3739 or email at leann.carmichael@sdcounty.ca.gov.

Sincerely,



 ERIC GIBSON, Director
Department of Planning and Land Use

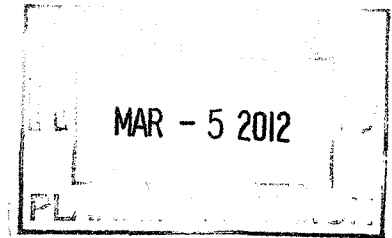
Attachments

cc: Sachiko Kohatsu, Policy Advisor, Board of Supervisors, District 3 (via email)
Dustin Steiner, Policy Advisor, Board of Supervisors, District 5, (via email)
Megan Jones, CAO Staff Officer, DCAO, (via email)
Michael Ott, Executive Officer, LAFCO, (via email)
Trish Boaz, Chief, County Department of Parks and Recreation, (via email)
Nael Areigat, Project Manager, Department of Public Works, (via email)
Kenneth Brazell, Project Manager, Department of Public Works, (via email)
Bob Goralka, Department of Public Works, Transportation Division, (via email)
Hidden Meadows Community Sponsor Group
Valley Center Community Planning Group
Twin Oaks Community Sponsor Group
Elfin Forest Town Council
LeAnn Carmichael, Land Use/Environmental Planning Manager, Department of
Planning and Land Use (via email)
Priscilla Jaszkiwiak, Administrative Secretary, Department of Planning and
Land Use, (via email)



THE CITY OF SAN DIEGO

February 27, 2012



Mr. Jay Petrek, AICP
Project Manager
Escondido Planning Division
201 N. Broadway
Escondido, CA 92078

Dear Mr. Petrek:

Subject: Draft EIR for the Escondido General Plan Update, Downtown Specific Plan, and
Climate Action Plan (Case Nos. PHG 09-0020 and 10-0016); SCH No. 2010071064

The City of San Diego Public Utilities Department has reviewed the Draft Environmental Impact Report (DEIR) dated January 12, 2012. In a letter responding to the Notice of Preparation dated August 30, 2010 Public Utilities explained potential issues needing environmental assessment. While the DEIR generally addresses these, there remain several key issues of concern for Public Utilities.

Summary

The City of San Diego shares municipal boundaries with the City of Escondido. The Public Utilities Department (Public Utilities) owns and manages 9,800 acres of land at Hodges Reservoir and the San Pasqual Valley (Map 1). Hodges Reservoir is a drinking source water reservoir connected to the regional aqueduct system. Water from the reservoir is supplied directly to the Santa Fe Irrigation District and San Dieguito Water District, and indirectly to the City of San Diego and to water agencies across the southern half of San Diego county. Groundwater in San Pasqual Valley is a potential source of regional water supply.

City owned land at Hodges Reservoir and in San Pasqual Valley are designated Cornerstone Land preserves in the City's Multiple Species Conservation Program (Map 2).

We disagree with the conclusion of the DEIR that impacts to water quality will be less than significant. The General Plan Update covers land areas in the catchment of Hodges Reservoir and the San Pasqual Groundwater Basin. Land uses within the catchment directly affect water quality. Regional stormwater regulations do not address salt and nutrient loading at the level needed to fully protect drinking water impounded in reservoirs or captured in groundwater basins. The DEIR should evaluate the effects of land use changes on the drinking source waters



Public Utilities Department

600 B Street, Suite 600, MS 906 • San Diego, CA 92101

Tel (619) 533-7595 Fax (619) 533-5325

TRANSMITTED TO CONSULTANT

ON 2/27/12

downstream. Hodges Reservoir and the San Pasqual Groundwater Basin should be thoroughly discussed, and they should be shown on the project maps.

Managing pollutant loading in the catchment is key to protecting water quality in the reservoir and the groundwater basin. Land use modification and human activities can significantly alter stream function, disturb critical habitat, and contribute to non point source pollution. It is important that the DEIR discuss and disclose how implementation of the General Plan, including future annexations in Citrus Valley and Lake Hodges neighborhoods, will affect water quality in the catchments of Hodges Reservoir and the San Pasqual Groundwater Basin.

Specific Comments

Chapter 4 Environmental Analysis

Table 4.0-2: Regional Plans that Provide the Foundation for Cumulative Analysis

COMMENT:

Please include the City of San Diego's Multiple Species Conservation Program and associated MSCP Subarea Plan.

4.4 Biological Resources

Section 4.4.1, Existing Conditions

Page 4.4-1: Please add the following to the first sentence: "...adopted in 2003 (SANDAG 2003), and adjacent to the City of San Diego's MSCP Cornerstone Land at Hodges Reservoir and San Pasqual Valley."

Figure 4.4-1, Page 4.4-3: Please show the City of San Diego's Hodges Reservoir and San Pasqual Valley Cornerstone Lands.

4.4.1.1, Page 4.4-5: Second paragraph: Add to the sentence, "The portion of San Pasqual Valley in the planning area is located north of the San Dieguito River Valley Regional Open Space Park, also known as the San Dieguito River Park, in the City of San Diego, and occurs on land owned and managed by the Public Utilities Department."

4.4.1.1, Page 4.4-6: Second paragraph: Change the sentence, "The areas surrounding Lake Hodges Reservoir and along the southern boundaryare identified as *Cornerstone Lands*, a core biological area protected in perpetuity (City of San Diego, 1997)."

4.4.2.3, Page 4.4-18: Include a discussion about the City of San Diego's MSCP Cornerstone Lands, similar to the discussion about the County's MSCP.

4.4.3 Analysis of Project Impacts and Determination of Significance

The land surrounding Hodges Reservoir and much of the land in the San Pasqual Valley is part of the City of San Diego MSCP Cornerstone Lands¹. As the foundation of the MSCP these lands support extremely valuable habitat and species dependent on those habitats. The DEIR should address the potential impacts to Cornerstone Lands adjacent to the City of Escondido's boundary.

4.9 Hydrology and Water Quality

Overall, this section provides a general description and analysis of water quality issues and regulations, but falls short in addressing the potential effects on the adjacent Hodges Reservoir and San Pasqual Groundwater Basin from implementation of the project. This section needs to fully describe the regional importance of the reservoir and groundwater basin.

The City of San Diego has an approved Groundwater Management Plan (GMP) for the San Pasqual Groundwater Basin. This should also be discussed in the DEIR. The General Plan Update should embrace the intent of the GMP and coordinate with the City on protection and enhancement of the basin. The GMP can be viewed at: <http://www.sandiego.gov/water/gen-info/watersupply.shtml>.

The City of San Diego is presently assessing all potential local sources of water, including the development of groundwater. While the City has no immediate plans to develop or extract groundwater from the San Pasqual Groundwater Basin, it does figure prominently as a future source of water supply. Therefore, activities within Escondido's jurisdiction that would jeopardize these water resources, including activities that would degrade water quality, should be carefully assessed.

The State Water Resources Control Board adopted a Recycled Water Policy (Resolution No. 2009-0011) to increase sustainable local water supplies by increasing the acceptance and use of recycled water to recharge local groundwater basins. This Policy requires the development of salt and nutrient management plans for groundwater basins. The San Pasqual Basin is the first area the City of San Diego will be evaluating to comply with this Policy. We will be collaborating with surrounding jurisdictions, including the City of Escondido, and request this Recycled Water Policy be disclosed in the DEIR.

Section 4.9.1.1 Groundwater Hydrology

COMMENT:

Please show the San Pasqual Valley Groundwater Basin on Figure 4.9-1. *Section 4.10 Land Use*

¹ City of San Diego, March 1997. Multiple Species Conservation Program, City of San Diego MSCP Subarea Plan; City of San Diego, California Department of Fish and Game, US Fish and Wildlife Service. July 15, 1997. Cornerstone Lands Conservation Bank Agreement; US Fish and Wildlife Service, California Department of Fish & Game, City of San Diego. July 16, 1997. Implementing Agreement to Establish a Multiple Species Conservation Program ("MSCP") for the Conservation of Threatened, Endangered, and Other Species in the Vicinity of San Diego, California

4.9.3 Analysis of Project Impacts and Determination of Significance

We disagree that impacts to water quality will be less than significant. The land uses in the project area that are within the catchments will directly affect water quality. Nonpoint source pollution and sedimentation are of particular concern for water quality.

The Environmental Protection Agency identifies non point source pollution as the nation's largest water quality problem². Nonpoint source pollution is more difficult to regulate since the sources spread out over large areas and discharge rates and quantities are unpredictable. Pollutants of particular concern for Hodges Reservoir and the San Pasqual Groundwater Basin are nutrients [nitrogen and phosphorus in their various forms], salts [aka TDS], and total organic carbon. All these can be expected to be present in runoff from residential and commercial development in the area of the General Plan Update.

Three streams tributary to Hodges Reservoir are in areas identified for potential annexation by the City of Escondido. Water quality in Hodges Reservoir has been degraded by non point source pollution. Additional pollutant and nutrient loading would further degraded water quality. Development of land under one acre will not require a NPDES permit and regional stormwater regulations do not address salt and nutrient loading at the level needed to fully protect drinking water source reservoirs. The DERI should clarify how land use changes in the catchment could affect water quality. It should analyze the salt and nutrient loading potential to Hodges Reservoirs and the San Pasqual Groundwater Basin resulting from the proposed project.

4.10 Land Use

4.10.2.2, Page 4.10-17: To fully understand the surrounding land uses and provide a comprehensive disclosure of potential impacts, it is recommended that a few paragraphs be added discussing pertinent City of San Diego's plans, programs, policies, and regulations that will be affected (or not) by the General Plan Update. The City of San Diego's jurisdiction is adjacent to the City of Escondido. Potential issues affecting natural resources and water resources in this bordering area should be discussed.

4.15 Recreation

This section should include an expanded discussion about the San Dieguito River Park Joint Powers Authority and potential impacts to San Diego's MSCP land because of increased recreation. Trails of the River Park traverse Public Utilities land at Hodges Reservoir and in San Pasqual Valley. Growth in Escondido will lead to a greater pressure for recreation on River Park trails. Growth in Escondido will also lead, inexorably, to more unauthorized access to Public Utilities lands. The Public Utilities Department has a long history of managing public recreation and unauthorized access, especially at Hodges Reservoir and in San Pasqual Valley. Our experience has made it clear that development close to undeveloped rural reservoir properties greatly increases the scope and severity of problems such as trespass, off road vehicles use, degradation of vegetation and soil, trash and hazardous material dumping, and a general increase in pollutants. At Hodges Reservoir and in San Pasqual Valley there are already dozens of

² EPA website, February 27, 2012
<http://water.epa.gov/polwaste/nps/outreach/point1.cfm>

Page 5
Mr. Jay Petrek
February 27, 2012

unauthorized access points, miles of “volunteer” trails, and continuing problems with vandalism, poaching, homeless encampments, and serious crime.

The DEIR should explain how the Trail Network Policies will be implemented by the General Plan to reduce impacts to less than significant.

Chapter 5 Other CEQA Considerations

Section 5.1.2, Page 5-3: Fourth paragraph: Add to this sentence, “Additionally, intensified non-residential land uses proposed ...and the Westfield Shoppingtown Target Area would be located in close proximity to the adjacent jurisdictions (City of San Marcos, *City of San Diego*, and unincorporated San Diego County).”

If you have any questions, please contact me at jpasek@sandiego.gov or at (619) 533-7599.

Sincerely,



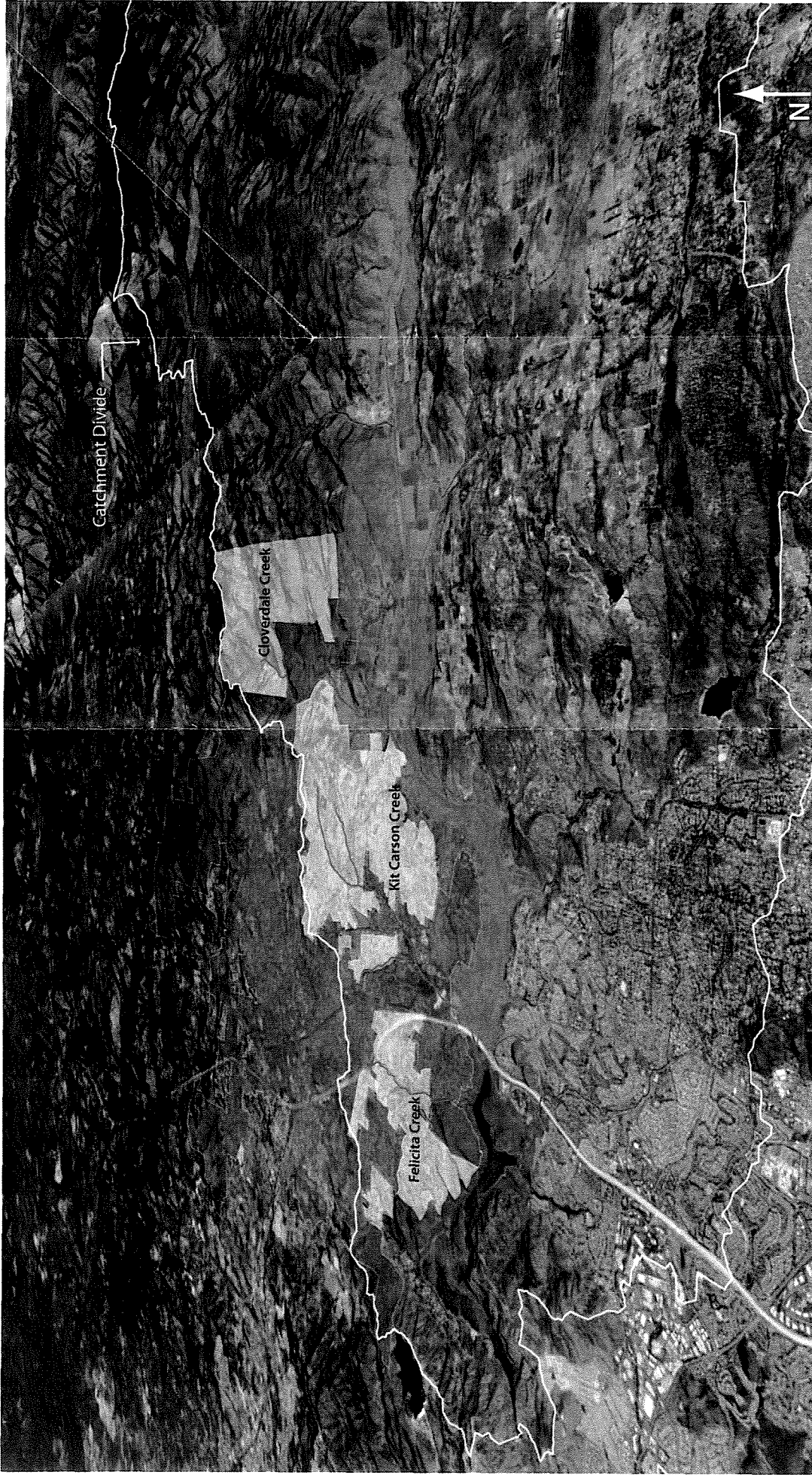
Jeffery Pasek
Watershed Manager

JP/tm

- Enclosures: 1. Map 1, Public Utilities Land: Hodges Reservoir and San Pasqual Valley
 2. Map 2, Cornerstone Lands: Hodges Reservoir and San Pasqual Valley

RMU 2.0

Public Utilities Land: Hodges Reservoir and San Pasqual Valley



Watershed and Resource Protection
Image: Google Earth 2012

Map 1








City of San Diego
 Public Utilities Department
 Cornerstone Lands:
 Hodges Reservoir
 and San Pasqual Valley

City of Escondido

San Pasqual Valley Agricultural Preserve

Hodges Reservoir

-  MSCP Cornerstone Land
-  Public Utilities land in Escondido
-  Public Utilities
-  Hodges Catchments
-  Streams

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Map 2

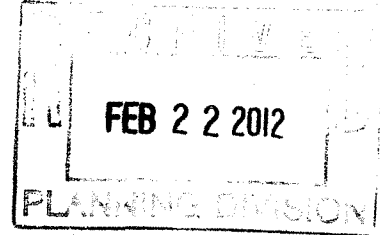
Prepared by:
 City of San Diego, Public Utilities
 Watershed and Resource Protection Team



San Diego County Archaeological Society, Inc.

