

Council Meeting Agenda

April 6, 2011

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	Marsha Whalen
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

April 6, 2011
3:30 p.m. MEETING

Escondido City Council
Community Development Commission

CALL TO ORDER

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

ORAL COMMUNICATIONS

At this time the public may comment on items not appearing on the agenda. 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 REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. Property: 210 E. Park
Agency Negotiators: Jerry VanLeeuwen
Negotiating parties: City of Escondido and Ruth Pickard
Under negotiation: Price and terms of payment

- b. Property: 272 E. Via Rancho Parkway, Escondido
City Negotiator: Clay Phillips
Negotiating parties: City and Westfield Shopping Town, Inc.
Under negotiation: Price and terms of payment

CLOSED SESSION: (COUNCIL/CDC/RRB) - Continued

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

- a. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido City Employee Benefit Association
Supervisory Bargaining Unit**
- 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: **Maintenance & Operations, Teamsters Local 911**

ADJOURNMENT



Council Meeting Agenda

**April 6, 2011
4:30 p.m. Meeting**

**Escondido City Council
Community Development Commission
Mobilehome Rent Review Board**

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: CROP Walk
National Library Week: April 9-16

PRESENTATIONS: Achievement Award for Washington Park CDBG Swim Program
Scholarship Award for Recreation Supervisor Joel Agg

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. **LAKE WOHLFORD ROAD EMERGENCY REPAIR BID AWARD** – Request Council ratify the City Manager's execution of an emergency contract with Southland Paving, Inc. in an amount not to exceed \$250,000 for the stabilization of the Lake Wohlford Road to allow for reopening of the road.

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

RESOLUTION NO. 2011-48

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 title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

5. **MODIFICATION TO DEVELOPMENT AGREEMENT FOR TRACT 933 (PHG 10-0001)**
(Approved by Council on March 23, 2011 with a vote of 5/0.)

ORDINANCE NO. 2011-01 Adoption and Second Reading

PUBLIC HEARINGS

6. **SHORT-FORM RENT REVIEW BOARD HEARING FOR CASA DE AMIGOS MOBILEHOME PARK** – Request Council approve an increase of 75% of the change in the Consumer Price Index, an average of \$5.89 per space per month, for the period of June 30, 2009 to June 30, 2010.

Staff Recommendation: Approval (**Housing Division: Roni Keiser**)

RESOLUTION NO. RRB 2011-01

PUBLIC HEARINGS - Continued

7. **GENERAL PLAN AMENDMENT (PHG 09-0009)** – Request Council approve a General Plan Amendment to change the land-use designation of approximately 11.62 acres of privately-owned land (Escondido Drive-Inn/Swap Meet) and 2.54 acres of City-owned land (Reidy Creek Flood Control Channel) from Light Industrial (LI) and General Commercial (GC) to Planned Commercial (PC), establishing Planned Commercial designation No. 20 with associated General Plan Policy language; and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program issued for the proposed project addressed as 635 W. Mission Avenue.

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

RESOLUTION NO. 2011-35

8. **ONE-YEAR ACTION PLAN FOR FISCAL YEAR 2011-2012 HOME FUNDS FOR AFFORDABLE HOUSING ACTIVITIES AND CDBG FUNDS FOR COMMUNITY DEVELOPMENT PROGRAMS AND PROJECTS** – Request Council adopt Fiscal Year 2011-2012 HOME Budget and Allocations to Project; and approve allocations of FY 2011-2012 CDBG funds; and adopt FY 2011-12 One-Year Action Plan authorizing the Director of Community Services and the City Clerk to execute contracts with service providers as appropriate.

Staff Recommendation: Approval (**Neighborhood Services: Roni Keiser**)

RESOLUTION NO. 2011-14

CURRENT BUSINESS

9. **PRELIMINARY 2011-2012 CITY COUNCIL ACTION PLAN** – Request Council provide direction regarding proposed format, content and process for final development of the City Council Action Plan.

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

WORKSHOP

10. **CITY SOURCED OVERVIEW/GO LIVE** – A presentation providing an overview of the City sourced Mobile Communications Platform.

Staff Recommendation: Receive and File (**Information Systems: Mark Becker**)

FUTURE AGENDA

11. **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: Marsha Whalen)**

ORAL COMMUNICATIONS

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COUNCIL MEMBERS COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
April 13	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
April 20	No Meeting			
April 27	No Meeting			
May 4	Wednesday	3:30 & 4:30 p.m.	Council Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. 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 can be viewed the following Sunday and Monday evenings at 6:00 p.m. on Cox Cable. 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.

AFFIDAVIT OF POSTING –
I certify under penalty of perjury that I am
employed by the City of Escondido and I posted
this agenda on March 31, 2011 at 4:00 p.m.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4

Date: April 6, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Engineering Services
SUBJECT: Lake Wohlford Road Repair, Ratification of the City Manager's Execution of an Emergency Contract.

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-48 for ratification of the City Manager's execution of an emergency contract with Southland Paving Inc., dated March 30, 2011, for repair of Lake Wohlford Road (the "Project") in an amount not to exceed \$250,000.

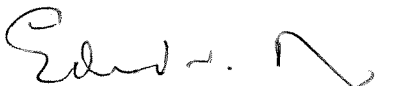
FISCAL ANALYSIS:

Funding for the Project will be provided by the City's Pavement Maintenance Account in an amount not to exceed \$250,000.

BACKGROUND:

A section of Lake Wohlford Road, northerly of Foxley Drive, has been closed at the direction of the Police and Engineering Departments due to a collapse of the road's northerly embankment onto the roadway. The road has been cleared by City staff, however, due to lack of stability of the side embankment, the road has remained closed. In order to reopen Lake Wohlford Road, the Director of Engineering Services contacted two local contractors with the capability to perform the work and solicited bids based on Project completion time and construction materials needed to complete the Project. The Director of Engineering selected Southland Paving Inc. to perform the repair work.

Respectfully submitted,



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

RESOLUTION NO. 2011-48

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
RATIFYING THE CITY MANAGER'S
EXECUTION OF AN EMERGENCY WORK
CONTRACT FOR THE REPAIR OF LAKE
WOHLFORD ROAD

WHEREAS, pursuant to California Public Contract Code ("PCC") Section 20168, a local agency may pass a resolution by a four-fifths vote declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property; and

WHEREAS, Lake Wohlford Road's northerly embankment recently collapsed onto the roadway prompting the City's Police and Engineering departments to close Lake Wohlford Road north of Foxley Drive; and

WHEREAS, City Council has allocated funds for various street repairs to the City's Pavement Maintenance Account that will cover the cost of this emergency repair work; and

WHEREAS, the Director of Engineering Services invited two local contractors to submit informal bids on a time and construction materials basis for said emergency work in an amount not to exceed \$250,000; and

WHEREAS, the Director of Engineering Services determined Southland Paving, Inc. to be the lowest responsive and responsible bidder; and

WHEREAS, the City Manager executed an emergency work contract ("Agreement") with Southland Paving, Inc. on March 30, 2011, for the repair of the damaged portion of Lake Wohlford Road.

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 finds and determines that an emergency condition existed within the meaning of Public Contract Code Section 20168, and the facts and circumstances for conducting this work immediately do exist.
3. That this City Council accepts the Director of Engineering Services' selection of Southland Paving, Inc. to perform the necessary road repairs.
4. That this City Council ratifies the City Manager's execution of an emergency work contract with Southland Paving, Inc. for the repair of Lake Wohlford Road. A copy of the Agreement is attached to this resolution as Exhibit "A."



CITY OF ESCONDIDO
PUBLIC SERVICES AGREEMENT

This Agreement is made this 30th day of March 2011.

Between: CITY OF ESCONDIDO
 a Municipal Corporation
 201 N. Broadway
 Escondido, California 92025
 Attn: Dan Higbee
 760-839-4664
 ("CITY")

And: Southland Paving, Inc.
 361 N. Hale Ave.
 Escondido, CA. 92029
 Attn: Rick Flick
 760-747-6895
 ("CONTRACTOR")

WHEREAS, the CITY and CONTRACTOR desire to enter into this Agreement for the performance of services;

NOW, THEREFORE, it is mutually agreed as follows:

1. Description of Services. CONTRACTOR will furnish all of the services described in "Attachment A," which is attached and incorporated by this reference. CONTRACTOR agrees to diligently perform such services to their completion, with professional quality and technical accuracy.
2. Compensation. The CITY will pay and CONTRACTOR will accept in full payment for the above work, the sum of: not to exceed \$250,000.00 (see terms in Attachment A). Any breach of this Agreement will relieve CITY from the obligation to pay CONTRACTOR, if CONTRACTOR has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONTRACTOR contained in subsequent amendment(s) shall not exceed a cumulative total of ten percent (10%) of the maximum payment provided for in this Section 2.
3. Term and Time of Performance. CONTRACTOR must start working March 30, 2011 and said CONTRACTOR must diligently perform and complete the work by April 11, 2011. Extension of terms or time of performance may be made only upon the City's written consent.
4. Scope of Compensation. CONTRACTOR will be responsible for performance of the tasks specified in the Description of Services in "Attachment A." No compensation will be provided for any other tasks without specific prior written consent from the CITY.

5. Performance. CONTRACTOR must faithfully perform in a proficient manner, to the satisfaction of the CITY, all the work or services described in the Description of Services, above.
6. City Property. All original documents, drawings, electronic media, and other material prepared by CONTRACTOR under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONTRACTOR for any other purpose without prior written consent of the CITY.
7. Insurance Requirements.

- a. The CONTRACTOR 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 7(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
- b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONTRACTOR acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of CONTRACTOR. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONTRACTOR _____

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 policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The endorsement must be ISO Form CG2010 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 CONTRACTOR'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.
- d. In executing this Agreement, CONTRACTOR 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.

8. Indemnification. CONTRACTOR (which in this paragraph 8 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 CONTRACTOR in the performance of this Agreement;
 - b. Any personal injuries, property damage or death that CONTRACTOR 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 CONTRACTOR.

Stormwater Indemnification. CONTRACTOR shall further indemnify, defend, and hold harmless CITY and its officers, employees, and agents from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceeds, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. R9-2007-0001), as amended or renewed, of the California Regional Water Quality Control Board Region 9, San Diego, which CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction of the Project or the Improvements.

9. Anti-Assignment Clause. Since the CITY has relied on the particular skills of CONTRACTOR in entering this Agreement, CONTRACTOR may not assign, delegate, or sublet any duty or right under this Agreement, or any portion of the Description of Services. Any such purported assignment, delegation, or subletting will void this entire Agreement, unless the CITY has previously approved such action in writing.
10. 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.
11. Independent Contractor. CONTRACTOR is an independent contractor and no agency or employment relationship is created by the execution of this Agreement.
12. 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.
13. 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 because any other provision has been waived by CITY, in whole or in part.
14. 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.

15. 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.
16. 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. However, the parties agree that the Agreement on file in the office of the Escondido City Clerk is the copy of the Agreement that shall take precedence should any differences exist among copies or counterparts of the document.
17. 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.
18. 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.
19. Business License. The CONTRACTOR is required to obtain a City of Escondido Business License prior to execution of this Agreement.
20. Compliance with Applicable Laws, Permits and Licenses. CONTRACTOR 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. This shall include, but not limited to, all California Labor Code laws regarding payment of prevailing wages and all OSHA regulations. CONTRACTOR shall obtain any and all licenses, permits, and authorizations necessary to perform the 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 CONTRACTOR to comply with this section.
21. Prevailing Wages. If applicable, pursuant to Section 1770 et seq. of the Labor Code, CONTRACTOR agrees that a prevailing rate and scale of wages, in accordance with applicable State and Federal Law, will be paid in the carrying out of this Agreement. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules pertaining to the payment of prevailing wages. The prevailing rate and scale to be paid shall be the same as the 'General Prevailing Wage Rates' approved by the Department of Industrial Relations as of the date of the execution of this Agreement. Said rates and scales are herein referred to and adopted in this Agreement as though fully and completely set forth herein, and said scale as adopted by the Department is made a part of this Agreement by reference. Copies of the prevailing rate of per diem wages are available on the Intranet at (<http://www.dir.ca.gov/DLSR>). 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 CONTRACTOR to comply with this section.
22. Immigration Reform and Control Act of 1986. CONTRACTOR shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONTRACTOR affirms that as a licensed Contractor and employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will 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, 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: 3/30/11



Clay Phillips
City Manager

Date: 3/30/11



Department or Division Head

Date: 3-30-11

(Contractor name and address)



(Contractor signature)

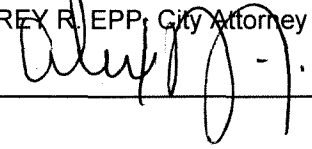
Pres.

Title

(The above signature must be notarized)

APPROVED AS TO FORM:

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

By:  Deputy

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

LAKE WOHLFORD EMERGENCY ROAD STABILIZATION

The scope of work includes temporary protection of improvements, slope repair, site safety and protection, and final clean up per the attached proposal.

This contract is based on Time & Material, not to exceed \$250,000.00. The start date will be March 30, 2011 and the work will be completed by April 11, 2011.

Resolution No. 2011-48
EXHIBIT A
Page 6 of 9

EXHIBIT A**Dan Higbee - Slope failure repair****Resolution No.** 2011-48**EXHIBIT** A**Page** 7 **of** 9

From: "Bob Kennedy" <bobk@southlandpaving.com>
To: <dhigbee@ci.escondido.ca.us>
Date: 3/29/2011 2:57 PM
Subject: Slope failure repair

Dan,

Thank you for meeting with Rick and I at the slope failure on Lake Wolford Rd. The failure is localized to a cut slope on the uphill side of the roadway and extends +/- 70 in length and +/- 40 high. The existing slope is no more that 20% off of vertical with fractured rock embedded in DG. There are 3' to 8' boulders lodged on the surface at the top of the slope. These boulders are in danger of dislodging at any time.

Behind the site there exists an old access road. This road is +/- 75' away from the top of the cut slope. Between the road and the top of slope, high voltage and communication lines are slung at a low level between power poles. Because of the steepness of the existing natural ground between this old access road and the work area as well as the presences of the power lines no work can be performed from this location. All work will be from bottom up.

Southland proposes the following repairs:

1 – Temporary protection of the existing improvements.

- A – Place a protective bedding of 1'+ of soil over the existing roadway, extending 20 beyond the ends of the work area.
- B – Place K-Rail at the downhill edges of the roadway to protect falling boulders from rolling into adjacent properties. Contour the soil bedding in a manner that will guide the falling rock to the K-Rail.
- C – Place straw waddle BMP's at the perimeter of the soil bedding. Remove the fencing at the edge of the road on the downhill side and re-establish the existing swale, place BMP's at the CMP inlet.

2 – Slope repair.

- A – With an excavator rake down the lose rock and boulders. Load this material into trucks and dispose of at the Brown pit.
- B – With an excavator mounted breaker, break the formational rock. Exposing a stable rock face.
- C – Contour the slope for drainage, install a gunite ditch if appropriate to the site conditions.
- D – Apply hydro seeding utilizing a Flexterra medium with native chaparral seeds.

3- Site safety and protection.

- A – Install new fencing at edge of roadway to replace existing as needed.
- B – Install a rock slope protection system similar to a Rotec System or as directed by the City.
<http://www.rotecinternational-usa.com/slopestabilization.htm>

4 – Final Clean up.

- A – Evaluate road surface condition and make respective repairs.

All work shall be performed on a T&M basis as directed by the City. Prevailing wages shall apply.

Southland is prepared to mobilize immediately at your direction.

Sincerely,
Bob

Bob Kennedy
Southland Paving, Inc.
361 North Hale Ave
Escondido, CA 92029
(760) 747-6895 office
(760) 747-1008 fax
(760) 801-9508 cell
www.southlandpaving.com

Resolution No. 2011-48
EXHIBIT A
Page 8 of 9

Resubmission No. 2011-48
EXHIBIT A
Page 9 of 9

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SAN DIEGO }

On MARCH 30, 2011 before me, Judy Weichers
Date Here Insert Name and Title of the Officer

personally appeared Richard Flick
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Judy Weichers
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

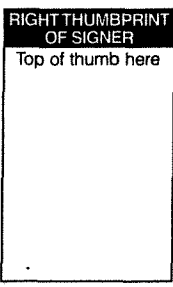
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Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

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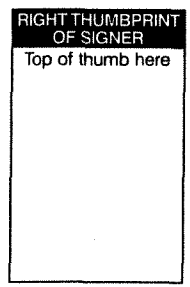
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

ORDINANCE NO. 2011-01

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 20-LOT, TRACT 933
RESIDENTIAL DEVELOPMENT

PLANNING CASE NO. PHG 10-0001

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 2005-38) 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 modification 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 933 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.

For City Clerk's Use:

APPROVED **DENIED**

Reso No. RRB _____ File No. _____

Ord No. RRB _____

RENT REVIEW BOARD

Agenda Item No.:6

Date: April 6, 2011

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Roni Keiser, Housing Division Manager

SUBJECT: Short-Form Rent Increase Application for Casa de Amigos Mobilehome Park

RECOMMENDATION:

- Consider the short-form rent increase application submitted by Casa de Amigos Mobilehome Park.
- If approved, adopt Rent Review Board Resolution No. 2011-01 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 1.045% (an average of \$5.89) for the period of June 30, 2009, to June 30, 2010.

INTRODUCTION:

Casa de Amigos has filed a Short-Form Rent Increase Application. The Board is asked to accept the staff report, hear public testimony, and make a determination concerning the request in accordance with the Escondido Rent Protection Ordinance and the short-form procedures as outlined in the Rent Review Board Guidelines. The application and the staff report have been made available to the Board for review and consideration prior to the hearing.

THE RENT INCREASE APPLICATION:

Casa de Amigos is a Senior Park located at 1751 W. Citracado Parkway, and has a total of 138 spaces. There are 50 spaces subject to rent control. The other 88 spaces include a rental unit and spaces that are subject to long-term leases.

Casa de Amigos is a Senior Park located at 1751 W. Citracado Parkway. Common facilities include a clubhouse with a book and video library, a billiard room and exercise room. The Park also provides a year-round heated pool and Jacuzzi, free laundry facilities and a shuffleboard court.

PARK OWNER'S REQUEST:

Under the short-form policy guidelines, the Park owner is requesting an increase of seventy-five percent (75%) of the change in the Consumer Price Index (CPI) covering the period of June 30, 2009, to June 30, 2010. The average increase requested is \$5.89, per space, per month, which is 1.045% increase. The current average monthly base rent of the spaces subject to the application is approximately \$563.94.

RESIDENT MEETING AND COMMENTS:

All residents affected by this request were invited to attend a meeting in their clubhouse on March 8, 2011. The meeting was attended by five residents, the management staff for Casa de Amigos, and City staff. There were no issues discussed by the residents; there was some discussion regarding the sign-in protest process if a resident is unable to attend the hearing on April 6, 2011. Also, there was some discussion regarding the City of Escondido Rent Subsidy Program and information on this program was provided for the residents. Although the residents were asked if anyone wanted to volunteer to serve as the resident representative for the short-form rent increase process at the meeting, there were no volunteers.