Environmental Review Committee

20 February 2012



To: Mr. Jay Petrek, AICP, Principal Planner
Planning Division
City of Escondido
201 North Broadway
Escondido, California 92025-2798

Subject: Draft Environmental Impact Report
Escondido General Plan Update, Downtown Specific Plan Update, and
Climate Action Plan
City Project Number PHG 09-0020 and PHG 10-0016

Dear Mr. Petrek:

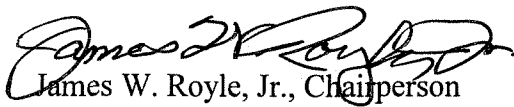
I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR, we have the following comments:

1. The treatment of cultural resources in the DEIR is very good. Our only addition to the mitigation measures would be to include in Cul-3 the requirement of curation of the collections and associated records, other than cultural material subject to repatriation under state and federal law.
2. We suggest adding to the list of historic properties in or adjacent to the City two properties in the unincorporated area which have been landmarked by the County's Historic Site Board:
 - a. King Ranch House, 1445 Navel Place, Escondido 92027
 - b. Jessie C. Holmes Lemon Ranch Residence, 1106 Birch Avenue, Escondido 92027Both have also been granted Mills Act participation.
3. As an editorial comment, we note that San Pasqual Road is mislabeled San Pasqual Valley Road on the maps in the DEIR, such as Figures 4.5-1 and 4.5-2.

We appreciate being included in the public review of this DEIR.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

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ON 2/22/12

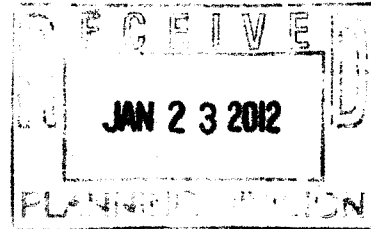
**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



January 19, 2012

Jay Petrek
City of Escondido
201 North Broadway
Escondido, Ca 92025



Re: Escondido GPU, Downtown SPU & Climate Action Plan

Dear Mr. Petrek,

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

TRANSMITTED TO CONSULTANT
ON 1/31/12



20223 Elfin Forest Road
Elfin Forest, CA 92029

2011 Board Members:
Jacqueline Arsvaud-Benjamin, Chair
Bonnie Baumgartner, Vice-Chair
May Meintjes, Treasurer
Amy Molenaar, Secretary
Melanie Fallon
Nancy Goodrich
Minoos Sohaey
Gordon Taggart
Sandra Bartsch, At-Large Member
Mid Hoppenrath, At-Large Member

Jay Petrek, Principal Planner

February 2, 2012

Escondido City Hall Planning Division
201 N. Broadway
Escondido, CA 92025

SUBJECT: City Case Numbers : PHG 09-0020, PHG 10-0016

Dear Mr. Petrek,

The Elfin Forest Harmony Grove Town Council appreciates the opportunity to comment on the GENERAL PLAN UPDATE AND CLIMATE ACTION PLAN, City Case Numbers : PHG 09-0020, PHG 10-0016, in particular, regarding policies concerning unincorporated Harmony Grove (underlining added for emphasis):

Page II-53

SPA 8 - "Increased building heights and intensities shall be focused along Citracado Parkway and in areas more distanced from residential uses to ensure compatibility. Primary access to non-residential areas within the Specific Plan Area south of Andreason Street shall be from Citracado Parkway and Lariat Drive. Vehicular access to nonresidential land uses from Harmony Grove Road west of Citracado Parkway shall be prohibited. Attention shall be given to buffer the semi-rural residential areas along "edges" near Harmony Grove Road (west of Citracado Parkway). Kauana Loa Drive and in the Eden Valley area by incorporating land uses, building heights, architectural materials, building orientations, setbacks, colors, screening, lighting and signage that are harmonious with adjacent lower intensity land uses."

"The drainage areas running north and south through the center of this Specific Planning Area, as well as Escondido Creek, represent a desirable visual amenity. The Specific Plan shall include provisions for the enhancement of riparian areas and for the incorporation of the Escondido Creek Trail into the ultimate development plans while minimizing impacts to these resources."

Page II-81 to 84

1. Eden Valley and Harmony Grove Neighborhoods

Location / General Description: The Eden Valley and Harmony Grove neighborhoods are located in a rural valley along the western portion of Escondido, generally bounded by Hill Valley Road to the north, Escondido's General Plan boundary to the west, Escondido Creek Conservancy natural open space to the south, and Country Club Road, Kauana Loa Drive and portions of Harmony Grove Road to the east. The area generally north of Mount Whitney Road forms the boundary between the Eden Valley and Harmony Grove neighborhoods. The area includes single family residential on one-acre

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ON 2/2/12

and larger lots, a concrete pipe manufacturing company, agricultural uses, a historic spiritualist retreat center, and vacant property.

The Harmony Grove neighborhood is included in the County's adopted Elfin Forest and Harmony Grove San Dieguito Community Plan; a policy document created to address the issues, characteristics and vision of the two communities. Future development within Harmony Grove includes a 468-acre Specific Plan approved by the County that will involve a mixed-use rural residential village consisting of commercial uses, a fire station, open space, equestrian facilities and up to 742 units.

Page II-95

Community Character Policy 1.15

Recognize Community Plans approved by the Board of Supervisors within Escondido's General Planning Area and coordinate land use and design guidelines to minimize impacts in areas where city/county lands transition. Collaborate with annexing property owners to retain desired components of their Community Plans by considering appropriate zoning overlay designations in the event of annexation.

Community Character Policy 1.16

Notify and coordinate with surrounding property owners and resident groups when conducting land use studies affecting residents of unincorporated communities to include property owners, resident groups, homeowner's associations, and / or planning advisory groups that make their presence known to the City. Utilize Neighborhood meetings to notify interested parties to gather information and solicit input for recommendation to various decision-makers.

We approve of these additions to Escondido's General Plan, and in particular the underlined portions, which recognize the concerns of the local resident groups and planning advisory groups and also the County-approved Community Plan for this rural residential valley. We hope that Escondido would realize the benefit of having an attractive neighboring rural equestrian area and will act upon these policies in a manner that will safeguard the continued existence of these historic and environmentally sensitive communities.

Toward that end, we ask that Escondido institute a durable agricultural/equestrian overlay zoning plan based on the approved Elfin Forest Harmony Grove Community Plan as part of this General Plan Update, and not wait until an individual property is proposed for annexation to "consider" this, as is stated in the draft ***Community Character Policy 1.15.***

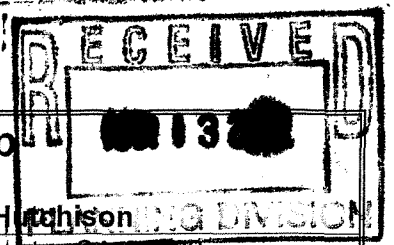
We look forward to collaboration with the City of Escondido towards limiting urban sprawl and "industrial creep" by creating effective buffer zones between future industrial/commercial uses and rural residential areas in the Harmony Grove Community.

Sincerely,



Jacqueline Arsivaud-Benjamin
Chair, Elfin Forest/Harmony Grove Town Council Board

Cc: San Diego Board of Supervisors
San Dieguito Planning Group



Valley Center Community Planning Group

Preliminary Minutes of the March 12, 2012 Meeting

Chair: Oliver Smith; Vice Chair: Ann Quinley; Secretary: Steve Hutchinson

7:00 pm at the Valley Center Community Hall; 28246 Lilac Road, Valley Center CA 92082

A=Absent/Abstain A/=Agenda Item BOS=Board of Supervisors DPLU=Department of Planning and Land Use IAW=In Accordance With N=Nay
P=Present R=Recuse SC=Subcommittee TBD=To Be Determined VCCPG=Valley Center Community Planning Group Y=Yea

Forwarded to Members: 13 March 2012

Approved:

1. Call to Order and Roll Call by Seat #:										7:08 PM				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A N D E R S O N	H U T C H I S O N	H O F L E R	G L A V I N I C	B R I T S C H	F R A N C K	Q U I N L E Y	V I C K	L E W I S	N J O O R H W N O S O O D N	S M I T H	J A C K S O N	R U D O L F	D A V I S	B A C H M A N
P	P	P	P	A	P	P	P	A	P	P	P	P	A	P

Notes: Lewis, Davis excused

Quorum Established: 12 present

Pledge of Allegiance

2. Approval of Minutes: February 13, 2012

Motion: Move to approve Minutes of February 13, 2012, as corrected

Maker/Second: Quinley/Glavinic

Carries/Fails 12-0-0 (Y-N-A): Voice

5.d. Discussion and possible vote on the Escondido General Plan Update, EIR, Downtown Specific Plan Update, and Climate Action Plan as those plans impact Valley Center. Comments have been submitted in advance of the meeting by the VCCPG Chair and will be subject to a ratification vote. (Smith)

Discussion: Smith addresses development along Valley Center Rd. [Valley Pkwy in Escondido] that will likely impact traffic on Valley Center grade. Another area along I-15 was designated for commercial development that seemed misplaced. Smith sent an email to the City of Escondido objecting to plans for those two areas. Rudolf clarifies some technicalities in the plan, and notes the fuzziness of the boundaries of areas in question. He describes an annexation proposal that may lead to further development of land along the Valley Center grade in what is now designated open space. Glavinic addresses Sager Ranch development and suggests it should be subjected to much higher traffic impact fees [TIF] than what are now required. Rudolf says TIF only applies in County. Glavinic says an equivalent fee should be applied by City of Escondido. Smith says Mirar de Valle would have to be improved to provide second exit. Rudolf says there is no proposal to annex north of Daley Ranch.

Motion: Move to Ratify comments sent previously by the chair to County and include VCCPG's strenuous opposition to any proposed annexation by the City of Escondido east of Daley Ranch including anything east of Valley Center Road.

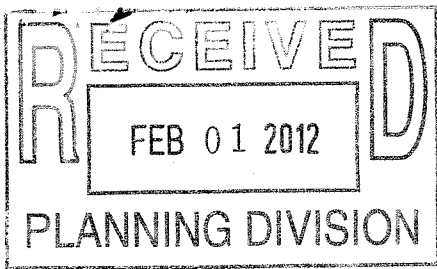
Maker/Second: Rudolf/Hofler

Carries/Fails 12-0-0 (Y-N-A): Voice

5.e Discussion and vote on Property Specific requests including comments on Special Study Area 3. These items were considered at the February 23rd meeting of the General Plan Update Subcommittee. (Rudolf)

Discussion: Rudolf presents a review of property specific requests including the process history of some of the properties. He says all requests can be located on a map posted on the wall in the meeting room. Rudolf and Smith received two calls regarding particular requests, but no property owners attended the meeting of General Plan Update [GPU] SC on this topic and none are present tonight. Smith notes that he spoke to another property owner, advising him of opportunities to speak at this meeting and to other officials. The principal concern among requestors was downzoning to allow fewer dwellings per acre. However, no property owners are present to speak to this issue at this meeting. Rudolf reviews some history of the GPU process and why these requests would defeat the purpose and goals of the General Plan Update. Rudolf specifically

**TRANSMITTED TO CONSULTANT
ON 3/13/12 (portion of VCCPG minutes)**



Questions re the Escondido General Plan Update, 2012

- Prepared by the Escondido Chamber of Citizens (ECOC) -

1. A build-out figure is not mentioned in the body of the General Plan Update. However, at the staff presentation to the Planning Commission on January 24, 2012, Jay Petrik stated that it would be about 205,000.
The General Plan Update Matrix – a “side-by-side” comparison of the current and the proposed General Plan Goals and Policies – states that “Updated policies are based on attaining a vision for the future prescribed in the General Plan rather than by population.”(p. 158, Population Policy F1.1 comment) That statement is completely contrary to the intent and letter of the Growth Management and Neighborhood Protection Act (“Prop.S”).
2. If the City moves from a General Law city to a Charter city, how will that affect the proposed General Plan Update?
3. The Minority Report written by two members of the G.P. Issues Committee – Pam Stahl and Lisa Prazeau – relates to certain Quality of Life standards, to annexation and to clustering. This report is very helpful in analyzing the proposed changes to our city’s General Plan. Have you received your copies of that Minority Report?
4. It appears that there is an effort to overturn the Growth Management and Neighborhood Protection Act, passed overwhelmingly by Escondido voters in 1998. Are we mis-reading any of the policy statements? We have been unable to find any of the protections which the people of Escondido wrote into their General Plan.
5. Issues Committee member Stahl asked for policies included in the General Plan Update relating to standards for smart growth areas (open space, recreational amenities, playgrounds for children, desirable landscaping, setbacks, et cetera). However, the committee turned down this request. We do see that there are some guidelines for the downtown area, but nothing for other smart growth areas. If not in General Plan policies, where will there be clear and *required* standards?
6. Does this General Plan assure that no new construction is permitted that will impede our fire department doing its job? (Remember the 2009 fire in the newly constructed condominiums at Escondido Blvd. and Woodward?)
7. Why were the Planning Commissioners not made aware of the Side-by-Side Comparison of Existing (adopted) and Draft (proposed) General Plan Goals and Policies – known as the Matrix?
8. The ECOC (Escondido Chamber of Citizens) will comment on the make-up of the General Plan Issues Committee.

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ON 2/2/12

9. The entire General Plan Update is not readily available to the general public: several computer-savvy residents have reported great difficulty in downloading the documents; when the hard copies were requested at the Main Library yesterday, the Librarian could not find them. (She located them later that day.) Of course, with the closure of the East Valley Library, neither computers nor hard copies of those documents are available there to that large part of our population. Also, although the General Plan Update documents are available to the in hard copy at the Planning Department at City Hall, a very large number of our working residents do not get off work until after 5 or 6p.m and so cannot consult those documents if the on-line option is inaccessible. (They could be purchased, we are told; however the cost of those weighty volumes could have been shared by neighborhoods if such a people-friendly plan had been co-ordinated through our neighborhoods.)