In Casa de Amigos, there are currently four residents participating in the City of Escondido Rent Subsidy Program.

The last rent increase for the Park was granted in January of 2009 for an average amount of \$22.87 per space per month covering an 18 month period of consideration.

CODE INSPECTION REPORT:

An inspection of Park's common areas by the City's Code Enforcement Division was completed on March 15, 2011. There were no health and safety code issues noted on the report. A copy of the report is attached at "Exhibit A".

ADDITIONAL FACTORS AFFECTING THE APPLICATION:

In conformance with the Rent Review Board Guidelines, the decision of the Board will be finalized by adoption of the Resolution confirming the findings of the Public Hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon adoption of the Resolution. The 90-day notice of any rent increase granted may be sent to the residents upon the adoption of the Resolution.

Respectfully Submitted,



Roni Keiser,
Housing Division Manager



DATE: March 21, 2011

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: BRIAN GUSTAFSON, CODE ENFORCEMENT MANAGER

SUBJECT: CASA DE AMIGOS MOBILEHOME ESTATES

Casa de Amigos Mobilehome Estates was inspected on March 15, 2011, with the lighting inspection conducted the morning of March 17, as a result of an application for rent increase having been filed. There were no violations found during either inspection and the report is attached.

A resident meeting was held on March 8, 2011 (attended by five residents) and there were no health and safety concerns raised. In addition, there was no resident representative identified or present at the inspection.

There were no resident complaints and no open code enforcement cases in this park during the past year.

CC: Barbara Redlitz, Director of Community Development
Michelle Henderson, Rent Control Administration



March 22, 2011

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Casa de Amigos Mobilehome Estates
1751 W. Citracado Pkwy.
Escondido, CA 92029

Park Owner: Jeffrey H. Johnston
846 Roaring Fork Rd.
Aspen, CO 81612

Park Manager: Paul Williams **Phone:** (760) 746-3971

Inspection Dates: 03/15/11 **Inspectors:** S. Moore/A. Bates

The following report is based on the inspection of the mobile home park conducted under provisions outlined in the California Health & Safety Code, Division 13, Part 2.1; the California Code of Regulations, Title 25; the Escondido Zoning Code, Article 45; and the Escondido Municipal Code. This inspection report only addresses health and safety issues that are related to the common facilities and areas in the mobile home park for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

No violations found.

Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection: 03/17/11)

No lighting violations found.

RESOLUTION NO. RRB 2011-01

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A RENT
INCREASE FOR CASA DE AMIGOS
MOBILEHOME PARK

WHEREAS, Article V of Chapter 29 of the Escondido Municipal Code is a codification of the Escondido Mobilehome Rent Protection Ordinance ("Ordinance") and provides for mobilehome space rent regulation; and

WHEREAS, the City of Escondido Mobilehome Park Rental Review Board ("Board") is charged with the responsibility of considering applications for rent increases; and

WHEREAS, a Short-Form Rent Increase Application ("Application") pursuant to Section 12 of the Rent Review Board Guidelines was filed on February 16, 2011, by Heather Woolsey, the Owner's representative of Casa de Amigos Mobilehome Park ("Park"), located at 1751 W. Citracado in Escondido. The Application applies to 50 of the 138 spaces; and

WHEREAS, this is the tenth rent increase application filed by the Park since the Ordinance became effective in 1988. The last rent increase was granted by the Board in January 2009 and adopted by Rent Review Board Resolution 2009-01. The increase affected 57 spaces; the average increase was \$22.87 per space; and

WHEREAS, the current average monthly space rent is \$563.94 for the 50 spaces subject to rent control. The owner requested a rent increase in the amount of seventy-

five (75%) of the change in the Consumer Price Index (CPI) for the period June 30, 2009, through June 30, 2010, in accordance with the Rent Review Board short-form policy guidelines. The Application estimated this amount to be an average of \$5.89 (1.045%) per space, per month; and

WHEREAS, a notice of the Park's Application was sent to all affected homeowners. All parties were given notice of the time, date, and place of the rent hearing before the Board; and

WHEREAS, on March 15, 2011, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed and there were no health and safety code violations noted; and

WHEREAS, on April 6, 2011, the Board held its public hearing and after an initial presentation of the staff report, the Board invited testimony from Park ownership, the residents of the Park, and other residents of the community at large; and

WHEREAS, after all present had been given an opportunity to speak, the hearing was closed. Following an opportunity for discussion among the Board members and clarifying questions to the parties and Staff, the Board voted to grant an increase of 1.045%, an average of \$5.89 per space, per month, for the 50 spaces which are subject to a rent control.

NOW, THEREFORE, BE IT RESOLVED by the Rent Review Board of the City of Escondido, as follows:

1. That the above recitations are true.
2. That the Board has heard and considered all of the reports and testimony

presented, and has considered the facts as outlined in the Short-Form Guidelines (“Guidelines”).

3. That following the Guidelines, an increase based on seventy-five percent (75%) of the change in the CPI for San Diego County from June 30, 2009, through June 30, 2010, would amount to 1.045%, which averages \$5.89 per space, per month, for the 50 spaces that are subject to rent control.

4. That the Board concluded that an increase of \$5.89 per space, per month, is consistent with the Guidelines, and is fair, just, and a reasonable increase in light of the information presented by all parties.

5. That the Increase may be implemented upon the expiration of the required 90-day notice to the residents, which may be issued upon the adoption of this Resolution.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Orcl No. _____

Agenda Item No.: 7

Date: April 6, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: General Plan Amendment for Escondido Drive-In/Swap Meet (Case No. PHG 09-0009)

STAFF RECOMMENDATION:

Adopt Resolution No. 2011-35 approving the General Plan Amendment creating Planned Commercial Area No. 20, and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval on March 8, 2011 (Vote 6-1, Weber voting no).

PROJECT DESCRIPTION:

The proposed project consists of a General Plan Amendment to change the underlying General Plan Land-Use Designation on 11.62 acres of privately-owned land and 2.54 acres of City-owned land from Light Industrial (LI) and General Commercial (CG) to Planned Commercial (PC). The 11.62-acres of privately-owned land currently operates as a local outdoor swap meet. The 2.54 City-owned parcel is a concrete-lined flood control channel (Reidy Creek) that bisects the project site. The General Plan Amendment would create Planned Commercial Area No. 20, and includes specific language regarding future development of the site and limitations on the intensity of development to avoid potential impacts to the surrounding area. There are no specific development projects proposed as part of this General Plan Amendment. However, the site is anticipated to be developed in the future as a mixed-use project including commercial, office and light industrial components to support revitalization efforts throughout the area. The flood-control channel is included in the General Plan Amendment since future development proposals could include crossing, covering or enhancement of the channel. The specific amount and location of each individual use would be determined upon consideration of a future development proposal.

LOCATION:

The irregularly-shaped 14.16-acre site is located adjacent to Quince Street on the east, Washington Avenue on the south, and Mission Avenue on the north, addressed as 635 W. Mission Avenue. The project site is comprised of three privately-owned parcels (APNs 228-270-72, -73 and -77) and one City-owned parcel (APN 228-270-57) known as Reidy Creek.

FISCAL ANALYSIS:

None

BACKGROUND:

The property currently is the location of the Escondido Swap Meet, which originally was established in 1971 as an accessory use to the Old Escondido Drive-In movie theatre built in 1966. The drive-in ceased operations in the early 1980s, but some remnants of the use still exist on the site. The swap meet operates under a previously approved Conditional Use Permit (City File Nos. 95-12-CUP, 97-06-CUP and 98-38-CUP) and the site supports retail commercial uses and a farmer's market with approximately 150 or more vendors offering a wide range of retail merchandise and services, along with food and restaurant vendors. The swap meet use could continue to operate under the current Conditional Use Permit provisions until such time the project site is redeveloped or the CUP modified.

The project applicant has submitted a request to amend the General Plan to create a Planned Commercial land-use designation for the subject site. There currently are 19 specific Planned Commercial designated areas located throughout the City with specific General Plan policy language adopted for the development of each specific location. The City Council authorized the processing of this General Plan Amendment request independent of the city-wide General Plan Update, which is anticipated for completion and public vote in November 2012.

GENERAL PLAN ANALYSIS:

State law allows jurisdictions to amend their General Plan Land-Use Elements up to four times per calendar year. No GPAs have been approved in 2011, and this request represents the first General Plan amendment this year. The only other General Plan land-use amendment currently being considered is the city-wide General Plan update that is not anticipated for Planning Commission and City Council consideration and adoption until 2012.

The City's General Plan (Policy E2.2, pg. VII-16) establishes criteria for evaluating the merits of amendments requests that calls for a consideration of whether "physical, social, or city-wide economic factors or changes have made the plan designation, policy statement, goal or intent inappropriate from the standpoint of the general public welfare." The proposed GPA has been evaluated based on this criteria and staff feels the GPA is appropriate since the site is in an area that has experienced economic decline since the 1990 General Plan and the underutilized site is suitable for redevelopment. The proposed Planned Commercial land-use designation and supporting policy language would ensure quality development and desirable land uses that would support and strengthen the redevelopment efforts throughout the area. The amendment would not trigger a public vote under Proposition 'S' since the site already is designated for commercial and industrial development.

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration was issued for the proposed General Plan Amendment on January 12, 2011, in conformance with the California Environmental Quality Act (CEQA). The Initial Study identified effects related to Traffic, Hazardous Materials and Greenhouse Gases that might be

potentially significant, but revisions in the project plans and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts to the environment are reduced to less than a significant level. Detailed subsequent environmental review may be required at the time a specific project or projects are submitted for the subject site. The level of subsequent environmental review would depend on the scope and potential impacts associated with a future development proposal.

PLANNING COMMISSION SUMMARY:

Planning Commission discussion at the March 8, 2011, hearing centered on traffic and how potential traffic related improvements would be factored into future development proposals. Each project would need to be evaluated on a case-by-case basis to determine future infrastructure improvements based on the direct and cumulative impacts from each project. Commissioner Weber questioned how the proposed General Plan Amendment would factor into the current General Plan Update. Staff noted the subject area is being evaluated as part of the General Plan Update, and the Planned Commercial (PC) designation and corresponding language allows the owner flexibility to pursue development proposals that would address future market demand and city needs should demand for those uses precede the city-wide update. The proposed PC designation also is consistent with the General Plan alternatives being studied for the area, which would address land use for the entire block, not just the irregularly-shaped parcels under the applicant's ownership. However, the plan could be changed as the update proceeds through the environmental review and public hearing process. The majority of the Commissioners recommended approval of the proposed amendment, with Commissioner Weber voting no. Commissioner Weber did not elaborate on the reason for his vote, but later indicated he was opposed to allowing the proposal to advance ahead of the General Plan Update.

PUBLIC COMMENT:

No one from the public spoke at the March 8, 2011, Planning Commission hearing. Staff has not received any letters from the public indicating any concerns with the proposed General Plan Amendment.

DISCUSSION:

The project site is split between two General Plan land-use designations of General Commercial and Light Industrial, and currently could be developed with commercial and light-industrial type uses in accordance with the underlying zoning designations of General Commercial (CG) and Light Industrial (M-1). The proposed General Plan language would continue to allow the site to be developed in accordance with the underlying commercial and industrial zoning designations. However, since a majority of the site is zoned Light Industrial, commercial, retail and office type uses are limited to a relatively small area north of the flood-control channel. The project applicant/owners currently are evaluating long-term land uses for the subject site and have requested this General Plan Amendment in order to provide flexibility for future industrial and/or commercial uses of the entire site under a broader land use designation. The Planned Commercial land-use designation is proposed along with specific General Plan language in order to attract comprehensive development proposals. Therefore, in order to allow more flexibility and provide for comprehensive planning of the site, the project


applicant has requested the General Plan land-use designation be changed to Planned Commercial, which would allow a range of commercial, retail, service and light industrial uses to be located throughout the property.

Through the Planned Development process and supporting General Plan policy language (Attachment 1) appropriate control would be in place to ensure quality development and land uses, while still allowing appropriate interim uses or development of the site in conformance with the current underlying General Commercial and Light Industrial zoning designations. The proposed General Plan language encourages consolidation of properties and the incorporation of "smart growth" design principles. However, in order to develop commercial uses in the industrial area or industrial uses within the commercially zoned portion of the site, a zone change to Planned Development Commercial (PD-C) and a comprehensive Planned Development proposal would be required to implement the provisions of the Planned Commercial land-use designation. In addition, any proposal that would request City participation in the nature of fee reductions, off-site improvements or tax sharing also would require approval of a Planned Development through the public hearing process.

The proposed General Plan language also limits future development and uses on the site to a maximum cumulative Average Daily Traffic of 12,160 ADT. This limit was necessary to maintain a General Plan Circulation goal of Level-of-Service (LOS) "C" along identified street segments. This ADT limit is a cap, but not a guarantee of available capacity, with subsequent traffic analysis required at the time of site redevelopment to ensure that LOS "C" can be maintained. In addition the ADT cap also was necessary to avoid potential impacts related to air-quality and other potential project-related impacts that would have triggered the need to prepare an Environmental Impact Report (EIR) for the GPA. Staff and the Planning Commission feel the proposed creation of Planned Commercial area No. 20 is appropriate since it provides greater control over the use and design features of any new or interim uses that might be proposed for the site.

Respectfully submitted,


Barbara Redlitz
Director of Community Development


Jay Paul
Associate Planner

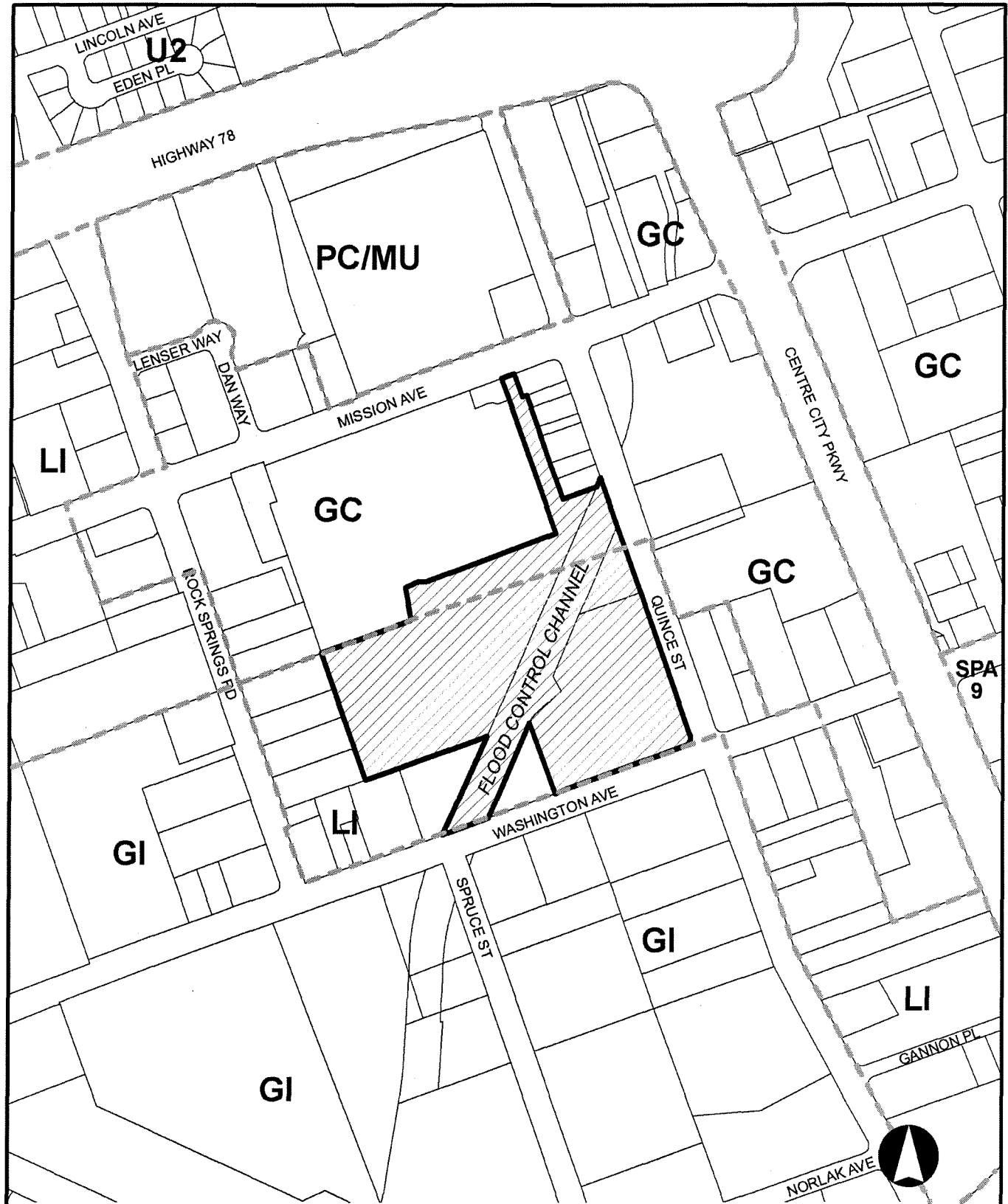
‘ATTACHMENT 1’

Proposed General Plan Language

20) Quince Street and Washington Ave (Escondido Drive In)

The 14.16 acres consists of three privately-owned parcels and one City-owned parcel (APNs 228-270-57, -72, -73 and -77) located at the northwestern corner of Quince Street and Washington Avenue, and also fronts onto and takes access from Mission Avenue. Reidy Creek bisects the property from northeast to southwest with a crossing over the channel. The property formerly was the Escondido Drive In and currently is used for an outdoor swap meet. The site may continue to operate as an outdoor swap meet in accordance with the previously approved Conditional Use Permits for the use until such time the site is redeveloped, and also may be used or developed consistent with existing zoning designations, but development of any parcel that requires a zone change or requests City participation in the nature of fee reductions, off-site improvements or tax sharing shall require a Planned Development approval.

The site is designated Planned Commercial and the site may be developed with a mix of commercial, retail, restaurant, office, and light industrial uses that support revitalization efforts throughout the area and to take advantage of the Escondido Transit Center and Sprinter Light Rail located two blocks to the south along Quince Street. New development should encourage consolidation of properties and incorporate “smart growth” design principles. The development also may include crossing or covering of the existing flood control channel. Enhancement along the channel (such as decorative fencing, landscaping, pedestrian-oriented features/amenities, etc.) also should be incorporated into future projects where appropriate. Traffic circulation and pedestrian patterns shall be coordinated when future development of the site is proposed to provide integrated access points and to ensure appropriate vehicular and pedestrian access between the individual parcels and adjacent streets. In order to maintain appropriate levels-of-service on the surrounding street system and minimize potential air-quality impacts, the scale of development and nature of the uses shall be limited as necessary in order to generate no more than a cumulative total of 12,160 vehicle trips per day. Specific site and technical studies may be required, to address and/or mitigate any project specific impacts related to traffic/circulation, utilities, air quality, noise and hazardous materials associated with future development of the site, and as identified in the Mitigated Negative Declaration.