Secondly, on January 12th, our city Planning Department announced that the Draft Environmental Impact Report – which assesses the General Plan Update, the Downtown Specific Plan Update and the Climate Action Plan - was starting a 45-day public review period, to end on February 27th. In light of the accessibility realities, the public needs formal assurances *today* that public input will continue to be received and considered for changes in the Draft Update well after that February 27th date.

Finally, as we all know, if a community's General Plan is to actually and effectively guide its future, then, its council, staff, and residents must be committed to the thorough study, review, discussion and commentary which alone can result in a plan that protects and improves the quality of its residents lives – that is to say “the best interest of its public.”

Right now, this General Plan is slated to go on the November ballot. Perhaps, if future public workshops over the next six months are held at times and places accessible to the working public ; if the documents are readily available to them; and if the staff continues to receive, respond to and consider the public input toward possible changes to the Draft, perhaps our city's Plan could be ready for the November ballot. Sliding through or rushing or avoiding the give-and-take of genuine and thorough community-wide discussion and decision- making will only degrade the liveability of our city for decades to come.

February 27, 2012

Patricia Borchmann
1141 Carrotwood Glen
Escondido, Ca 92026
760 580-7046

Jay Petrek, Principal Planner
City of Escondido
Planning Division
201 N. Broadway
Escondido, Ca 92025

**RE: Public Comments on General Plan/Downtown Specific Plan Update – Draft EIR –
(SCH SCH 201 007 1064)**

Dear Jay,

Thank you for opportunity to participate in process with public comments on the draft EIR prepared for the General Plan, and Downtown Specific Plan update.

1. Visual Resources, Community Character, Historic Resources

The impact analysis of the Downtown SPA indicates development under the proposed Downtown SPA **would not** have potentially significant impacts to existing **visual resources, community character, and historic resources**. As an observant concerned citizen, I disagree with that conclusion because it appears to **understate**, or underestimate the actual extent of visual impact which proposed changes will likely cause, based on the proposed drastic increase in building height (up to 85'), producing a high-rise urban profile, and extreme density increases in the retail core area of Downtown's Specific Plan Area..

In Section 4.1.3.3., Issue : Visual Character or Quality, Community Character: The draft General Plan update reflects: "the implementation of the proposed General Plan update would have the potential to change **but would not substantially degrade the existing visual character or quality in the General Plan update area**. The City has existing regulations in place, and the General Plan update and Downtown Specific Plan update propose new policies to ensure future projects would be cohesive, high quality development that would not degrade existing visual character or quality."

The analysis seems to fail to fully recognize the actual extent of disparity and contrast which will result between the size, scale and mass of an existing 1-2 story building profile currently predominant in the Downtown Retail Core/Historical Downtown District, with the dramatically more massive size, scale and mass of a more high-rise urban profile, resulting from the proposed land use, building height changes and density increases proposed under the General Plan/Downtown SPA update. The analysis fails to fully recognize that the existing 1-2 story buildings (many of which are historically significant), will become dwarfed, diminished, overpowered, and sometimes shadowed in darkness, in contrast to new oversized high rise structures in close proximity .

As understood, high-rise residential buildings up to 85' high, (w/100 du/acre density) may be located in a peripheral area surrounding the existing 1-2 story buildings in the retail core, with little transitional, or

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ON 2/27/12

intermediate treatment. In the Downtown Retail Core Area/Historic Downtown District, high rise buildings up to 75', (w/75.du/acre density) are proposed.

The analysis seems to overly minimize the extent of actual change in the character of this area ,and falsely leads one to believe the proposed building height increase is relatively minor. In the Downtown Specific Plan's retail core, there are only two existing high rise buildings (AT&T/Pac Bell facility, and Palomar Hospital). Otherwise, the typical existing building profile is low-rise (1-2 story building streetscape) in Escondido's Downtown Retail Core/Historic District.

Based on the extent of change from an existing predominantly low-rise urban profile to a high-rise urban profile, I strongly feel the Visual Character or Quality **will be significantly changed**, and that the changes could degrade the existing visual character or historic quality in the Historic Downtown District. That is why I think a reasonable person might **disagree with consultant's conclusions that changes are not expected to "substantially degrade the existing visual character or quality in the General Plan update area"**. I also feel the consultant's analysis of the area's existing community character fails to reflect the extremely high intrinsic value which surveyed residents and downtown merchants place on the City's existing historic resources.

In a quantitative analysis prepared in 2011 for "Escondido's Future", the value of Escondido's historic resources in Downtown and Old Escondido Neighborhood were identified by residents who were surveyed, as one of the top three (3) existing amenities in the City, which are considered 'Escondido's treasures'. (1)

In 2011, streets in a segment of the Historic Downtown District were closed, so the area could be used for film production purposes, because Escondido was specifically chosen by film-makers because of the existing unique ambience and historic charm. In 2011, another area in Old Escondido Neighborhood was specifically chosen in a nation-wide search, to be photographed for an automobile commercial, because of the unique charm and historical authenticity unfound elsewhere for winter photos on a residential street shaded by large trees. The visual value of historic resources are an irreplaceable existing amenity, which draws the film industry, and advertisers marketing products with commercial photography in prime locations with desirable backgrounds. This is an asset which deserves more emphasis and importance.

It is an understood, and supported premise that the basis of the General Plan update follows strategies promoting "smart growth" and higher densities in the urban core, and discourages urban sprawl into rural peripheral areas. It is an unfair assessment however, to conclude the proposed General Plan update's impacts on visual resources and community character will not be degraded. I think it might be appropriate to more fully reassess the General Plan updates' actual impacts on Visual Resources and Community Character (and Historic Resources). If necessary, potentially significant impacts could be overridden by Findings of Overriding Considerations, but that process would provide a more authentic impact analysis, and a more authentic effort to determine if additional mitigation measures are feasible. Possible mitigation measures might **include additional** design standards to provide transitional treatments, graduated roof height levels, variation in wall planes and materials to avoid a monotonous

wall plane or surfaces. Encouragement of roof terraces, large balconies, and opportunities for open community garden spaces on roof surfaces, and specific design standards to promote solar energy in urban high rise buildings are also suggested.

2. Population

During Council's discussion on Population, Jay you indicated how the City's most recent data on unit occupancy increased from the former rate of 2.44 persons per unit to over 3 persons per unit. Your discussion indicated how the forecast changes population, and will affect targets for affordable housing and other components most linked to Housing Element. It was noted that any negative impacts resulting from increased unit occupancy rates could be overridden by Findings by Council, that Overriding Considerations would Outweigh certain negative impacts. I suggest that the applicable draft EIR sections be reevaluated and possibly revised to reflect these findings.

Although it may be true that Findings of Overriding Considerations may allow Council to approve the EIR despite negative impacts, this issue made me wonder about how this specific increased occupancy rate was evaluated in the assessment of other important sections of the EIR analyses. This would likely be relevant in assessment of impacts on traffic generation rates, demand for all public services and infrastructure (public services from schools, to increased service demand for police, fire and emergency service, to other major infrastructure systems). Unless the same increased unit occupancy rate (over 3.0 persons per unit) were applied in the impact analysis in other sections of the EIR, such analysis would result in an underestimated project impact from development under the General Plan. How was this increased unit occupancy treated by consultants in the various impact analyses prepared for this General Plan update? If not already fully assessed, a reassessment is recommended for purposes of accuracy in various technical studies, by reflecting the current occupancy rates.

3. Traffic

Although the draft General Plan EIR recognizes that during peak hours, projected service levels will be reduced to Levels C, D, and E in the Urban Core, the extent of negative impacts on traffic patterns caused by the increased densities and an urban high-rise profile seems to have been overly minimized in the analysis. **By emphasizing these degraded service levels are only projected during peak hours, the limited occurrences supposedly indicates that negative impacts are otherwise acceptable? I assert that that the anticipated reduction in service levels during peak hours is an unacceptable significant negative impact, and should be treated as such.**

One could reasonably expect that degraded service levels during peak hour in the urban core would likely also cause other offsite impacts, and cause increased congestion and traffic impacts on other peripheral transportation routes. Drivers will likely seek alternative ways to travel more quickly across town, or to-from freeway interchanges on I-15 and SR 78. Therefore, I believe actual development under the General Plan update may cause a greater traffic impact than the extent specifically evaluated in this draft EIR traffic analysis. If not already fully addressed, the full traffic impact analysis in the General Plan update should be undertaken, including offsite impacts.

Additionally, the issue of increased traffic congestion and reduced service levels Downtown are likely to create a more negative impression of the City. This is critical especially for visitors, or potential customers trying to travel to the City using various freeway interchanges, to destinations, or for businesses with anyone touring the City as a potential employer. Actual Service levels during peak hour conditions often play an important, and major role in the image projected by the City, and may have an adverse effect on any type of an improved future employment base the City tries to form.

5. Grading, Landform Alteration

The draft General Plan EIR reflects a series of policies which, with adherence, appear to form the basis of mitigation measures to assure potentially significant impacts would be averted. While the collective intent of conformance with these policies 'sounds good' on a macro-level, at a micro-level, this alone is an ineffective method. As explained subsequently in further detail, some of the policies are internally inconsistent, which often makes policy implementation overly confusing, difficult, and overly complex.

For instance, policies in the General Plan's new Prosperity Element promote processes which are business-, and user-friendly, simple to apply without 'hidden requirements' or surprises. This observation is not presented as a criticism of the draft EIR prepared for the General Plan Update. Instead, this observation is presented to indicate the current complexity which exists, because development standards, guidelines and policies controlling property development are currently not cohesively described in a single, stand-alone document, or in a single handout for use by the public, or use by consultants.

Instead, for instance, the requirements for property development are described in **multiple** sections of the underlying zone in the Zoning Ordinance, or grading standards which are described in the Grading Ordinance. Beyond those, the General Plan's policies for Resource Conservation (Chapter 6), are treated separately, as are Guidelines for Hillside Development, ridgeline protection, scenic vistas, view corridors (I-15), or sensitive habitats (such as wetlands, streamcourses, sensitive habitat, steep slopes).

Because these extremely important supplemental policies and guidelines seem to be treated almost as if they are 'afterthoughts', separate, or subordinate to explicit standards defined in the Zoning Ordinance or Grading Ordinance, they are often overlooked, often misunderstood, or are unclear as to whether standards are absolute, mandatory, optional, required, or recommended. As often as this Council directs staff to 'simplify' processes, a more thorough method to develop a stand-alone comprehensive hand-out document is highly recommended. This effort would provide a major benefit by avoiding instances where user's don't inadvertently overlook important development constraints which otherwise often become surprise obstacles at later stages in the development process. I would expect this type of effort would hopefully occur in the not-so-distant future, perhaps concurrently with the City's subsequent comprehensive update of the Zoning Ordinance. Until a more comprehensive method to implement General Plan policies with a subsequent, more comprehensive single- source handout to fully describe development standards is prepared, the need for, the intent, and commitment for follow-up actions would at least be appropriate to explain in this Draft EIR for the General Plan Update.

6. Environmental Review

The General Plan Update's Section 18 identifies a series of Goals pertaining to Environmental Review Policies 18.1 – 18.4. Under Policy 18.1, the draft EIR indicates the requirement to maintain Environmental Quality Regulations (EQR) in accordance with the California Environmental Quality Act (CEQA).

Since the City routinely utilizes federal funds under Community Development Block Grants on an annual basis, (sometimes for City-projects, or to subsidize valuable services performed by local non-profit organizations), or possibly other federal grant sources, it is suggested this section of the General Plan Update EIR be expanded, to also include requirements to maintain EQR in conformance with National Environmental Policy Act (NEPA), when necessary.

It seems the section 18 pertaining to Environmental Review would be an ideal location to reflect the intent of CEQA's mandate, to promote development which reflects efforts to first avoid, or minimize project-related impacts to the maximum extent feasible, and provide full mitigation to offset negative impacts to valuable natural resources and amenities, when impacts cannot be avoided.

In separate sections of the General Plan Update EIR, there are numerous examples where the text describes processes, with language which would probably be appropriate in a summary under the Environmental Review section 18. For instance, under the Mobility and Infrastructure Element's policies require use of best practices to maintain the highest possible energy efficiencies in water treatment system and infrastructure system to reduce costs and greenhouse emissions (Policy 12.9). Or, for example, Policy 14.6 requires new development to minimize alterations to natural landforms and the amount of impervious surfaces to minimize erosion while encouraging implementation of low impact development measures, and maximum use of natural drainage ways consistent w/sound engineering and best management practices.

On page 4.4-30, under Federal, State, and Local Requirements, the draft EIR refers to the City's Environmental Quality Regulations (EQR), as follows:

"Additionally, the City's EQR require reporting programs to ensure that all required mitigation measures for development projects are properly and fully implemented with regards to impacts to biological resources, including habitat fragmentation and habitat that supports sensitive species."

This level of detail, and type of description also belongs in the draft EIR Section pertaining to Environmental Review in Section 18.

7. Description of Environmental Setting

Under Section 3.3, the general description for Environmental Setting describes:

"The City's geographic setting is characterized by hills, and mountains surrounding an open valley bisected by Escondido Creek....."

I feel this general description should be expanded to **also specifically identify the existence of Reidy Creek under the Description of Environmental Setting**. Reidy Creek is another important drainage feature which is recognized in other sections of the Draft EIR prepared for the General Plan Update, and was identified in the Notice of Preparation, and Notice of Completion. Reidy Creek is partially a natural drainage channel in its upper reaches (approximately 3 miles in length?) adjacent to Broadway flowing from a north to south direction, until the creek reaches the channelized segment (approximately 2 miles? In length). From there, the channelized portion of Reidy Creek combines with Escondido Creek channel at Mission Avenue between Centre City Parkway and Quince Street.?

An expanded description for "Environmental Setting" to include Reidy Creek would be consistent with the description of Riparian Vegetation (page 4.4-9) under Biological Resources, and the Riparian Forest category displayed on the Vegetation Classes (Figure 4.4.2). Due to the relative rareness, sensitivity, and high level of biological habitat value usually associated with rural segments of natural drainage channels supporting riparian vegetation, the current superficial description under the draft EIR's summary of the Existing Setting on page 3.3 seems incomplete, and overlooks an important element.

It is hoped that at some future point in time, it may become possible to perhaps assemble a series of parcel acquisitions for purposes of forming a linear park, or a contiguous open space system adjacent to Reidy Creek Golf Course, when undeveloped portions of Reidy Creek are developed. Or a preserve system could be assembled to function as a mitigation bank area. In order to protect that option to possibly preserve and protect portions of Reidy Creek's unchannelized section in the future, it is important to identify this natural streamcourse as a feature under the description of the City's Environmental Setting.