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**PROPOSED PROJECT
PHG 09-0009**



PLANNING COMMISSION

Agenda Item No.: 6.1

Date: March 8, 2011

CASE NUMBER: PHG 09-0009

APPLICANT: Escondido Drive-In LP

LOCATION: The subject site is located adjacent to Quince Street on the east, Washington Avenue on the south, and Mission Avenue on the north in the City of Escondido, County of San Diego, addressed as 635 W. Mission Avenue. The project site is comprised of three privately-owned parcels (APNs 228-270-72, -73 and -77) and one City-owned parcel (APN 228-270-57) known as the Reidy Creek Flood Control Channel.

TYPE OF PROJECT: General Plan Amendment

PROJECT DESCRIPTION: The proposed project consists of a General Plan Amendment to change the underlying General Plan Land-Use Designation on 11.62 acres of privately-owned land and 2.54 acres of City-owned land from Light Industrial (LI) and General Commercial (CG) to Planned Commercial (PC), bringing the site area to a total of 14.16 acres. The 11.62-acres of privately-owned land currently operates as a local outdoor swap meet. The 2.54 City-owned parcel is a concrete-lined flood control channel (Reidy Creek) that bisects the project site. No specific development project is proposed as part of this General Plan Amendment.

The site is anticipated to be developed in the future as a mixed-use project including commercial, office and light industrial components to support revitalization efforts throughout the area and to take advantage of the Escondido Transit Center and Sprinter Light Rail located two blocks to the south along Quince Street. The flood-control channel is included in the General Plan Amendment since future development proposals could include crossing, covering or enhancement of the channel. The specific amount and location of each individual use would be determined upon consideration of a future development proposal (Planned Development) initiated by the property owner(s) through a Zone Change from Light Industrial (M-1), Commercial General (CG) and Flood Control Channel (FCC) to Planned Development-Commercial (PD-C) zoning.

STAFF RECOMMENDATION:

1. Approval of the General Plan Amendment that creates Planned Commercial Area No. 20
2. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program

GENERAL PLAN DESIGNATION/TIER: General Commercial and Light Industrial; Tier 1- Central subarea

ZONING: General Commercial (CG), Light Industrial (M-1) and Flood Control Channel (FCC)

BACKGROUND/SUMMARY OF ISSUES:

The property currently is the location of the Escondido Swap Meet, which originally was established in 1971 as an accessory use to the Old Escondido Drive-In movie theatre built in 1966. The drive-in ceased operations in the early 1980s, but some remnants of the use still exist on the site. The swap meet operates under a previously approved Conditional Use Permit (City File Nos. 95-12-CUP, 97-06-CUP and 98-38-CUP) and the site supports retail commercial type uses and a farmers market with approximately 150 or more vendors offering a wide range of retail merchandise and service, along with food and restaurant vendors. The swap meet use would continue to operate under the current Conditional Use Permit provisions until such time the project site is redeveloped or the CUP modified.

The project applicant has submitted a request to amend the General Plan to create a Planned Commercial land-use designation for the subject site. There currently are 19 specific Planned Commercial designated areas located throughout the City. The City Council authorized the processing of this General Plan Amendment request independent of the city-wide General Plan Update, which is anticipated for completion and public vote in November 2012. The

project site is split between two General Plan land-use designations of General Commercial and Light Industrial. The subject property currently could be developed with commercial and light-industrial type uses in accordance with the underlying zoning designations of General Commercial (CG) and Light Industrial (M-1). The proposed General Plan language would continue to allow the site to be developed in accordance with the underlying commercial and industrial zoning designations. However, since a majority of the site is zoned Light Industrial, commercial, retail and office type uses are limited to a relatively small area north of the flood-control channel. Therefore, in order to allow more flexibility and provide for comprehensive planning of the site, the project applicant has requested the General Plan land-use designation be changed to Planned Commercial, which would allow a range of commercial, retail, service and light industrial uses to be located throughout the property.

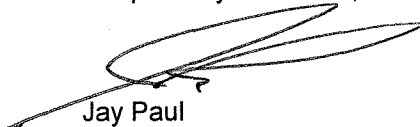
Staff feels the issues are as follows:

1. Whether the proposed Planned Commercial land-use designation would be consistent with General Plan policies and would provide for desired redevelopment opportunities for the area.

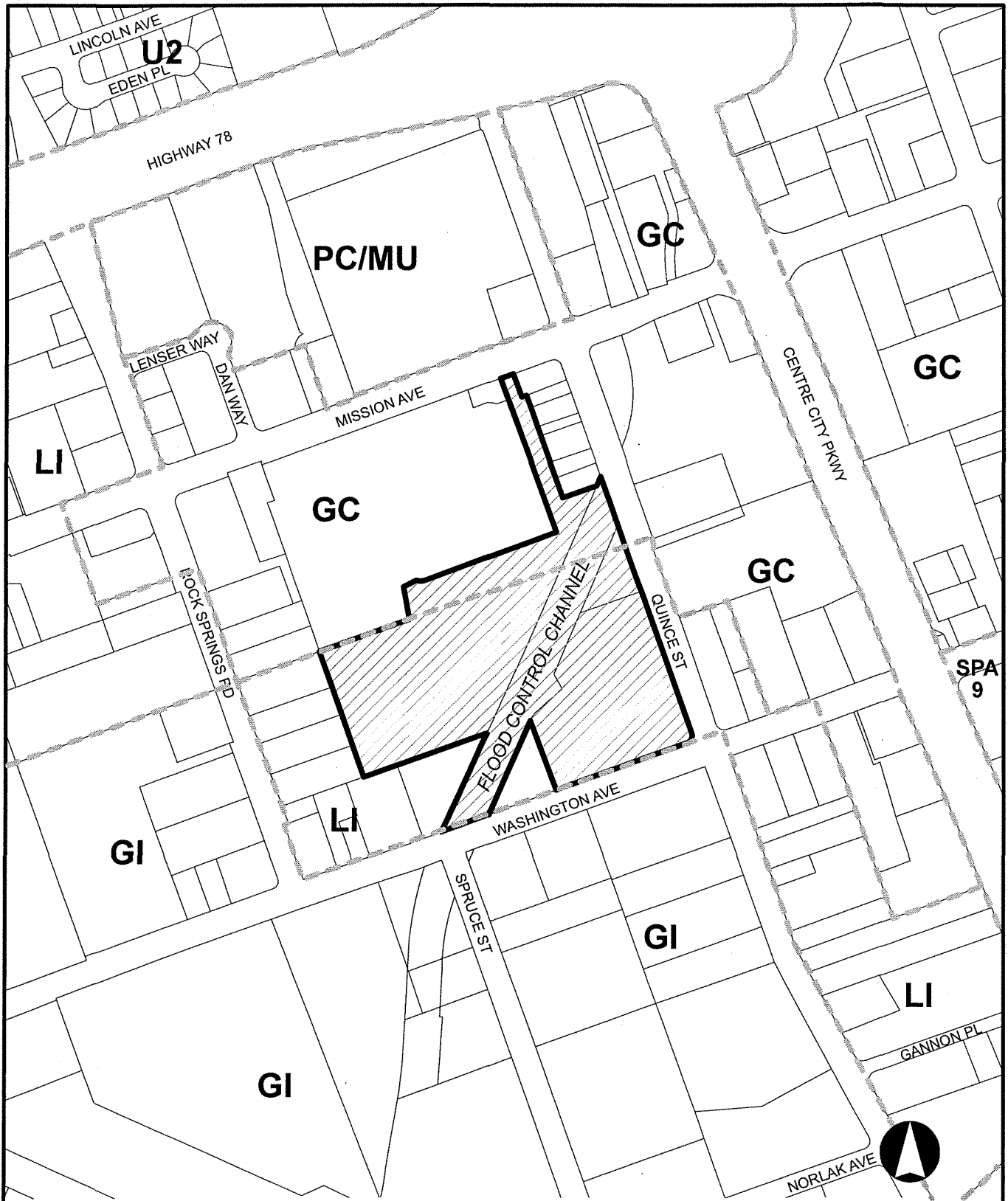
REASONS FOR STAFF RECOMMENDATION:

1. The proposed General Plan Amendment conforms to the policy for amending the City's General Plan that requires the consideration of physical, social or city-wide economic factors or changes that have made the existing plan designation appropriate from the standpoint of the general public welfare. In this situation, the site is in an area that has experienced economic decline since the 1990 General Plan was adopted. Future redevelopment of the site would continue to provide opportunities to revitalize the area and bolster an underutilized commercial/industrial property and result in a stronger draw along the West Mission Avenue commercial area.
2. The Mitigated Negative Declaration assesses both the individual and cumulative project impacts. Mitigation measures have been identified related to Traffic, Hazardous Materials and Greenhouse Gases that could result from future development of the site. The mitigation measures and limitations built into the General Plan language would reduce potentially significant impacts to less than a significant level. The attached Mitigation Monitoring and Reporting Program identifies necessary mitigation measures, their timing, and the party responsible for implementation.

Respectfully submitted,



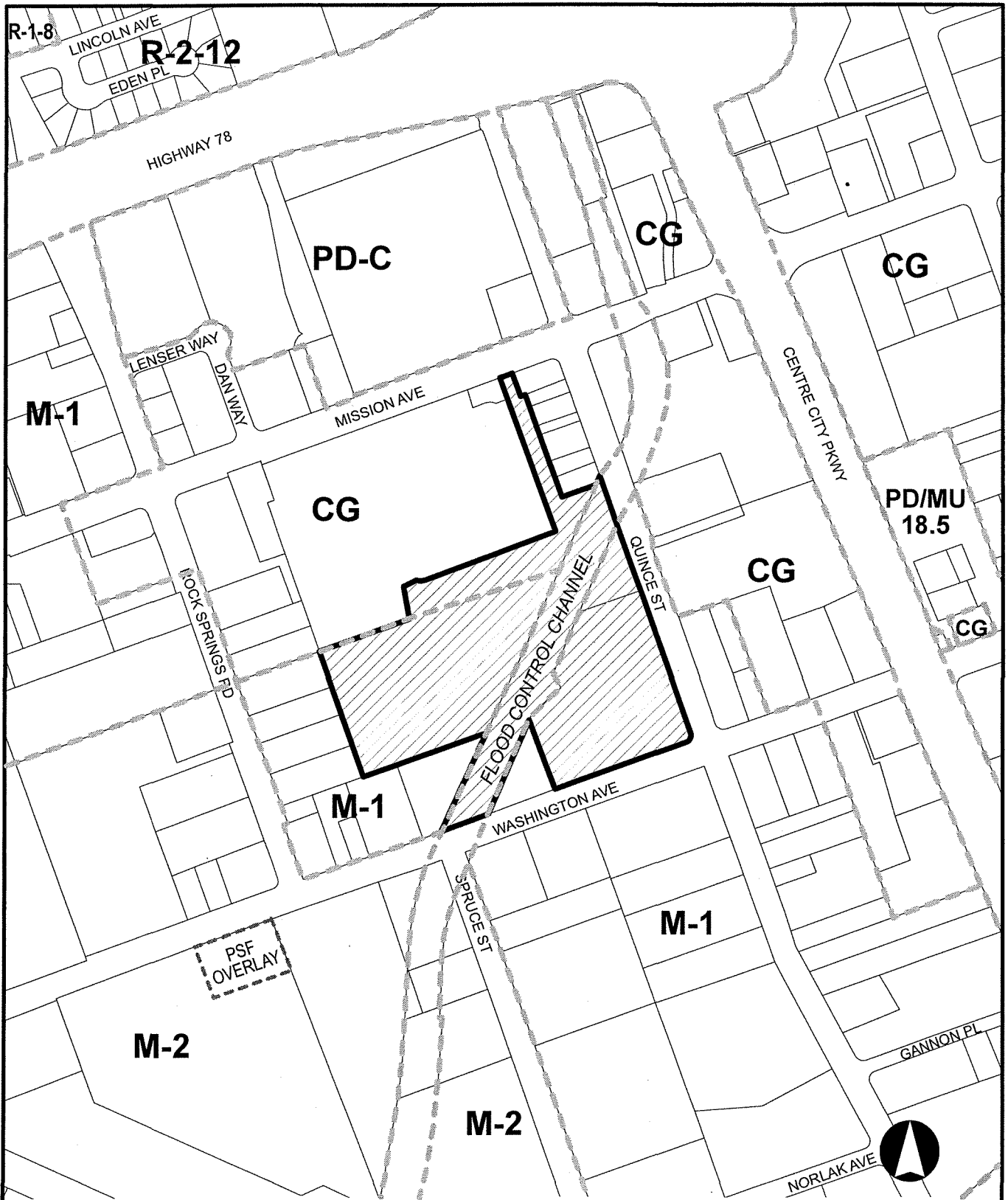
Jay Paul
Associate Planner



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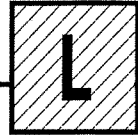
**PROPOSED PROJECT
PHG 09-0009**





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**PROPOSED PROJECT
PHG 09-0009**



LOCATION/ZONING

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: CG zoning (General Commercial) / A variety of retail, restaurant, office and service commercial uses are located north of the project site and also north across Mission Avenue. Mission Avenue is developed with curb, gutter and sidewalk along the project frontage.

SOUTH: M-1 zoning (Light Industrial) / A variety of light industrial and office uses are located south of the project site across Washington Avenue. Washington Avenue has been developed to its ultimate width across the project frontage (with curb, gutter and sidewalk). The Escondido Transit Center is located approximately two block to the south, and the and City's Public Work's Yard is located further southwest of along Spruce Street. The public works yard is the site of the proposed new Escondido Ballpark Project.

EAST: CG and M-1 zoning (General Commercial and Light Industrial) / Two, two-story multi-family residential projects are located east of the project site across Quince Street. A two-story motel also is located east of the Reidy Creek Flood Control Channel. The two apartment developments front onto and take access from Quince Street. The open space areas of the residential developments generally are situated towards the interior of the project and are shielded by the existing buildings. A single-story multi-tenant industrial building is located at the northeastern corner of Quince Street and Washington Avenue. Access to the building is provided from Quince Street and Washington Avenue. A variety of industrial, commercial, motel and mixed-use planned residential developments are located further to the east. Quince Street has been developed to its ultimate width (including curb, gutter and sidewalk) across the project frontage.

WEST: CG and M-1 zoning (General Commercial and Light Industrial) / A variety of industrial type uses with outdoor storage areas, and single-story buildings are located immediately west of the project site. Retail type commercial uses are located northwest of the site.

B. ENVIRONMENTAL STATUS

1. A Mitigated Negative Declaration was issued for the proposed General Plan Amendment on January 12, 2011 in conformance with the California Environmental Quality Act (CEQA). The Initial Study identified effects related to Traffic, Hazardous Materials and Greenhouse Gases that might be potentially significant, but revisions in the project plans and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts to the environment are reduced to less than a significant level.
2. Detailed subsequent environmental review may be required at the time a specific project or projects are submitted for the subject site. The level of subsequent environmental review would depend on the scope and potential impacts associated with a future development proposal.
3. The Mitigated Negative Declaration was routed to the State Clearinghouse for a 30-day public comment period ending on February 14, 2011. Staff received only one written comment from the California Public Utilities Commission (PUC). The PUC has jurisdiction over the safety of highway-rail crossings and indicated that future project may have impacts at nearby NCTD Sprinter crossings of Andreason Drive and Hale Avenue. Therefore, the PUC recommended that future development should evaluate potential planning for grade separations for major thoroughfares; improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad and transit right-of-way. Future development of the site would evaluate any potential impacts to streets and intersections, along with affected rail crossings. Appropriate measures/improvements would be implemented on a case-by-case basis depending on the scope and magnitude of individual development requests.
4. Notification of the proposed General Plan Amendment was mailed to the fourteen Native American Tribes as required by Senate Bill 18, which requires consultation with Native American Tribes prior to approving a General Plan or Specific Plan Amendment. Consultation is required whether or not resources are known to exist on the site. The legislation mandates a 90-day review period for tribal agencies to respond. The legislation recognizes that concurrence between the local jurisdiction and the tribal agencies may not be reached regarding monitoring of the site, but the intent of the consultation is to include tribal governments in the land use process for GPAs and

SPAs. During the 90-day review period, one tribe (San Luis Rey Band) recommended certain measures be included in the project, which includes a Pre-Excavation Agreement with the Band prior to any ground-disturbing activities on the project site (see attached letter) along with Native American and archaeological monitors to provide adequate protection for any cultural resources or human remains that may be discovered in the Project area.

There are no specific development proposals associated with this General Plan Amendment. The entire site previously has been disturbed with the development of the former drive-in theatre and current outdoor swap meet. The surrounding properties also have been completely disturbed with commercial/industrial development and the concrete-lined flood control channel (Reidy Creek). Previous record searches and/or Sacred Lands File searches prepared for adjacent or nearby projects (Proposed Escondido Ballpark Project and Lowe's Planned-Commercial Development) have not identified any known recorded sites or Native American Resources within the immediate area. The site does not appear to contain any indicators of significant cultural resources or geologic features due to the past grading and development of the site and flood control channel. There are no structures over 50 years in age located on the site and the property does not contain any resources listed on the City's Historic Sites. The potential for disturbing any human remains is low given the fact that known archaeological sites in the area were not intensively used due to their location along the boundary between Luiseno and Kemeyaay territories (Affinnis 2010).

Archaeological and Native American monitoring was conducted during the grading for construction of the Lowe's property, a short distance north of the site, and no archaeological materials were found during this monitoring program. The Mitigated Negative Declaration also was routed to the Native American Heritage Commission by the State Clearinghouse for 30-day review. Staff did not receive any comments from the Native American Heritage Commission regarding the document or Cultural Resources analysis/conclusions. Therefore, staff feels the likelihood the project would impact any of these resources is highly unlikely and there would be no significant impacts from the proposed GPA. The mitigation measures recommended by the San Luis Rey Band are not necessary in this instance. However, potential mitigation measures can be re-evaluated at the project specific level. In addition, should any resources be discovered during future development of the site, the appropriate protocols would need to be followed and tribes contacted, as may be necessary.

C. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service -- The Police Department expressed no concern regarding the proposed development and their ability to serve the site.
2. Effect on Fire Service -- The Fire Department indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. Traffic -- A traffic assessment was prepared for the proposed General Plan Amendment by Linscott, Law and Greenspan to assess the potential traffic impacts of the proposed project. The traffic study prepared for the change in land use assumes a worse case scenario of the developed as a neighborhood commercial center, which would generate the highest number of vehicle trips (up to 1,200 trips per acre). However, the site most likely would be built out with a mix of commercial, office and light industrial uses, which would generate significantly less trips. For purposes of the study and to evaluate the proposal at the General Plan level, it was assumed that all street segments and intersections would be constructed to their ultimate improvements at buildout based on their Circulation Element Classifications. The project then was evaluated based on how many additional trips could be accommodated by each of the study area street segments and still operate at Level-of-Service "C" which is the General Plan Circulation Element goal for level of service on the street City's street network. Based on the analysis the proposed General Plan Amendment language limits any future projects (cumulative on-site projects) to a maximum of 12,160 ADT, to maintain a minimum Level-of-Service "C" along the identified street segment under buildout conditions.