8. Escondido Creek Master Plan

Since the City Council recently adopted the final Escondido Creek Master Plan (January 25, 2012), it may be suitable to more extensively reflect components of this adopted Master Plan in the draft EIR and General Plan, than is currently described in the document(s).

I was extremely glad to see that the draft General Plan/Downtown Specific Plan Update **generally** reflects the City's "vision" for Escondido Creek. On page 1-11, the Draft General Plan Update (Section 5) for Parks, Trails and Open Space, (paragraph 2), states:

"Escondido Creek is enhanced as a shaded rail system that connects to other regional trails and open space systems, and includes recreational improvements with exercise stations, seating areas, and mini-playgrounds."

It seems that the discussion about the Escondido Creek Master Plan should be expanded, to more comprehensively describe specific elements of the adopted Master Plan. For instance, it should more fully reflect excerpts from the actual Master Plan recently adopted for Escondido Creek, to function as a Class II bikepath/pedestrian path. The current document could easily be expanded to further reflect a future Zoning Overlay district for Escondido Creek, and specify design standards for shade structures,

furniture features, fencing design guidelines, identify themes, various design elements and signage, street crossings, security and safety features which will be constructed in future phases.

Since the draft General Plan Update EIR and Downtown Specific Plan are still at a point where minor revisions are still possible, it seems this might prove to be a worthwhile and valuable undertaking. If the General Plan Update and EIR were expanded at this point to more consistently and comprehensively reflect subsequent plans for phased construction for the Escondido Creek Master Plan, **the undertaking would greatly simplify subsequent efforts to obtain grant funding from various sources if the General Plan were structured in such a way.**

At the recent Strategy Session meeting (February 21, 2012), there was discussion among members of The Escondido Creek Conservancy (TECC) and Reveal the Creek (REC) groups to explore the possibility that future portions for phased improvements in the Escondido Creek Master Plan area might be suitable for use as an off-site mitigation bank area for other important projects proposed in other areas of the City, (such as off-site mitigation for extension of Citracado Parkway for instance). **These options would be easier to implement in the future, if such possibilities were specifically anticipated and generally described in the draft EIR prepared for the General Plan Update.**

As an interested citizen/unaffiliated member of Reveal Escondido Creek , I think there would be distinct advantages for the City to reflect possible opportunities to focus on future construction phases for segments of the Escondido Creek Master Plan. The draft General Plan EIR could also reflect the **possibility to utilize portions of the Escondido Creek Master Plan as an Overlay area, as a potential off-site mitigation bank area, to offset future impacts of City projects, or street extensions pursuant to the Circulation Element, or street widening .** Use of this method for future mitigation banking opportunities would simultaneously accelerate, simplify, and speed-up the ultimate construction of Escondido Creek Master Plan's features, so the City's residents, citizens, students, bicycling enthusiasts, recreational users, members of the public and visitors could more immediately begin to enjoy the multiple benefits resulting from the implementation of the Escondido Creek Master Plan.

Thank you for your patience, and that of your consultants, in evaluating public comments on the Draft EIR prepared for the General Plan and Downtown Specific Plan Update. It is an exciting process, to play a small but active part as a member of the public, in the development of the City's future, and master plans for future development in Escondido until 2035.

I was impressed the Climate Action Plan was made part of the General Plan update, and that the Plan reflects some of the previous public comments generated during earlier public outreach efforts.

Respectfully,

Patricia Borchmann

Footnote:

(1) Escondido's Future – Survey 2011 Results Summary – source – Mel Takahara

Jay Petrek

From: Christine Nava <christinenava@hotmail.com>
Sent: Monday, February 27, 2012 4:03 PM
To: Jay Petrek
Subject: DEIR comments

Dear Mr. Petrek –

I am just under the deadline for DEIR comments (I went out-of-town right after the workshop) and this is my first opportunity to follow up on a couple of issues I raised at the workshop. First let me thank you, your staff and all who worked on this plan. It shows a tremendous amount of work and your efforts to draw the public into the discussion is greatly appreciated.

Regarding the DEIR section entitled “significant and unavoidable impacts”, I notice that a number of factors are not included:

1. Ground wind effect when tall buildings are clustered.
2. Shading effects especially for other buildings.
3. “Canyon effects” –trapping pollutants, thus reducing air quality at the street level
4. Effects on light from obstruction of sun

Other comments that refer in a general way to the downtown clustering:

1. I am very concerned that apartments/condos planned in the higher density targeted areas will, in the long run, result in the creation of ghettos. I do not believe that these planned structures will draw the “high tech” or higher income level workers/families to residency to these apartments.
2. I am concerned about the social impact for both pedestrians and nearby residents.

Thank you for the opportunity to comment. I may have others as I continue to study the documents.

Sincerely,

Chris Nava
(760)735-9802

TRANSMITTED TO CONSULTANT
ON 2/27/12

Jay Petrek AICP, Principal Planner
City of Escondido Planning Division
201 N. Broadway, Escondido, CA 92025

February 27, 2012

RE: GENERAL PLAN UPDATE AND C.A.P. DRAFT EIR PHG 09-0020, PHG 10-0016, SCH #2010071064

Thank you for the opportunity to comment on this Draft EIR for the City's General Plan Update and Climate Action Plan. Eden Valley has recently been granted the opportunity to be represented by the San Dieguito Planning Boards, due to the actions of a core group of active community members who have worked hard with the County of San Diego to develop a vision for our community as part of the Sand Diego County General Plan Update.

In particular we have comments on General Plan Area EL-5 (Eden Valley) and the proposal to replan and rezone a portion of this area to Industrial Office (IO) with GP Policy to establish a Medical Overlay Area Plan in the proposed Escondido General Plan Update. Specifically the portion of EL-5, which does NOT lie within the City Limits, and is currently zoned Rural and Agricultural in nature.

Eden Valley Community Character: Located in unincorporated Escondido, Eden Valley is rural in nature, extremely quiet, peaceful, and generally remains in its natural state. The area is single-family rural residential and agricultural in usage, with large lots, residential livestock keeping; equestrian trails, and the dark night sky is an important aesthetic resource. There is one main roadway in Eden Valley: Country Club Drive, which is a 2-lane, tree-lined residential street with commercial weight limits and is designated as a traffic calming area. The roadside is often used as a multi-use equestrian trail by the residents. There is no commercial development; no sewer, no street lights, no traffic lights, no lighted signs, no traffic signals, no curbs, no sidewalks, no extractive land uses, and no commercial or non-agricultural industry in Eden Valley. Residents here value open space, quiet, dark nighttime skies, low traffic volume, equestrian trails and access to the abundant wildlife that flourishes in this beautiful rural environment.

We ask that the Escondido General Plan Update and EIR remove any County land within the area of EL-5 from the planning area. Should the City of Escondido choose to move forward with including current County land within the area of EL-5, we ask that the General Plan EIR's detail how increasing residential densities and intensities in "Smart Growth" areas such as EL-5 which are in close proximity to transit, will not compromise the character of adjacent single family neighborhoods such as Eden Valley. An alternative may be to purchase mitigation lands **within Eden Valley** as a permanent Open-Space Reserve to offset the losses. This may also be in keeping with the General Plan's goal of establishing "Smart Growth" and "Healthy Community Concepts" which enhance accessibility to recreational and open space opportunities.

Furthermore, since most of the EL-5 area is within the City limits, we ask the City of Escondido to create a buffer zone and graduate the FAR with lower intensities adjacent to the existing County areas, while increasing the FAR intensities to the North and East areas of EL-5. This project does NOT blend with our existing community character and will have an adverse visual and environment impact on all of Eden Valley by sitting buildings that may project above the ridge line and resulting in a scale of development that is incompatible with the existing setting.

We ask that the Escondido General Plan Update and EIR recognize and support the proposed planning for all of Eden Valley, which is currently with the County of San Diego's General Plan Update. The City of Escondido new General Plan should accept and adopt all of the provisions which exist in the Eden Valley Community Plan. This should include an agricultural/equestrian district overlay that would allow durable special animal and livestock keeping and breeding, a trail system suitable for equestrian use, and low density zoning to encourage small family-owned organic farms.

As neighbors, we hope that the City of Escondido will continue to help keep our rural community true to it's name sake of Eden Valley

Janean Huston (and neighbors)
1023 County Club Drive, Escondido, CA 92029

cc:
San Dieguito Planning Group
Elfin Forest/Harmony Grove Town Council
Residents of the Eden Valley Bugle
Devon Muto, County of San Diego DPLU

TRANSMITTED TO CONSULTANT
ON 2/27/12

Jay Petrek

From: Mark Rodriguez <marknrodriguez@cox.net>
Sent: Monday, February 27, 2012 5:05 PM
To: Jay Petrek; Sam Abed; Marie Waldron; Olga Diaz; Ed Gallo
Subject: Re: City Council General Plan Update Workshop

Jay,

I hope that the General Plan Update addresses issues with fire protection/services especially when dealing with the Palomar Energy Center. The transformer fire identified that there was lack of proper fire suppression services not only on the facility but with the fire department. The fact is that we were very lucky and if it had spread there would have been nothing that we could have done leaving many questions unanswered. Documentation I have obtained indicates that without the proper equipment that the temperature of the fire became too critical and prevented anyone from extinguishing the fire quickly if it had become critical.

Also of notice is the very poor level of circulation that will still be in place even with the Nordahl expansion and 78 widening. At some point some will die as a result and city continues to use excuses rather than addressing the problems. With Palomar West becoming a critical factor in the development of Escondido the continued failure to address existing infrastructure problems will only put another black eye in this cities attempt to change their image.

Mark

On Jan 26, 2012, at 5:12 PM, Jay Petrek wrote:

Greetings-

Escondido's Draft General Plan Update, Downtown Specific Plan Update, and Climate Action Plan are available for public review and comment. The Draft Environmental Impact Report that assesses these documents is complete, and its 45-day public review / comment period extends from January 13 – February 27, 2012.

A CITY COUNCIL WORKSHOP HAS BEEN SCHEDULED FOR WEDNESDAY, FEBRUARY 1, 2012. The workshop will be held at 4:30 P.M. in the City Council Chambers, 201 N. Broadway, Escondido CA. The workshop is open to the public. No decisions will be made at the workshop, the intent is to provide information, and receive input and direction.

The City Council staff report can be found at the following link:

<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/GPUpdate/020112CityCouncilWorkshop.pdf>

All General Plan-related materials are available to review / purchase at the City Hall Planning Division (201 N. Broadway, Escondido, CA 92025), and documents are filed at the Public Library Reference Desk (239 S. Kalmia Street, Escondido). Electronic copies have been uploaded to the City's General Plan Web Page at the following link: <http://www.escondido.org/general-plan-update.aspx>

Additional General Plan public meetings are anticipated during the spring and summer of 2012 and will be separately announced.

TRANSMITTED TO CONSULTANT
ON 2/27/12

Question and Concern to City Council & Staff re the Proposed General Plan Update
(Please enter into the Record of this 2/16/2012 GPU Workshop)
Submitted by M. A. Mareck, 1439 Leland Way, Escondido, Ca. 92026

The first part of my question: Where is the list of the land-use changes which are made in the General Plan Update?

Secondly: my concern: At the Planning Commission General Plan Update workshop on January 24th, the Planning Commissioners had not been given the Side-by-Side Comparison of the Proposed Update and the Current General Plan, a document which could have greatly helped their preparation for the workshop. The lack of information on the part of the Commissioners was very evident, and raised much concern in those attending the workshop. Following that workshop, the concluding recommendations in the staff overview for the February 1st workshop listed: "Forward documents to Planning Commission for their final recommendation." My understanding is that this "final recommendation" by the Planning Commissioners will be to our City Council in regard to the Council's deciding vote on the content of our General Plan Update, which is slated to be on the November ballot.

Many of Escondido's current voters are also those who voted for the Growth Management and Neighborhood Protection Act. That Act was the result of a grassroots response to repeated abuses of the city's voter-approved General Plan by its city councils. The Act requires a vote of the people for changes to residential densities, changes to land use categories, and changes from residential designations to commercial or industrial designations. It also re-adopted specific related policies from the General Plan and stated that changes to those policies in future could only be authorized by a vote of the people at an election.

Those voters – and all of Escondido's voters – need to be sure that our commissioners have all the information they need about how the proposed General Plan does or does not honor the voters' intent when they passed the Growth Management and Neighborhood Protection Act. And the voters themselves need that information – in a clear, accurate, and concise form, widely available, and in time to permit study and discussion.

TRANSMITTED TO CONSULTANT
ON 2/27/12

Jay Petrek

From: Jay Petrek
Sent: Monday, February 27, 2012 1:48 PM
To: 'William'
Subject: RE: USGBC: LEED for Neighborhood Development

Hi William-

I may have misunderstood your question to me regarding LEED Design and Development Standards being included in the General Plan and I apologize. Because the General Plan is long range and somewhat fluid, it is not typical for agencies to reference specific programs, such as LEED, in order to not prejudice one approach or technology over another. However, there are policies in the Draft General Plan's Resource Conservation Element pertaining to Air Quality and Climate Protection, as well as in the Mobility and Infrastructure Element pertaining to Energy that call for energy efficient construction, lowering energy demands, and reducing the community's carbon footprint.

The city is very aware of the benefits of energy efficient construction and is active applying such technology in both new construction and retrofitted facilities. Just a few recent examples include:

- 1) Construction of the city's Police/Fire facility followed LEED principles.
- 2) Solar arrays on several city facilities that will, combined, generate almost 1 megawatt of power.
- 3) Escondido as the first city in California to convert raw sewage gas into renewable natural gas at the Hale Avenue Resource Recovery Facility (HARRF, city's sewer treatment plant).
- 4) Retrofitted electric operated water circulation pumps at Lakes Dixon and Wohlford to solar energy.
- 5) White roof technology installed on several city facilities, including City Hall.
- 6) City Hall and Centre for the Arts' heating and air conditioning equipment replacement with a cleaner-operating central plant facility that saves over \$250,000 annually in heating / cooling costs.
- 7) Traffic signals around town on a LED replacement program.

More energy saving features are in the works for municipal facilities. In addition, the requirement for all development to comply with Assembly Bill 32 mandating that greenhouse gas emissions be lowered to 1990 levels by 2020 will further accelerate energy efficient measures. I've attached links to the Draft Resource Conservation, and Mobility and Infrastructure General Plan Elements. Policies pertaining to Air Quality and Climate Protection are on pages VII-29 and VII-30. Policies pertaining to Energy are on page III-48 and III-49. These policies apply to both city and municipal operations. Let me know if this addresses your questions.

Respectfully,
Jay Petrek

<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/GPUUpdate/DraftGeneralPlanChapterIII.pdf>
<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/GPUUpdate/DraftGeneralPlanChapterVII.pdf>

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

From: William [mailto:w.w.stephenson@gmail.com]
Sent: Thursday, February 23, 2012 2:50 PM
To: Jay Petrek
Subject: USGBC: LEED for Neighborhood Development

Mr. Petrek,

I attended the recent community workshop on the Escondido general plan update (given in the Mitchell Room) and I briefly spoke with you afterwards regarding the complete absence of any mention of LEED design and development standards being applied to Escondido's GPU process, which you confirmed as true, which I feel is a stunning over-site by our city council.