The traffic assessment also evaluated existing and near-term intersection operations (seven study area intersections) without the proposed land use change and the buildout capacity of each intersection with full improvements in conformance with City requirements. The study identified the number of peak-hour trips each intersection could accommodate under existing conditions and trigger points that would require improvements/upgrades and/or signal modifications when an increase in peak-hour trips from this project or any other off-site project (cumulative projects) would cause the intersection to operate below City standards. Any future development proposal would require project specific studies/evaluation to identify any potential impacts to individual street segments and intersections. The subsequent traffic study would identify the required

improvements that would need to be physically implemented prior to operation and/or fair-share contribution required to offset any potential individual and cumulative impacts. With the limitation on project ADTs, all study area intersections would not exceed their buildout design capacity under 2030 buildout conditions.

4. Utilities – Water and sewer service to the site currently is provided by the City of Escondido from existing mains in the adjoining street or easements. The Hale Avenue Resource Recovery Facility (HARRF) has the capacity to handle the demand for service generated by future development of the site. The City's Lindley Pressure Zone supplies water to a network of water mains surrounding the property. Based on field fire hydrant flow testing, there is sufficient flow and pressure available to deliver 2,500 gpm fire flow to the property. However, in order to avoid any potential impacts to residual pressures within the Lindley Pressure Zone, any future development of the site would be required to evaluate their individual project specific impact to the existing system and to upgrade the system as necessary to meet City Design Standards, as may be required by the Engineering Division and Utilities Department.
5. Drainage – The project site consists of level terrain and generally drains to Reidy Creek via existing public/private storm drain facilities and as minor overland flow. Reidy Creek consists of a concrete-lined trapezoidal channel that bisects the project site from east to west converging with the concrete-lined Escondido Creek Channel further downstream. Runoff from future development project(s) would be directed to the adjoining public street or other appropriate drainage facilities. The current Flood Insurance Rate Maps (FIRMs) indicate the project site is located outside the 100-year flood zone except for the Reidy Creek Flood Control Channel which bisects the project area. The Reidy Creek drainage facility is a concrete-lined channel designed to contain the 100-year flow. The Engineering Department determined the project would not materially degrade the levels of service of the existing drainage facilities.

D. GENERAL PLAN ANALYSIS

State law allows jurisdictions to amend their General Plan Land-Use Elements up to four times per calendar year. No GPAs have been approved in 2011, and this request represents the first General Plan amendment this year. The only other General Plan land-use amendment currently being considered is the city-wide General Plan update that is not anticipated for Planning Commission and City Council consideration and adoption until 2012.

The City's General Plan (Policy E2.2, pg. VII-16) establishes criteria for evaluating the merits of amendments requests that calls for a consideration of whether "physical, social, or city-wide economic factors or changes have made the plan designation, policy statement, goal or intent inappropriate from the standpoint of the general public welfare." The proposed GPA has been evaluated based on this criteria and staff feels the GPA is appropriate since the site is in an area that has experienced economic decline since the 1990 General Plan and the underutilized site is suitable for redevelopment. The proposed Planned Commercial land-use designation and supporting policy language would ensure quality development and desirable land uses that would support and strengthen the redevelopment efforts throughout the area. The amendment would not trigger Proposition 'S' since the site already is designated for commercial and industrial development.

E. PROJECT ANALYSIS

Appropriateness of the Proposed Planned Commercial Land-Use Designation and Language

The project applicant/owners currently are evaluating long-term land uses for the subject site and have requested this General Plan Amendment in order to provide flexibility for future industrial and/or commercial uses of the site while allowing the existing uses to remain without becoming non-conforming. Because the site is split by industrial and commercial land-use and zoning designations, the opportunities for establishing an appropriate land use or attracting a developer for a comprehensively designed project is constrained. Therefore, the Planned Commercial land-use designation is proposed along with specific General Plan language in order to attract comprehensive development proposals. The applicant also requested the inclusion of the city-owned channel parcel to allow for future covering, partial covering and/or additional crossings to support a mixed-use development.

Through the Planned Development process and supporting General Plan policy language (Attachment 1) appropriate control would be in place to ensure quality development and land uses, while still allowing appropriate interim uses or development of the site in conformance with the current underlying General Commercial and Light Industrial zoning designations. The proposed General Plan language encourages consolidation of properties and the incorporation of "smart growth" design principles. The development also may include crossing or covering of the existing flood control

channel. Enhancement along the channel (such as decorative fencing, landscaping, pedestrian-oriented features/amenities, etc.) also should be incorporated into future project where appropriate. In order to develop commercial uses in the industrial area or industrial uses within the commercially zoned portion of the site, a zone change to Planned Development Commercial (PD-C) and a comprehensive Planned Development proposal would be required to implement the provisions of the Planned Commercial land-use designation. In addition, any proposal that would request City participation in the nature of fee reductions, off-site improvements or tax sharing also would require approval of a Planned Development through the public hearing process.

Specific site and technical studies may be required (at the project level) to address and/or mitigate any project specific impacts related to traffic/circulation, utilities, air quality, noise and hazardous materials associated with future development of the site, as may be required by the City and as identified in this Mitigated Negative Declaration. The proposed General Plan language also limits future development and uses on the site to a maximum cumulative Average Daily Traffic of 12,160 ADT. This limit was necessary to maintain a General Plan Circulation goal of Level-of-Service "C" along identified street segments. In addition the ADT cap also was necessary to avoid potential impacts related to air-quality and other potential project-related impacts that would have triggered the need to prepare an Environmental Impact Report (EIR) for the GPA. Staff feels the proposed creation of Planned Commercial area No. 20 is appropriate since it provides greater control over the use, design and architectural features and any new interim uses that might be proposed for the site.

EXHIBIT "A"
FINDINGS OF FACT
PHG 09-0009

General Plan Amendment

1. Granting the proposed General Plan Amendment to change the existing General Commercial and Light Industrial land-use designations to Planned Commercial would be in conformance with General Plan Economic Policies in the General Plan in that it would continue to promote the City as an economic center of North San Diego County and would encourage new economic activity that would provide additional opportunities to diversify the City's economic base. The proposed land use change and anticipated future Planned Development-Commercial zoning also would be in conformance with General Plan Goal 5 which states: "Encourage more high quality industrial, retail and manufacturing and service-oriented businesses that create and maintain a strong economic based and provide an environment for the full employment of a diverse set of skills." The proposed General Plan Amendment recognizes opportunities for infill development to attract new, higher quality commercial and office uses, and spur revitalization of the underutilized parcels. The proposed General Plan Amendment also would create the opportunity to revitalize the underutilized commercial/industrial site and create a concentrated mixed-use commercial node in conjunction with adjacent uses offering a variety of retail, office and light industrial uses to support the surrounding mix of land uses and redevelopment efforts throughout the downtown and surrounding area, and to take advantage of the Escondido Transit Center and Sprinter Light Rail located to the south. The Planned Commercial designation would require implementation through the Planned Development (PD) zone. Development also could occur in conformance with the current underlying light industrial and general commercial zoning designations subject to conformance with relevant Zoning Code requirements.

The proposed General Plan Amendment would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets/intersections or public facilities, create excessive noise, and circulation and public services could be provided to the site.

2. The proposed General Plan Amendment conforms to the policy for amending the City's General Plan that requires the consideration of physical, social or city-wide economic factors or changes that have made the proposed plan designation appropriate from the standpoint of the general public welfare. In this situation, the site is in an area that has experienced economic decline since the 1990 General Plan and the underutilized site is suitable for redevelopment. Future development of the site would continue to provide opportunities to revitalize the area and bolster the underutilized commercial/industrial property and result in a stronger draw along the West Mission Avenue retail area. The amendment would not trigger Proposition 'S' since the site is identified for commercial and industrial development and the proposed Planned Commercial land-use designation is not covered by the language of Proposition 'S.' Text is proposed that identifies the specific site in the General Plan. The proposal is in response to services required by the community since future development of the site would revitalize the area.
3. The proposed change in land use designation to Planned Commercial from Light Industrial and General Commercial or future change in zoning to Planned Development-Commercial would not result be detrimental to the public health, safety or welfare, or injurious to the property or improvement in the zone or vicinity since the site currently is zoned for commercial and light industrial development/uses and would be zoned for mixed-use commercial/industrial development. Future development would not result in a significant impact to an established community because the surrounding area is developed with industrial, commercial and multi-family residential uses that are appropriate adjacent to a Planned Commercial area. Future development would be subject to the development standards and performance criteria of the Zoning Code and implementation of the Planned Development zoning, which would ensure that appropriate architectural guidelines and site design measures are incorporated into any future project to minimize potential impacts. With approval of the proposed General Plan Amendment the range of land uses would be in compliance with the performance criteria stipulated in the zoning ordinance.

The proposed facility could adequately be served by existing public facilities since City sewer and water service is available from existing mains in the adjacent streets or easements, and the project would not adversely impacts these facilities. Appropriate improvements and/or upgrades to existing utilizes would be implemented to support future development proposals on the site. All potentially significant impacts of the proposed General Plan

Amendment and future Planned Development-Commercial zoning identified in this Initial Study (i.e., Traffic/Circulation, Green House Gases and Hazards and Hazardous Materials) would be avoided through specific General Plan Planned Commercial policies/language, future project design features, limitations on the project intensity or mitigated by the incorporation of measures that are subject to any future development).