Is there any way I can help you bring to the City Councils attention the importance and many benefits to our community if our city integrated the LEED for Neighborhood Development (LRRD-ND) principles into our GPU.

Please check out the link provided below for more information on the LEED-ND Rating System.

I was informed by Dolly Mc Quiston, President of the Escondido Chamber of Citizens (ECOC) that you will be our guest speaker next Tuesday evening, Feb 28. at Jerry Harmons home. I would like you to include the LEED for Neighborhood Development in your presentation because of the publics general lack of awairness of these entities, programs and standards. I look forward to your visit.

<http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148>

Jay Petrek

From: Kevin Johnson <kevin@johnsonlawaplc.com>
Sent: Monday, February 27, 2012 10:26 AM
To: Jay Petrek
Subject: General Plan Update EIR--Comments
Importance: High

Hi Jay:

I have been asked by the Escondido Chamber of Citizens to review and comment upon the General Plan Update Draft Environmental Impact Report. Following are a number of comments addressing issues related to Proposition "S".

- 1) The DEIR fails to fully and clearly inform the public as to what specific zoning amendments and GP policy text amendments will need to be voted upon under Proposition "S".
- 2) The criteria for deciding what amendments will require a public vote should be specifically explained and expressly applied to each amendment. Are there for example any "close cases" where a vote may or may not be required? If so, why?
- 3) A map of the properties to be rezoned should be provided and a standard figure/chart listing the properties in one place with a brief explanation about why or why not a public vote will be needed should be provided.
- 4) There should be clear explanation of how the vote on the properties will be handled. Proposition "S" requires separate votes on each property, not a vote on a block of several properties. The City has stated it has not decided whether there will be individual property votes or a block vote. The decision should however be made now and not sometime in the future otherwise the DEIR fails as an informational document. The decision factors in this regard need to be detailed in the FEIR.
- 5) The issue of GP inconsistency should be addressed in the context of potential "no" votes on the subject properties. What amendments to the rest of the GP update will be required if certain zoning changes are not approved by the voters? What will be the ripple effect on the balance of the GP of various combinations of no votes?
- 6) There needs to be a clear statement that the proposed update will not change or alter any part of Proposition "S"--other than specifically identified GP policy provisions to be amended-- and how it has been applied since 1998.

Thank you for your attention to these matters and please confirm receipt of this e-mail.

Very Truly Yours,

Kevin

Kevin K. Johnson, Esq.
KEVIN K. JOHNSON, APLC
600 West Broadway, Suite 225
San Diego, CA 92101
Phone: (619) 696-6211
Fax: (619) 696-7516
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TRANSMITTED TO CONSULTANT
ON 2/27/12

Jay Petrek

From: Jay Petrek
Sent: Monday, February 27, 2012 8:23 AM
To: 'bill-osborn@sbcglobal.net'
Subject: RE: [Comment on General Plan Update]: North East portion of Eden Valley

Bill-
Thanks for your comments. I'll be forwarding yours and others to the City Council.

Also, to add a bit of clarification, the North East corner of Eden Valley that you refer to is not proposed for annexation at this time. The Draft General Plan proposes to change the land use designation to allow office / medical / research & development employment uses in this location, but if approved the area would need to go through the annexation process through a separate application. Currently there are no proposals to annex the area at this time. The reason for the proposed General Plan re-designation is due to the area's proximity to the new hospital, Nordahl Transit Station, existing employment land, and Highway 78. It is anticipated that most traffic that is generated by future employment land uses would be accessed from the north (Highway 78) rather than from the Eden Valley Area. However, any future development proposals would require traffic studies to mitigate their impacts.

Regarding your comment on building compatibility, the draft General Plan contains language: "Development adjacent to single-family zoning located to the southwest shall be of compatible height and scale with buffers included that enhance the transition of land uses." And: "Increased building heights and intensities are appropriate closer to the Nordahl Transit Station and along Auto Park Way that are distanced from lower density residential areas to ensure compatibility." This language was placed in the Draft General Plan in response to earlier Draft General Plan public workshops held by the City where residents from your area raised similar concerns.

Regarding your comment on mitigation land, if the property in the north east corner of Eden Valley requires mitigation for sensitive species, and if those impacts can be mitigated off site, the wildlife agencies will require that such mitigation occur in a pre-approved mitigation bank and that the type(s) of habitat be comparable. If the area at the end of Surry Lane is a pre-approved mitigation bank with similar habitat types it may be an appropriate location for off-site mitigation.

The speed limits for County Club Road are determined by the County. For information regarding speed limits on County designated roads I've researched the Traffic Advisory Committee phone number: (858) 874-4030

Thank you again for your comments. If you have others please feel free to write, or call me at (760) 839-4556.

Respectfully,
Jay Petrek, AICP

From: noreply_www@escondido.org [mailto:noreply_www@escondido.org]
Sent: Sunday, February 26, 2012 4:36 PM
To: Jay Petrek
Subject: [Comment on General Plan Update]: North East portion of Eden Valley

Bill Osborn
bill-osborn@sbcglobal.net

TRANSMITTED TO CONSULTANT
ON 2/27/12

My understanding is that a portion in the North East corner of Eden Valley is to be annexed into Escondido as part of the GP update. The land is to be used for potential hospital infrastructure such as Dr. Offices or retirement communities.

Our rural valley has already had an 11 story hospital forced upon us in an area that was promised to be maximum two story buildings hidden by an earthen berm. I fear that adding additional infrastructure on the fringes of our valley will be detrimental to our rural lifestyle and we do not want to see increased density here. Why is it that more density is not being placed on the freeway corridors and near the Malls where it makes more sense?

I also fear that the any new office space on that property will increase the traffic. The Eden Valley residents are already feeling the effects of new development which is making it more and more difficult to exit our driveways. I would like to ask that the annexation of the land be mitigated with the purchase and protection of the 30+ acres that is found at the end of Surrey Lane. This property has already been determined to be of ecological importance. In addition, I would like to ask that the speed limit on Country Club drive be reduced from its current 45MPH down to 35MPH or less.

Lastly, I respectfully request that any buildings built on that property (North East corner of Eden Valley North of the hospital) should not be visible from our valley and that all lighting be kept to a minimum to protect our dark skies.

Regards,

Bill Osborn

2952 Milpas Drive

760-739-1963

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Chrome/16.0.912.77 Safari/535.7
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LOCAL_ADDR: 10.255.2.55

2-16-12

The "Growth Mgmt & Neighborhood Protection Act", better known as Prop "S", was voted in by over 60% of resident voters as you all know.

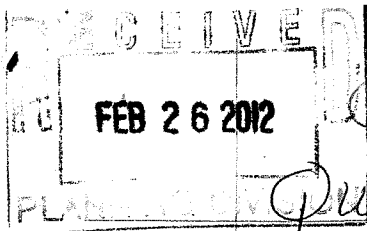
Prop "S" states: "General Plan Amendments or Specific Plans cannot be adopted without a vote of the people, if the changes increase residential density, changes the General Plans' residential land use categories or changes certain residential designations to a commercial designation".

My question is to the city attorney: " If these proposed changes are made, will it still require a vote of the people, as Prop "S" now requires?"



Mr. Gerald Lenhard
955 Howard Ave. Spc 23
Escondido, CA 92029-2034

760-745-3734



Jay Petred

1 of 3

and statements

Questions from Pamela Stahl

at the Public Workshop on the
General Plan Update 2/16/12

1) In going through the "Side By Side" Comparison of Existing (adopted) and Draft (proposed) General Plan Goals & Policies (The matrix), I note at least 17 policies in the Growth Management and Neighborhood Protection act (Proposition 5) where the word "shall" is deleted in the proposed policy for the General Plan Update. I would like to know from the City attorney if removing "shall" weakens the policy. I list those policies here with page

numbers:

TRANSMITTED TO CONSULTANT
ON 3/1/12

- Land Use Policy A1.1 pg. 6
- Land Use Policy A1.3 pg. 6

Land Use Policy B1.3 pg. 9
Land Use Policy B1.7 pg. 10
Residential Policy B2.1 pg. 16
Residential Policy B2.5 pg. 18
P.D. Zoning Policy C3.1 pg. 144
P.D. Zoning Policy C3.2 pg. 144
SPA Policy C3.4 pg. 145
SPA Policy C4.2 pg. 146
SPA Policy C4.3 pg. 146
SPA Policy C4.4 pg. 146
Cluster Policy D1.3 pg. 149
Cluster Policy D1.4 pg. 149
Cluster Policy D1.8 pg. 150
Cluster Policy D1.9 pg. 150
Cluster Policy D1.10 pg. 150

2) In reviewing the same matrix referred to above in question number 1, I see approximately 40 policies that are in the Growth Management and Neighborhood Protection Act and which are either deleted or changed in the General Plan Update. Proposition S was approved in 1998 by a significant majority of Escondido

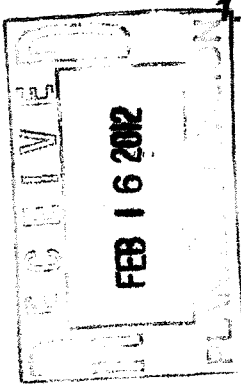
voters. How does the city intend to educate the voters on the changes to Proposition S?

3) I am submitting tonight the minority reports issued by Pamela Stahl and Lisa Prazean, members of the General Plan Update Issues Committee. These reports refer to Quality of Life Issues, Annexation Policy and Clustering Policy.

4) I am submitting copies of my questions/statements for each city council member, the mayor, the city clerk & Jay Petrek. I have extra copies for the press and for interested people in the audience.

THE FOLLOWING MINORITY REPORTS ARE BEING SUBMITTED BY PAMELA STAHL AND LISA PRAZEAU, MEMBERS OF THE CITY COUNCIL APPOINTED CITIZEN'S COMMITTEE 1

Jay Petreb



1. Circulation Q of L

Lisa & Rick Paul dissented. Pam was absent for vote but also opposed.

- Allowing lower than level "C" not acceptable.
- Congestion (idling traffic) increases greenhouse gas emissions.
- Idea of getting people out of their cars is not working (article in NCT 9/21/09 by Dave Downey). Article attached.
- Increasing density at same time as allowing more congestion decreases quality of life for all residents and only benefits developers.

2. School Q of L

Vote was to maintain current language.

Pam was not present for vote, but she dissents.

- "Both school districts cite concerns regarding their ability to accommodate future growth" -quoted from staff report.
- Concern regarding development of high density in downtown and impacts to Central School.
- Portable classrooms is way of life in Escondido schools and should not continue.

3. Water Q of L

Pam was not present, but dissents.

Modify GP Q of L reducing 600 gallons per day to 540 gallons per day.

- Conservation is needed, but not if there is not a corresponding reduction in building permits when there ^{are} mandatory reductions imposed on residents.
- This modification penalizes existing residents while promoting developers' interest.

4. A subsequent vote on water was to include in the GP regulating issuance of residual permits during times of water shortage that is determined to mean when conservation is mandated for existing residents (i.e. level 2 drought conditions) *building*

Vote 5-6 Motion failed. Lisa & Pam were among those voting for the motion. Minutes are not clear who the other 3 were.

NOTE: 8/30/10 Turned into City Hall at approx. 12:25 PM, (due by 5 PM).

TRANSMITTED TO CONSULTANT ON 3/1/12

- 2
- Existing residents of Escondido & San Diego County are continually voicing their sense of unfairness & outrage at the same time that developers continue building at will. [^] with being forced to reduce water usage

5. Water

Motion – “To plan for the community’s water needs based on the desired vision for build out, incorporate appropriate water conservation & not an artificial cap”.

Pam dissents.

- Along with mandatory water conservation, there should be restrictions on building permits.
- Ultimate build out should not exceed 165,000.

6. Park/Open Space Q of L

Pam was not present for vote; vote was unanimous.

According to the staff report, Lisa expressed concerns re: lack of open space in recent downtown residential projects.

According to Jerry Lenhard’s notes of the December 17th meeting, (taken at request of Pam) Lisa stated many projects have no amenities. We need to provide by law x number of acres per x number of residents. Who pays for all of this. Jon Brindle says now projects must provide space.

7. SPAs 2nd and 4th (Daley Ranch and Valley View) should be examined for reduction in density. Motioned failed. Lisa, Pam & Rick Paul voting for.

- Proposition S intensity should hold.

8. Smart Growth Areas should be evaluated for feasible & desirable density increases without regard to any density reductions elsewhere in G P.

Vote 7-4 (Lisa, Pam, Elmer & Paul no).

- Leads to build out figure where deficiencies reduce quality of life for existing residents.

- Leads to existing residents (taxpayers) subsidizing increased infrastructure needs of high build out figure.

9. Annexation Policy – “retain current G P policy” Vote 1-10. Pam voting yes.

- Because property taxes paid by annexed property owners are not sufficient for infrastructure expenses, existing residents pay for this development.
- Property taxes paid for by owners of annexed properties does not offset cost of providing services.

~~10. Annexation Policy~~

11. Annexation Policies – “Consider proactive G P policies for annexation throughout community”.

Vote 9-2 (Lisa & Pam voting No).

- Property taxes paid by annexed property owners does not offset cost of infrastructure.
- Existing residents (taxpayers) *subsidize cost of* pay for infrastructure for annexed properties.

12. Annexation Policy – “Consider proactive annexation policies that may include provisions of municipal services in deficiency areas without requiring property owners to finance improvements in areas that address city goals & visions”.

Vote 9-2 (Pam & Lisa voting No).

- Existing residents (taxpayers) end up paying for services to annexed areas.
- Q of L is reduced for existing residents.

13. Annexation Policy – “Revisit annexation fees to determine their appropriateness for accommodating G P’s goals & visions”.

Vote 9-2 (Pam & Lisa voted No).

- Annexation fees should not be reduced, thus increasing costs to existing residents.
- Deficiencies should be paid for by those being counted as new city residents.

14. Clustering Policy - "Retain current language (Clustering is not intended to maximize the density on yield or to circumvent the existing zoning)".

Vote 3-8 Motion failed. (Lisa and Pam voting in favor).

- Retaining this policy gives a heads up to developers about intent to preserve open space & not to develop the most possible number of lots.
- Current language in G P provides advance notice to developers that current provisions may not result in the maximum number of units.
- Danger in watering down current language because of abuses of clustering (examples given at the meeting).
- If as some on committee say that clustering does not result in maximum density of yield, why remove this from the policy?

15. Pam asked for policies in G P relating to standards for Smart Growth areas (open space, recreational amenities, playgrounds for children, desirable landscaping, setbacks, etc, guidelines for downtown area, but nothing for other SGA's.

re are some

yes

Vote 1-1-8. (Pam voting No, Lisa abstaining).

- Design in SGA's other than downtown are not addressed in G P. Staff say it will be addressed by design guidelines & specific project conditions. Thus far, the many developments built are lacking such amenities.
- Many of these developments already built do not have open space or amenities. They consist of buildings & cement. They will be tomorrow's blighted areas.

Jay Petrek

From: noreply_www@escondido.org
Sent: Monday, February 20, 2012 9:25 AM
To: Jay Petrek
Subject: [Comment on General Plan Update]: Thoughts on Escondido

Christie
christie.obrien@gmail.com

Hello, these are just a few thoughts I've had. I'm sorry I don't have the time to compose this in a professional or very organized letter, but I want to get this out in time for your review.

1. San Diego County is missing a "Craft Beer City." Think about what wine has done for Temecula, pies for Julian, Mexican food for Old Town. Lets capitalize on having Stone here and encourage other small brewers to set up camp, or at least tasting rooms. All kinds of businesses could flourish along with this, restaurants that offer pairings, limi services that do beer tasting tours, hotels offering a beer tasting package.
2. Let corporate in. When you look at pictures of bustling downtown streets, they have corporate stores. I know, we would all LOVE to have all small, family owned businesses flourish here, but it's not happening and we have to get real. Fill those empty storefronts.
3. I live in Old E and I never get any deals that bring me downtown. I should have fliers in my mailbox and emails in my inbox giving me incentive to come downtown to shop, eat, drink, and play. I get nothing. This is a coupon economy, give us residents a deal!
4. So many new families are moving to North County because it's affordable. I myself am a first time Mom to a little 11 month old. Esco currently does not offer a lot of places for me to take her other than the library, parks, museum, and rec center. Take notes from Playwerx and Kidsville. A place for Moms and Playgroups to take kids, have a coffee, and relax would be very welcomed. Family friendly venues in general are needed.
5. I love the "Old California" feel of Esco. Lets capitalize on it. Why don't we have our own "Old Town" historic trolley tours, or area specifically dedicated to Mexican or Native American heritage, filled with aromas of delicious food and sounds of authentic music?

So many more possibilities are out there. We need to look at what makes other cities so successful. A chocolate festival doesn't cut it. Especially when it's \$20! Let's make Esco KNOWN for something. Put us on the "must do/see" map for tourists and make us a frequent day trip for SD locals.

TRANSMITTED TO CONSULTANT
ON 2/22/12

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REMOTE_HOST: 98.176.126.108

Jay Petrek

From: Mark Rodriguez <marknrodriguez@cox.net>
Sent: Sunday, January 22, 2012 10:35 PM
To: Dgarrick@Nctimes. Com; Jay Petrek
Cc: Darol Caster
Subject: Escondido Research Technology Center (SPA #8) - Planning Commission Workshop
Attachments: PastedGraphic-4.tiff; ATT00001.txt

Although the January 2012 DRAFT Escondido General Plan Land Use and Community Form indicates (Harmony Grove) the northern part of SPA #8 has a drastic impact on Country Club and the Escondido Residents living west of the ERTC. The SPA 8 Guiding Principles are the same stated in the original ERTC Specific Plan yet those principles have not always been implemented.

"Specific Plan(s) shall include attractive design standards, landscape features, integrated recreation, and compatible land uses. General guidance for these development standards may be similar to and derived from the ERTC and Harmony Grove Specific Plans."

"Attention shall be given to buffer the semi-rural residential areas along "edges" near Harmony Grove Road (west of Citracado Parkway), Kauna Loa Drive and the Eden Valley area by incorporating land uses, building heights, architectural materials, building orientations, setbacks, colors, screening, lighting and signage that are harmonious with adjacent lower intensity land uses."

Attention to those standards have since been changed heavily impacting building heights, noise and lighting that are not harmonious with adjacent lower intensity land uses and were unanimously rejected by the Planning Commission, but were adopted anyway to allow the Palomar West facility to proceed due to political pressure. Other standards such as architectural materials, colors and screening were not followed with the development of the Stone Brewery with attempts to get them addressed on expansions made after the fact. One of those was the color and architectural materials used on the rear of the building with the expansion of the garden area. The owner agreed to stain the rear of the building, but it did not take and only lasted a few months while large outside equipment areas had gone unscreened for noise. No further attempt has been made by the city or owner to address this issue. The future expansion of the Stone Brewery production area to double production needs to take into account these impacts and must be addressed not only for the expansion but what has been done in the past.

While I know there is very little that can be done to address the hospital, I hope that any consideration used for expansion of the ERTC area are deeply considered and held to those standards. I also hope that the same developer is not involved with the northern expansion because of his known lack of cooperation even with the city staff and the violations that have cost millions.

Regards,
Mark Rodriguez
(8580312-2696)

TRANSMITTED TO CONSULTANT
ON 1/31/12

SPECIAL REPORT

Published By American Policy Center

Sustainable Development

TEA Parties and "End the Fed" Protests Cannot Win Back the Republic Without this Information!

Many Americans appear to be awakening from their slumber of apathy as government forces are making their move for total control of our lives. Massive TEA Party protests across the country show a growing movement of concerned, dedicated Americans. But there is a major component missing from those protests. There is a nearly universal lack of understanding of the issue of Sustainable Development and the dangers it poses to our liberty. Consequently, that issue is being left out of the protests.

Meanwhile, as thousands attend the TEA Parties and protest the Federal Reserve, taxes, and out of control federal government, inside their local city halls, international forces are busy turning the communities into little soviets.

I have been traveling the nation sounding the alarm that we cannot win this battle to restore our Republic if we don't understand that what we face is not a bunch of random issues – but a complete agenda of control – Sustainable Development. Cap N Trade, global warming, population control, gun control, open borders and illegal immigration, higher taxes, higher gas prices, refusal to drill American oil, education restructuring, international IDs, natural health supplement control, food control, farming "reform," control of private property, NAIS and UN Global Governance are all part of the Sustainable Development/Agenda 21 blueprint.

To that end, I am providing this Special Report on Sustainable Development to give activists all the ammunition they need to fight back. I am also including a list of more than 500 cities that are currently enacting Sustainable Development policies. If this is happening in your town (and it is), I urge you to challenge your local city council and mayor to stop these policies. The battles now must be fought on the local level. Remove Sustainable Development from every community and policies out of the federal government will be neutralized. And only then can we be on our way to restoring the American Republic. ----- Tom DeWeese

Sustainable Development: The Root of All Our Problems

In his book, *Earth in the Balance*, Al Gore warned that a "wrenching transformation must take place to lead America away from the "horrors of the Industrial Revolution." The process to do that is called Sustainable Development and its roots can be traced back to a UN policy document called Agenda 21, adopted at the UN's Earth Summit in 1992.

Sustainable Development calls for changing the very infrastructure of the nation, away from private ownership and control of property to nothing short of central planning of the entire economy – often referred

to as top-down control. Truly, Sustainable Development is designed to change our way of life.

In short, it's all about wealth redistribution. Your wealth into a green rat hole.

During the Cold War, communists tried to get us to surrender our liberties and way of life for the wisdom of Karl Marx. Americans didn't buy it.

But now, they have taken the same clap trap and wrapped it all in a nice green blanket, scaring us with horror stories about the human destruction of the environment – and so we are now throwing our

liberties on the bonfire like a good old fashioned book burning – all in the name of protecting the planet.

It sounds so friendly. So meaningful. So urgent. But, the devastation to our liberty and way of life is the same as if Lenin ordered it.

We now have a new language invading our government at all levels. Old words with new meanings fill government policy papers. The typical city council meeting discusses "community development," "historic preservation," and "partnerships" between the city and private business.

Civicleadersorganizecommunity

meetings run by "facilitators," as they outline a "vision" for the town, enforced by "consensus." No need for debate when you have consensus! People of great importance testify before congressional committees of the dire need for "social justice."

Free trade, social justice, consensus, global truth, partnerships, preservation, stakeholders, land use, environmental protection, development, diversity, visioning, open space, heritage, comprehensive planning, critical thinking, and community service are all part of our new language.

What are they really talking about? What mental pictures come to mind when those words are used? George Orwell realized that those who control language and manipulate key phrases can control policy.

The language is being changed and manipulated to quietly implement a very destructive policy. Whenever you see or hear these words, know that, in every case, they are defining one thing - the implementation of Sustainable Development.

Rather than good management of resources, Sustainable Development has come to mean denied use and resources locked away from human hands. In short, it has become a code word for an entire economic and social agenda.

I have spent most of the past 12 years studying every facet of this new political agenda which is fast becoming a revolution -- touching every aspect of our businesses, our public education system, our private property, our families and our individual lives.

Interestingly, it is not a Republican or Democrat issue. It's not Liberal or Conservative. It is being implemented on a purely bipartisan basis. It is now the official policy of the United States, put in force by literally every

department of the government. It is the official policy of every state government, and nearly every city, town and county in the nation.

But, I warn you, accepting the perception that Sustainable Development is simply good environmental stewardship is a serious and dangerous mistake.

So what is Sustainable Development? The Sustainablists insist that society be transformed into feudal-like governance by making *nature* the central organizing principle for our economy and society.

To achieve this, Sustainablism policy focuses on three components; global land use, global education, and global population control.

Keep in mind that America is the only country in the world based on the ideals of private property. But, private property is incompatible with the collectivist premise of Sustainable Development.

If you doubt that, then consider this quote from the report of the 1976 UN's Habitat I conference which said: "*Land ...cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principle instrument of accumulation and concentration of wealth, therefore, contributes to social injustice.*"

According to the Sustainablism doctrine, it is a social injustice for some to have prosperity if others do not. It is a social injustice to keep our borders closed. It is a social injustice for some to be bosses and others to be merely workers.

Social justice is a major premise of Sustainable Development. Another word for social justice, by the way, is Socialism. Karl Marx was the first to coin the phrase "social justice."

Some officials try to pretend that Sustainable Development is just a local effort to protect the environment -- just your local leaders putting together a local vision for the community. Then ask your local officials how it is possible that the exact language and tactics for implementation of Sustainable Development are being used in nearly every city around the globe from Lewiston, Maine to Singapore. Local indeed.

Sustainable Development is the process by which America is being reorganized around a central principle of state collectivism using the environment as bait.

The best way to understand what Sustainable Development actually is can be found by discovering what is NOT sustainable.

According to the UN's Biodiversity Assessment Report, items for our everyday lives that are NOT sustainable include: *Ski runs, grazing of livestock, plowing of soil, building fences, industry, single family homes, paved and tarred roads, logging activities, dams and reservoirs, power line construction, and economic systems that fail to set proper value on the environment (capitalism, free markets).*

Maurice Strong, Secretary General of the UN's Rio Earth Summit in 1992 said, "*...Current lifestyles and consumption patterns of the affluent middle class -- involving high meat intake, use of fossil fuels, appliances, home and work air-conditioning, and suburban housing are not sustainable.*"

Are you starting to see the pattern behind Cap N Trade, the Clean Air Act, the Clean Water Act, and all of those commercials you're forced to watch about the righteousness of "Going Green?" They are all part of the enforcement

✠ Sustainable Development.

And one of the most destructive tools they use to force it on us is something called the "precautionary principle." That means that any activities that *might* threaten human health or the environment should be stopped -- even if no clear cause and effect relationship has been established -- and even if the potential threat is largely theoretical.

That makes it easy for any activist group to issue warnings by news release or questionable report and have those warnings quickly turned into public policy -- just in case.

Many are now finding non-elected regional governments and governing councils enforcing policy and regulations. As these policies are implemented, locally-elected officials are actually losing power and decision-making ability in their own communities. Most decisions are now being made behind the scenes in non-elected "sustainability councils" armed with truckloads of federal regulations, guidelines, and grant money.

THE THREE ES

According to its authors, the objective of Sustainable Development is to integrate economic, social, and environmental policies in order to achieve reduced consumption, social equity, and the preservation and restoration of biodiversity.

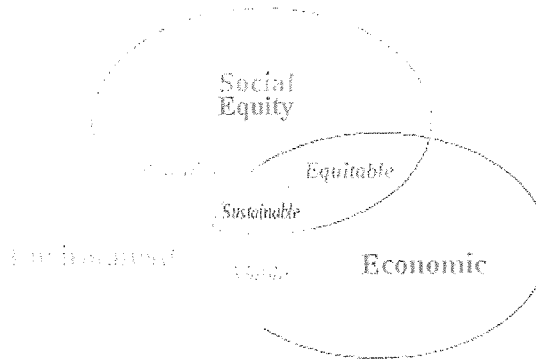
The Sustainabalists insist that society be transformed into feudal-like governance by making *Nature* the central organizing principle for our economy and society. As such, every societal decision would first be questioned as to how it might effect the environment. To achieve this, Sustainablism policy focuses on three components; land use, education, and population control/reduction.

The Sustainable Development logo

used in most literature on the subject contains three connecting circles labeled **Social Equity**; **Economic Prosperity**; and **Ecological Integrity** (known commonly as the 3 Es).

SOCIAL EQUITY

As stated, Sustainable Development's Social Equity plank is based on a demand for "social justice." Today, the phrase is used throughout Sustainablism literature. The Sustainablism system is based on the principle that individuals must give up selfish wants for the needs of the common good, or the "community." How does this differ from Communism?



This is the same policy behind the push to eliminate our nation's borders to allow the "migration" of those from other nations into the United States to share our individually-created wealth and our taxpayers-paid government social programs. Say the Sustainablism, "Justice and efficiency go hand in hand." "Borders," they say, "are unjust."

Under the Sustainablism system, private property is an evil that is used simply to create wealth for a few. So too, is business ownership. Instead, "every worker/person will be a direct capital owner." Property and businesses are to be kept in the name of the owner, keeping them responsible for taxes and other expenses, however control is in the hands of the "community." That policy is right out of the Socialist handbook.

ECONOMIC PROSPERITY

Sustainable Development's economic policy is based on one

overriding premise: that the wealth of the world was made at the expense of the poor. It dictates that, if the conditions of the poor are to be improved, wealth must first be taken from the rich. Consequently, Sustainable Development's economic policy is based not on private enterprise but on public/private partnerships.

In order to give themselves an advantage over competition, some businesses -- particularly large corporations -- now find a great advantage in dealing directly with government, actively lobbying for legislation that will inundate smaller companies with regulations that they cannot possibly comply with or even keep up with. This government/big corporation back-scratching has always been a dangerous practice because economic power should be a positive check on government power, and *vice versa*. If the two should ever become combined, control of such massive power can lead only to tyranny. One of the best examples of this was the Italian model in the first half of the Twentieth Century under Mussolini's Fascism.

Together, select business leaders who have agreed to help government impose Sustainablism green positions in their business policies, and officials at all levels of government are indeed merging the power of the economy with the force of government in Public/Private Partnerships on the local, state and federal levels.

As a result, Sustainable Development policy is redefining free trade to mean centralized global trade "freely" crossing (or eliminating) national borders. It definitely does not mean people and companies trading freely with each other. Its real effect is to redistribute American manufacturing, wealth, and jobs out of our borders and to lock away American natural resources. After the regulations have been put in place, literally

prices go up. That means populations will have to be controlled, because now there is a shortage of land.

Cities are now passing “green” regulations, forcing homeowners to meet strict guidelines for making their homes environmentally compliant, using specific building materials, forcing roof replacements, demanding replacement of appliances, and more. In Oakland, California, such restrictions with compliance demanded in just a matter of a few years will cost each homeowner an estimated \$36,000. The Cap-N-Trade bill contains a whole section on such restrictions for the nation.

Third, inside the human habitat areas, government is controlled by an elite ruling class called stake holder councils.

These are mostly non-governmental organizations, or NGOs, who, like thieves in the night, just show up to stake their claim to enforce their own private agendas. The function of legitimate government within the system will be simply to enforce the dictates of the councils.

The councils are unelected, but all powerful. They are controlled by a small minority in the community, but they are all powerful. They will make you ask permission (usually denied) for anything necessary to live in the community.

They destroy business. They dictate the number of outlets a business may have in a community, no matter what the population demands. For example, in San Francisco there can only be seven McDonalds. Period.

They can dictate the kind of building materials you can use in your home – or whether you can build

on your property at all. Then, if they do grant a permit for building, they might not decide to let you acquire water and electricity for your new home – and they may or may not give you a reason for being turned down.

They can dictate that you get the proper exercise – as determined by the government. Again, San Francisco is building a new federal building – the greenest ever built. The elevators will only stop on every third floor so riders are forced to use stairs – for their own health, of course.

These councils fit almost perfectly the definition of a State Soviet; a system of councils that report to an apex council and then implement a predetermined outcome. Soviets are the operating mechanism of a government-controlled economy.

The **fourth** path is Public/Private Partnerships. Today, many freedom organizations are presenting PPPs as free enterprise and a private answer for keeping taxes down by using business to make a better society.

In truth, many PPPs are nothing more than government-sanctioned monopolies in which a few businesses are granted special favors like tax breaks, the power of eminent domain, non-compete clauses and specific guarantees for return on their investments.

That means they can charge what they want and they can use the power of government to put competition out of business. That is not free enterprise. And it is these global corporations that are pushing the green agenda.

For example, using government to ban its own product, General Electric is forcing the mercury-laden green light bulb on you, costing 5 times the price of incandescent bulbs. Such is

the reality of green industry.

PPP's are building the Trans Texas Corridor, using eminent domain to take more than 580,000 acres of private land - sanctioned by the partnership with the Texas government. And PPP's are taking over highways and local water treatment plants in communities across the nation. PPP's controlling the water can control water consumption – a major part of the Sustainable Development blueprint.

The North American Free Trade Agreement (NAFTA) is the root of the “Free Trade” process and the fuel for PPP's between international corporations and government, thereby creating an “elite” class of “connected” businesses – or what Ayn Rand called “the power of pull.” Success in the PPP world is not based on quality of product and service, but on who you know in high places. To play ball in the PPP game means accepting the mantra of Sustainable Development and helping to implement it, even if it means going against your own product. That's why Home Depot uses its commercials to oppose cutting down trees and British Petroleum advocates reducing the use of oil.

It is not free enterprise, but a Mussolini-type fascism that will only lead to tyranny. And it's all driven by the Agenda 21 blueprint of Sustainable Development. ☞

The Four Part Process

Leading to Sustainable Development

So how is this wrenching transformation being put into place? There are four very specific routes being used.

In the rural areas it's called the Wildlands Project. In the cities it's called smart growth. In business it's called Public/Private Partnerships. And in government it's called stakeholder councils and non-elected boards and regional government.

The Wildlands Project was the brainchild of Earth First's Dave Foreman and it literally calls for the "re-wilding" of 50% of all the land in every state – back to the way it was before Christopher Columbus set foot on this land.

It is a diabolical plan to herd humans off the rural lands and into human settlements. Crazy you say! Yes. Impossible? Not so fast.

From the demented mind of Foreman, the plan became the blueprint for the UN's Biodiversity Treaty. So now the scheme is international in scope.

But how do you remove people from the land? One step at a time. Let's begin with a biosphere reserve. A national park will do. A huge place where there is no human activity. How about Yellowstone National Park? Then you establish a buffer zone around the reserve. Inside the buffer only limited human activity is allowed. Slowly, you squeeze until you squash that human activity.

Once accomplished, you extend the area of the biosphere to the limits of the former buffer area – and then you create a new buffer zone around the now larger biosphere and start the

process over again. In that way, the Biosphere Reserve acts like a cancer cell, ever expanding, until all human activity is stopped.

And there are many tools in place to stop human activity and grow the reserve.

Push back livestock's access to riverbanks on ranches; 300 feet ought to do it. When the cattle can't reach the stream, the rancher can't water them -- he goes out of business. Lock away natural resources by creating national parks. It shuts down the mines -- and they go out of business. Invent a Spotted Owl shortage and pretend it can't live in a forest where timber is cut. Shut off the forest. Then, when no trees are cut, there's nothing to feed the mills and then there are no jobs, and -- they go out of business.

Locking away land cuts the tax base. Eventually the town dies. Keep it up and there is nothing to keep the people on the land – so they head to the cities. The wilderness grows – just like Dave Foreman planned.

It comes in many names and many programs. Heritage areas, land management, wolf and bear reintroduction, rails to trails, conservation easements, open space, and many more. Each of these programs is designed to make it just a little harder to live on the land – a little more expensive – a little more hopeless. Now tell me how they can deny that the process is herding people into human habitat areas?

In the West, where vast areas of open space make it easy to impose such policies there are several

programs underway to remove humans from the land. Today, there are at least 31 Wildlands projects underway, locking away more than 40 percent of the nation's land. The Alaska Wildlands Project seeks to lock away and control almost the entire state. In Washington State, Oregon, Idaho, Montana, parts of North and South Dakota, parts of California, Arizona, Nevada, New Mexico, Wyoming, Texas, Utah, and more there are at least 22 Wildlands Projects underway. For example, one project called Yukon to Yellowstone (Y2Y) – creates a 2000 mile no-man's land corridor from the Arctic to Yellowstone.

East of the Mississippi, there are at least nine Wildlands projects, covering Maine, Pennsylvania, New York, West Virginia, Ohio, Virginia, Tennessee, North and South Carolina, Georgia and Florida. Watch for names of Wildlands Projects like Chesapeake Bay Watershed, Appalachian Restoration Project and Piedmont Wildlands Project.

The **second** path is called Smart Growth. After they herd you into the city, they have more plans for you in regimented and dense urban communities.

They put a line around the city and tell you no growth can take place outside that line. Urban sprawl, they say disdainfully. They refuse to build more roads as a ploy to get you out of your car into public transportation, restricting mobility.

Because there is a restriction on space inside the controlled city limits there is a shortage of houses, so

destroying whole industries, new “green” industries created with federal grants bring newfound wealth to the “partners.” This is what Sustainablists refer to as economic prosperity.

ECOLOGICAL INTEGRITY

“Nature has an integral set of different values (cultural, spiritual and material) where humans are one strand in nature’s web and all living creatures are considered equal. Therefore the natural way is the right way and human activities should be molded along nature’s rhythms.” from the UN’s Biodiversity Treaty presented at the 1992 UN Earth Summit.

This quote lays down the ground rules for the entire Sustainable Development agenda. It says humans are nothing special – just one strand in the nature of things or, put another way, humans are simply biological resources. Sustainablism policy is to oversee any issue in which man interacts with nature - which, of

course, is literally everything. And because the environment always comes first, there must be great restrictions over private property ownership and control. This is necessary, Sustainablists say, because humans only defile nature.

Under Sustainable Development there can be no concern over individual rights – as we must all sacrifice for the sake of the environment. Individual human wants, needs, and desires are to be conformed to the views and dictates of social planners. The UN’s Commission on Global Governance said in its 1995 report: *“Human activity...combinedwithunprecedented increases in human numbers... are impinging on the planet’s basic life support system. Action must be taken now to control the human activities that produce these risks”*

Under Sustainable Development there can be no limited government, as advocated by our Founding

Fathers, because, we are told, the real or perceived environmental crisis is too great. Maurice Strong, Chairman of the 1992 UN Earth Summit said: *“A shift is necessary toward lifestyles less geared to environmentally-damaging consumption patterns. The shift will require a vast strengthening of the multilateral system, including the United Nations.”*

The politically based environmental movement provides Sustainablism camouflage as they work to transform the American systems of government, justice, and economics. It is a masterful mixture of socialism (with its top down control of the tools of the economy) and fascism (where property is owned in name only – with no control). Sustainable Development is the worst of both the left and the right. It is not liberal, nor is it conservative. It is a new kind of tyranny that, if not stopped, will surely lead us to a new Dark Ages of pain and misery yet unknown to mankind. ☹

Remove ICLEI - Restore the Republic!

Many Americans ask how dangerous international policies can suddenly turn up in state and local government, all seemingly uniform to those in communities across the nation and around the globe.

The answer – meet ICLEI, a non-profit, private foundation, dedicated to helping your mayor implement all of his promises. Originally known as the International Council for Local Environmental Initiatives (ICLEI), today the group simply calls itself *“ICLEI – Local Governments for Sustainability.”*

In 1992, ICLEI was one of the groups instrumental in creating Agenda 21. The group’s mission is to push local communities to regulate the environment – and it’s having tremendous success.

I have included a list of 544 American cities in which ICLEI is being paid with tax dollars from city councils to implement and enforce Sustainable Development. ICLEI is there to assure that the mayors keep their promises and meet their goals. Climate change, of course, is the ICLEI mantra.

Here’s just some of the programs ICLEI provides cities and towns, in order to spread their own particular political agenda in the name of “community services”

and environmental protection, they include:

- *Software programs* to help set the goals for community development – which leads to taking control of your private property;
- *Access to a network of “Green” experts, newsletters, conferences and workshops* – to assure the indoctrination of city employees is complete;
- *Toolkits, online resources, case studies, fact sheets, policy and practice manuals, and blueprints* used by other communities – so you know you are not alone;
- *Training workshops for staff and elected officials* on how to develop and implement the programs -- wanna bet they never seem to mention that thousands of scientists around the world now say man-made global warming is a myth and none of these programs are necessary? Probably doesn’t make it into the workshop;
- And, of course, there’s *Notification of relevant grant opportunities* – this is the important one – money – with severe strings attached.

ICLEI recommends that the community hire a full

time “sustainability manager,” who, even in small towns, can devote 100% of his time to assure that every nook and corner of the government is on message and under control.

As I said, it’s not about protecting the environment; it’s about reinventing government with a specific political agenda. ICLEI and others are dedicated to controlling your locally elected public officials to quietly implement an all encompassing tyranny over every community in the nation.

Like a disease, ICLEI (or others of its kind) is entrenched in most American cities, dictating policy to your locally elected officials, controlling policy and making sure they do not listen to your protests. To truly

see tyranny in action, one only needs to go to a city council meeting and attempt to ask questions or discuss a sustainable development program. Most who have tried it have been literally physically removed from the chamber.

It’s time to remove ICLEI. Look at this list of communities where they currently hide behind the curtain -- and take action to remove them. Now, before your community is run like a soviet, where there is no debate, no regard for constitutionally-guaranteed rights, no property rights, no free markets, no alternative thought. Through ICLEI there is only top-down control – just like a soviet. Remove ICLEI - Restore the Republic!

ACTION TO TAKE:

ICLEI is one of the most dangerous forces in the nation, particularly because so few people know of their existence. But your mayor and city council know. They are in regular meetings with them. They get memos on policy. They are told what to support and who to silence. What they fear most is exposure. Now, we can turn the tables on ICLEI by shining a bright spotlight on their activities in your community.

FIRST, go to a city council meeting and listen to the discussion. Are they talking about land use, water control, development control? Are they using the language I have described in this issue? If so, Sustainable Development is ruling your community.

SECOND, begin to ask questions. You may have to do it after the meeting, but if you can, ask during... Ask where these policies they are discussing come from. Ask if your community is now paying dues to a group called the International Council for Local Environmental Initiatives (ICLEI). Once you have determined that ICLEI is truly in your community, then the battle can begin. Remember, the list of ICLEI cities on this page came directly from the ICLEI web page – so you already know they are there.

THIRD, our opposition to Sustainable Development is not opposition to Environmental Protection. We oppose the process which replaces locally-elected representation with all-powerful non-elected boards, councils and regional governments. That process eliminates input, discussion and debate from community citizens.

FOURTH, demand that your locally-elected representatives stop paying dues to ICLEI and remove the organization from making policy.



ICLEI Cities Across the Country

Anchorage, AK	Arcata, CA	Davis, CA	Hillsborough, CA	Milpitas, CA	Petaluma, CA	San Bruno, CA
Fairbanks, AK	Atherton, CA	Dublin, CA	Humboldt, CA	Monte Sereno, CA	Piedmont, CA	San Carlos, CA
Homer, AK	Belmont, CA	East Palo Alto, CA	Irvine, CA	Monterey Park, CA	Pinole, CA	San Diego, CA
Juneau, AK	Belvedere, CA	El Cerrito, CA	Lafayette, CA	Monterey, CA	Pittsburg, CA	San Francisco, CA
Kodiak, AK	Benicia, CA	El Paso de Robles, CA	Lakewood, CA	Moorpark, CA	Pleasanton, CA	San Joaquin County, CA
Sitka, AK	Berkeley, CA	El Segundo, CA	Larkspur, CA	Moraga, CA	Point Arena, CA	San Jose, CA
Calhoun, AL	Brisbane, CA	Emeryville, CA	Livermore, CA	Morgan Hill, CA	Portola Valley, CA	San Leandro, CA
Fayetteville, AR	Burlingame, CA	Eureka, CA	Lomita, CA	Morro Bay, CA	Rancho Palos Verdes, CA	San Luis Obispo, CA
North Little Rock, AR	Calistoga, CA	Fairfax, CA	Los Altos Hills, CA	Napa County, CA	Redondo Beach, CA	San Mateo, CA
Buckeye, AZ	Carson, CA	Fort Bragg, CA	Los Altos, CA	Napa, CA	Redwood, CA	San Rafael, CA
Chandler, AZ	Chico, CA	Foster City, CA	Los Angeles, CA	Nevada City, CA	Richmond, CA	San Ramon, CA
Flagstaff, AZ	Chula Vista, CA	Fremont, CA	Los Gatos, CA	Newark, CA	Riverside, CA	Santa Barbara, CA
Goodyear, AZ	Cloverdale, CA	Gardena, CA	Manhattan Beach, CA	Novato, CA	Rohnert Park, CA	Santa Clara
Phoenix, AZ	Colma, CA	Gilroy, CA	Marin County, CA	Oakland, CA	Rolling Hills Estates, CA	County, CA
Alameda County, CA	Contra Costa, CA	Half Moon Bay, CA	Martinez, CA	Oakley, CA	Ross, CA	Santa Clara, CA
Alameda, CA	Corte Madera, CA	Hawthorne, CA	Mendocino	Orinda, CA	Sacramento County, CA	Santa Cruz
Albany, CA	Culver, CA	Hayward, CA	County, CA	Pacific Grove, CA	Sacramento, CA	County, CA
Amador County, CA	Cupertino, CA	Healdsburg, CA	Menlo Park, CA	Pacifica, CA	Saint Helena, CA	Santa Cruz, CA
American Canyon, CA	Daly City, CA	Hercules, CA	Mill Valley, CA	Palo Alto, CA	Salinas, CA	Santa Monica, CA
Antioch, CA	Danville, CA	Hermosa Beach, CA	Millbrae, CA	Palos Verdes, CA	San Anselmo, CA	Santa Rosa, CA

3-6-12

PUBLIC NOTICE

THE PROBLEMS

- Rising food prices
- Rising electricity rates
- Radical rise in home foreclosures
- Rise in homelessness
- Riots around the globe
- Threats of global economic meltdown
- Promises to "wipe Israel off the map"
- Muslim "honor killings" in America
- National parkland off limits to members of the public
- Water shut off to the "Breadbasket of the World" in California
- 800+ Dams destroyed by government order flooding mass areas of farmland in Mississippi & Louisiana
- Massive government spending and the printing of trillions of dollars not backed by gold
- Repeated efforts to remove only one God from the public square
- Etcetera

- Rising gas prices
- Rising water rates
- Forced closing of oil rigs
- Massive unemployment
- Spiraling national debt
- Threats of a nuclear Iran
- Rise in violent crime
- Rising suicide rates

THE REASON

One monolithic piece of international legislation named "**Sustainable Development Agenda 21.**" The 2,000+ page plan was presented at the Earth Summit held by the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 where it was adopted by 178 nations. Its radical goal is to transform our nation - and our world. George H. W. Bush pledged the support of America. On June 29, 1993 Bill Clinton issued Executive Order 12852 creating the President's Council on Sustainable Development to begin implementation of the United Nations' Plan. Agenda 21 is the United Nations' Blueprint for living in the 21st Century hence the name "Agenda 21." The wealth of the greatest country on earth is being redistributed to "equalize" the standard of living around the globe: "social justice." Some standards will rise and others (ours) will fall. None will grant happiness. None will allow the ownership of private property.

Agenda 21 is being implemented in progressive steps. It is a comprehensive plan to "change human behavior" and "RE-develop the world." In his book, *Earth in the Balance*, Al Gore called for a "wrenching transformation of society on a global scale" and A-21 is the grand scheme behind it all. Once you understand Sustainable Development Agenda 21, all the things in the news that have bothered you will suddenly make sense.

The document articulating *the guiding principles behind Agenda 21* is **The Earth Charter** written by Stephen Rockefeller, Canadian Oil Magnate and first Secretary General of the United Nations Environmental Program (UNEP) Maurice Strong, and former Soviet Russia Dictator Mikhail Gorbachev. You may read the Earth Charter at earthcharterinaction.org. This document will immediately explain to you that a human, a fish and a rock are all equal in the eyes of the United Nations and their elite *unelected* planners.

We all see America changing. We see the world changing. We know that something is wrong. We just couldn't put a finger on it - **UNTIL NOW!**

THE SOLUTION

Become informed. Knowledge is power. The following educational sources explain the plan, how it is being implemented and how to become involved in healing our nation and our world.

www.freedomadvocates.org; Michael Shaw videos on youtube.com: "The Ultimate War: Globalism vs. America" (Shaw is an attorney and the author of *Understanding Sustainable Development - Agenda 21*); Rosa Koire - *www.DEMOCRATSAGAINSTUNAGENDA21.COM*; Henry Lamb author of *Sustainable Development or Sustainable Freedom*, *www.freedom21.org*; Kevin Eggers *EXPOSINGAGENDA21.COM*; Michael Coffman, *environmentalperspectives.com*; AmericanPolicy.org; AugustReview.com; and the San Diego based group *TIVES, INC* AmericansProtectingPropertyRights.com

"The hottest place in Hell must be reserved for those who remain neutral in times of great moral conflict."
Martin Luther King Jr.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 18
Date: March 28, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward Domingue, Director of Engineering Services
Bud Oliveira, Special Projects Manager

SUBJECT: Status Report, Budget Adjustment and Bid Award - Daley Ranch

RECOMMENDATION:

It is requested that Council accept status report; approve a budget adjustment totaling \$725,550 for the road rehabilitation project and other Daley Ranch improvements; and adopt Resolution No. 2012-33 authorizing the Mayor and the City Clerk to execute a public improvement agreement with Asphalt and Concrete Enterprises, Inc. in the amount of \$165,868 for the Daley Ranch Access Road Rehabilitation Project.

FISCAL ANALYSIS:

Funding for the on-going renovation of the historic ranch house was established in the Capital Improvement Program (CIP) using \$700,000 in designated General Fund revenue generated by the sale of Daley Ranch Conservation Bank credits. Approximately \$568,000 has been expended to date on the renovation, with additional expenditures needed to complete the renovation and associated site improvements, construct a restroom building, and rehabilitate the road as detailed on the attached exhibit.

Two budget adjustments are proposed to transfer an additional \$725,550 into CIP account no.104901 for the combined Daley Ranch improvements. This includes the transfer of an additional \$200,000 (\$205,275 available balance) from the designated General Fund revenue generated by the habitat credit sales and a transfer of \$525,550 (\$1,444,592 available balance) from the Daley Ranch Restoration account. The City is required by our Conservation Bank agreement with the wildlife agencies to maintain a minimum balance of \$500,000 within the Restoration Fund, and the remaining \$929,592 is available for General Fund purposes. After the budget adjustment, \$5,275 will remain in the designated General Fund account and \$419,042 will remain available in the Restoration Fund account for future expenditures at the City Council's discretion. Both these accounts will continue to be replenished with future credit sales.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Image and Appearance.

PREVIOUS ACTION:

On February 2, 2005, the City Council authorized the General Fund portion of future credit sales to be designated for future improvement of the ranch house. On November 16, 2005, the City Council considered alternatives for improvement and public use of the ranch house, and approved Option D to enable the ranch house to be available for public use. This option included renovation of the ranch house and garage with multiple restroom facilities and storage areas, and associated improvements for ADA accessibility, fire protection and septic system operation, at an estimated cost of approximately \$471,000; rehabilitation of the access road was not included in this estimate. On July 15, 2009, Council approved the current design as recommended by the Appearance Committee and the Historical Preservation Commission. This design encompassed the renovation of the ranch house in anticipation of public use, site improvements to meet ADA accessibility and brush clearing requirements, installation of restroom facilities in a freestanding structure across the road from the ranch house, and exploring the availability of potable water for a drinking fountain.

BACKGROUND:

Improvements to the ranch house are well underway and are anticipated to be completed by the summer of 2012. Remaining work includes completion of the ranch house restoration and the construction of a new, separate restroom building. The restroom facilities are currently designed to include a septic system, but might need to go with another disposal option depending on the success of ground testing and processing with the County Department of Environmental Health. Funds hereby requested also will provide for ranch house furnishings, including tables and chairs for events. Once the ranch house repairs/improvements are completed, these facilities will support future recreational as well as revenue options for the City.

The access road project involves the rehabilitation of the existing road between the Lake Dixon gate and the ranch house. Numerous potholes and deteriorating pavement sections have compromised the integrity of this access road. The existing condition of this access makes it difficult to provide emergency and fire protection services to Daley Ranch. In addition, weekend shuttle access to the ranch house area for hikers and day use has been discontinued due to the poor condition of the access road.

Work to be performed will be along the same alignment and footprint of the existing road. The existing road will be recycled in-place, minimizing costs for additional import of base material as well as impacts on landfills. The recycled base material will be moisture conditioned, compacted and shaped into the desired grade and overlaid with a three-inch thick lift of asphalt pavement. Once this project is completed the rehabilitation work will enhance both the safety and recreational elements of Daley Ranch for many years to come.

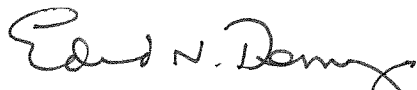
The Engineer's Estimate for the access road project is \$165,000 to \$185,000.

On March 8, 2012, the City of Escondido received fifteen (15) sealed bids on response to its advertised request for bids on the access road project. The sealed bids were opened by the City Clerk with the following bid results:

Asphalt & Concrete Enterprises, Inc.	\$165,868.00
SRM Contracting & Paving	\$166,900.00
ATP general Engineering Contractors	\$166,820.00
George Weir Asphalt	\$169,590.00
RAP Engineering	\$169,901.80
Ben's Asphalt	\$171,865.00
Hazard Construction	\$173,800.00
United Paving Company	\$176,507.00
Angus Asphalt, Inc.	\$178,300.00
Southland Paving, Inc.	\$178,900.00
T.C. Construction	\$179,380.00
Interwest Pacific, Ltd.	\$193,300.00
NPG Corporation	\$201,808.00
Sealright paving	\$214,418.53
All American Asphalt	\$217,140.00

Staff recommends approval of a budget adjustment totaling \$725,550 to augment the CIP budget for the Daley Ranch Access Road Rehabilitation Project and other Daley Ranch improvements and furnishings. Staff also recommends the bid submitted by Asphalt & Concrete Enterprises, Inc. be considered the lowest responsive and responsible bidder and the contract be awarded to Asphalt & Concrete Enterprises, Inc. in the amount of \$165,868.00. The budget adjustment includes \$210,000 of funding for the road rehabilitation project for the contract cost, in-house inspection services, material compliance testing, field testing services and contingencies for the completion of the road rehabilitation project.

Respectfully submitted,



Edward N. Domingue, P.E.
Director of Engineering Services



Bud Oliveira
Special Projects Manager

**DALEY RANCH - RANCH HOUSE IMPROVEMENTS EXHIBIT
 CIP 229-104901**

Revenue:	
Original CIP Budget (Ranch House Improvements)	\$700,000
Budget Adjustment from General Fund Credit Payments *	\$200,000
Budget Adjustment from Restoration Fund (122) Account**	\$525,550
Total Revenue	\$1,425,550
Expenditures:	
Expenditures to Date for Ranch House Improvements (through 3-12-12)	\$567,581
Additional Costs to Complete Ranch House	\$458,519
Restroom Building	\$174,450
Furnishings	\$15,000
Access Road Paving	\$210,000
Total Expenditures	\$1,425,550

* \$ 205,275 available as of January 31, 2012

** \$ 929,592 available as of January 31, 2012, retaining minimum balance of \$500,000 in Restoration Fund account pursuant to the Daley Ranch Conservation Bank Implementing Agreement

RESOLUTION NO. 2012-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AWARDING A BID FOR THE DALEY RANCH ACCESS ROAD REHABILITATION PROJECT AND AUTHORIZING THE MAYOR AND CITY CLERK, TO EXECUTE, ON BEHALF OF THE CITY A PUBLIC IMPROVEMENT AGREEMENT WITH ASPHALT & CONCRETE ENTERPRISES, INC.

WHEREAS, the City Council has allocated funding for the Daley Ranch restoration; and

WHEREAS, a notice inviting bids for the Daley Ranch Access Road rehabilitation Project was duly published, and pursuant to said notice, Asphalt & Concrete Enterprises, Inc. submitted a bid; and

WHEREAS, Asphalt & Concrete Enterprises, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to award this Public Improvement Agreement ("Agreement") to Asphalt & Concrete Enterprises, Inc.

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

1. That the above recitations are true.
2. That the Mayor and the City Clerk are authorized to execute on behalf of the City, an Agreement with Asphalt & Concrete Enterprises, Inc. in substantially similar form to that which is attached and incorporated to this Resolution as Exhibit "A," and subject to final approval as to form by the City Attorney.

PUBLIC IMPROVEMENT AGREEMENT

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

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

1. The complete contract includes all of the Project Documents described in the General Conditions, which are incorporated by reference. The Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.
2. CONTRACTOR shall perform within the time set forth in Paragraph 4 of this Agreement everything required and reasonably inferred to be performed, and shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services as described in the complete contract and required for construction of

Daley Ranch Access Road Rehabilitation Project

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

3. CITY shall pay to the CONTRACTOR, as full consideration for the faithful performance of the contract, subject to any additions or deductions as provided in the Project documents, the sum of One Hundred Sixty Five Thousand Eight Hundred Sixty Eight Dollars (\$165,868.00).
4. The work shall be commenced on or before the twenty-first (21st) day after receiving the CITY'S Notice to Proceed and shall be completed within **twenty five (25) working days** from the date specified in the Notice to Proceed.
5. Time is of the essence. If the work is not completed in accordance with Paragraph 4 above, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage(s), in accordance with Government Code Section 53069.85, it is agreed that CONTRACTOR shall pay to CITY as fixed and liquidated damages, and not as a penalty, the sum(s) indicated in the LIQUIDATED DAMAGES SCHEDULE below for each calendar day of delay until work is completed and accepted. This amount shall be deducted from any payments due to or to become

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

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

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

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

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

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

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

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

(B) Material hoist where used in amounts as above

(4) Workers' Compensation Insurance.

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

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

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

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

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

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

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

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

11. The complete contract as set forth in Paragraph 1 of this Agreement constitutes the entire Agreement of the parties. No other agreements, oral or written, pertaining to the work to be performed, exists between the parties. This Agreement can be modified only by an amendment in writing, signed by both parties and pursuant to action of the Escondido City Council.
12. CONTRACTOR shall comply with those provisions of the Labor Code requiring payment of prevailing wages, keeping of certified payroll records, overtime pay, employment of apprentices, and workers' compensation coverage, as further set forth in the General Conditions, and shall file the required workers' compensation certificate before commencing work.
13. The terms "Project Documents" and/or "Contract Documents" where used, shall refer to those documents include in the definition set forth in the General Conditions made a part hereof.
14. CONTRACTOR shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONTRACTOR affirms that as an employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on this public project. CONTRACTOR agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

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

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

By: _____
Diane Halverson, City Clerk

By: _____
Sam Abed, Mayor

APPROVED AS TO FORM:

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

By: _____

CONTRACTOR

By: _____
Signature

By: _____
Signature*

Print Name

Print Name

Title

Title

(Second signature required only for corporation)

By: _____
Signature**

Print Name

Title

(CORPORATE SEAL OF CONTRACTOR,
if corporation)

Contractor's License No.

Tax ID/Social Security No.

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

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

FUTURE CITY COUNCIL AGENDA ITEMS
March 22, 2012

*AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617*

Green Sheet Due by Noon on Monday 3/19/12
Staff Reports/Resos due by Noon on Tuesday 3/27/12

APRIL 4, 2012
No Meeting (Spring Break)

Green Sheet Due by Noon on Monday 3/26/12
Staff Reports/Resos due by Noon on Tuesday 4/3/12

APRIL 11, 2012
No Meeting (Spring Break)

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March 22, 2012

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