4. A Mitigated Negative Declaration was issued for the proposed General Plan Amendment on January 12, 2011 in conformance with the California Environmental Quality Act (CEQA). The Initial Study identified effects related to Traffic, Hazardous Materials and Greenhouse Gases that might be potentially significant, but revisions in the project plans and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts to the environment are reduced to less than a significant level.

‘ATTACHMENT 1’

Draft General Plan Language

20) Quince Street and Washington Ave (Escondido Drive In)

The 14.16 acres consists of three privately-owned parcels and one City-owned parcel (APNs 228-270-57, -72, -73 and -77) located at the northwestern corner of Quince Street and Washington Avenue, and also fronts onto and takes access from Mission Avenue. Reidy Creek bisects the property from northeast to southwest with a crossing over the channel. The property formerly was the Escondido Drive In and currently is used for an outdoor swap meet. The site may continue to operate as an outdoor swap meet in accordance with the previously approved Conditional Use Permits for the use until such time the site is redeveloped, and also may be used or developed consistent with existing zoning designations, but development of any parcel that requires a zone change or requests City participation in the nature of fee reductions, off-site improvements or tax sharing shall require a Planned Development approval.

The site is designated Planned Commercial and the site may be developed with a mix of commercial, retail, restaurant, office, and light industrial uses that support revitalization efforts throughout the area and to take advantage of the Escondido Transit Center and Sprinter Light Rail located two blocks to the south along Quince Street. New development should encourage consolidation of properties and incorporate “smart growth” design principles. The development also may include crossing or covering of the existing flood control channel. Enhancement along the channel (such as decorative fencing, landscaping, pedestrian-oriented features/amenities, etc.) also should be incorporated into future projects where appropriate. Traffic circulation and pedestrian patterns shall be coordinated when future development of the site is proposed to provide integrated access points and to ensure appropriate vehicular and pedestrian access between the individual parcels and adjacent streets. In order to maintain appropriate levels-of-service on the surrounding street system and minimize potential air-quality impacts, the scale of development and nature of the uses shall be limited as necessary in order to generate no more than a cumulative total of 12,160 vehicle trips per day. Specific site and technical studies may be required, to address and/or mitigate any project specific impacts related to traffic/circulation, utilities, air quality, noise and hazardous materials associated with future development of the site, and as identified in the Mitigated Negative Declaration.



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

MITIGATED NEGATIVE DECLARATION

CASE NO.: PHG 09-0009

DATE ISSUED: January 12, 2011

PUBLIC REVIEW PERIOD: January 14, 2011 – February 14, 2011

LOCATION: The subject site is located adjacent to Quince Street on the east, Washington Avenue on the south, and Mission Avenue on the north in the City of Escondido, County of San Diego, addressed as 635 W. Mission Avenue. The project site is comprised of three privately-owned parcels (APNs 228-270-72, -73 and -77) and one City-owned parcel (APN 228-270-57) known as the Reidy Creek Flood Control Channel.

PROJECT DESCRIPTION: Environmental review for a proposed General Plan Amendment to change the underlying General Plan Land-Use Designation of 11.62 acre of privately-owned land and 2.54 acres of City-owned land from Light Industrial (LI) and General Commercial (CG) to Planned Commercial (PC), bringing the site area to a total of 14.16 acres. The 11.62-acres of privately-owned land currently operates as a local outdoor swap meet. The 2.54 City-owned parcel is a concrete-lined flood control channel (Reidy Creek) that transects the project site. No specific development projects have been submitted in conjunction with this General Plan Amendment.

APPLICANT: Escondido Drive-Inn, LP (Hale Johnston Enterprises, Inc.)

An Initial Study has been prepared to assess this project as required by the California Environmental Quality Act and Guidelines, Ordinances and Regulations of the City of Escondido. The Initial Study is on file in the City of Escondido Planning Division.

Findings: The findings of this review are that the Initial Study identified effect related to Traffic/Circulation, Hazardous Materials, and Greenhouse Gases that might be potentially significant, but revisions in the project plans and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts are reduced to less than a significant level.


 Jay Paul
 Associate Planner

FILED
 Ernest J. Dronenburg, Jr., Recorder County Clerk

JAN 13 2011

BY L. Kesian
 DEPUTY

FILED IN THE OFFICE OF THE COUNTY CLERK
 San Diego County on JAN 13 2011
 Posted JAN 13 2011 Removed _____
 Returned to agency on _____
 Deputy L. Kesian

NEGATIVE DECLARATION

(Final)

FOR ESCONDIDO DRIVE-IN GENERAL PLAN AMENDMENT (City File No. PHG 09-0009)

ENVIRONMENTAL CHECKLIST SUPPLEMENTAL COMMENTS

An Initial Study Environmental Checklist was prepared for this project and is included as a separate attachment to this Mitigated Negative Declaration (MND). The information contained in the Initial Study and the MND Supplemental Comments will be used by the City of Escondido to determine potential impacts associated with the proposed project. The (final) document contains any changes in bold/underlined text or crossed-out text. None of the changes are substantial or affect the conclusions or proposed mitigation measures.

INTRODUCTION

This Mitigated Negative Declaration assesses the environmental effects of the proposed General Plan Amendment of approximately 14.16 acres of property from Light Industrial (LI) and General Commercial (CG) to Planned Commercial (PC) generally located at the northwestern corner of Quince Street and Washington Avenue, addressed as 635 W. Mission Avenue. The document also includes analysis of a potential future change of the existing underlining zoning from Light Industrial Zoning (M-1) and General Commercial (CG) to Planned Development-Commercial zoning. This document is prepared in accordance with California Environmental Quality Act (CEQA) Public Resource Code Section 21064.5. The detailed Supplemental Comments included in this document identify and evaluate physical impacts to the environment associated with the proposed change in land use and potential future development of the site based on preliminary review of a variety of environmental factors identified in the attached Environmental Checklist. In analyzing the project, it has been determined that potentially significant impacts related to Traffic/Circulation, Hazardous Materials, and Greenhouse Gases could occur, which warrants issuing a Mitigated Negative Declaration. The MND acknowledges that certain aspects of the project could cause significant impact(s) on the environment, but those impacts would be reduced to an acceptable level by incorporating revisions to the project description, limitations on the project or mitigation measures identified in the MND.

There is no specific development project associated with this proposed General Plan Amendment. Detailed subsequent environmental review may be required at the time a specific project or projects are submitted for the subject site. The level of subsequent environmental review would depend on the scope and potential impacts associated with a future development proposal. As provided by the California Environmental Quality Act, the City of Escondido will act as the Lead Agency because of its role in reviewing and potentially approving or issuing permits for the project. Issues to be resolved by the Decision-Making Body include the final General Plan language; future development of the site under existing industrial and zoning designations; implementation and timing the Planned Development zoning; potential range of future uses or limitations on future uses; design principles; timing of future

improvements; and implementation of any necessary measures to address and/or mitigate potential future impacts of future development.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the **Mitigated Negative Declaration** in writing before the end of the **30-day** public review period starting on **January 14, 2011**, and ending on **February 14, 2011**. Written comments on the Mitigated Negative Declaration should be submitted to the following address by **5:30 p.m., February 14, 2011**. Following the close of the public comment review period, the City of Escondido will consider this Mitigated Negative Declaration and any received comments in determining the approval of this project.

City of Escondido
Planning Division
201 North Broadway
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Contact: Jay Paul, Planner
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A printed copy of this document and any associated plans and/or documents are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division at the address shown above.

PROJECT DESCRIPTION

The proposed project consists of a General Plan Amendment to change the underlying General Plan Land-Use Designation of **on** 11.62 acres of privately-owned land and 2.54 acres of City-owned land from Light Industrial (LI) and General Commercial (CG) to Planned Commercial (PC), bringing the site area to a total of 14.16 acres. The 11.62-acres of privately-owned land currently operates as a local outdoor swap meet. The 2.54 City-owned parcel is a concrete-lined flood control channel (Reidy Creek) that bisects the project site. An existing concrete bridge provides a vehicular and pedestrian crossing over the channel. No specific development project is proposed as part of this General Plan Amendment. The site is anticipated to be developed in the future as a mixed-use project including commercial, office and light industrial components to support revitalization efforts throughout the area and to take advantage of the Escondido Transit Center and Sprinter Light Rail located two blocks to the south along Quince Street. The flood-control channel is included in the General Plan Amendment since future development proposals could include crossing, covering or enhancement of the channel. The specific amount and location of each individual use would be determined upon consideration of a development proposal (Planned Development) initiated by the property owner(s) through a Zone Change from Light Industrial (M-1), Commercial General (CG) and Flood Control Channel (FCC) to Planned Development-Commercial (PD-C) zoning. Development also could be allowed to occur in conformance with the underlying zoning designations subject to conformance with applicable Zoning Code requirements.

The proposed General Plan language would limit the future development and uses to a maximum cumulative Average Daily Traffic of 12,160 ADT to maintain a General Plan Circulation goal of Level-of-Service "C" along identified street segments. Future development proposals, through implementation of the General Plan Planned Commercial land-use designation would encourage consolidation of properties, comprehensive planning incorporating "smart growth" design principles, integrated access points and circulation between parcels, and requiring that all development be subject to high quality, coordinated design guidelines which provide for superior architectural details; signage and landscaping; channel enhancement (such as decorative fencing, landscaping, pedestrian-oriented features/amenities, etc.); and

to ensure compatibility with surrounding residential uses. Specific site and technical studies may be required (at the project level) to address and/or mitigate any project specific impacts related to traffic/circulation, utilities, air quality, noise and hazardous materials associated with future development of the site, as may be required by the City and as identified in this Mitigated Negative Declaration.

PROJECT LOCATION AND ENVIRONMENTAL SETTING

The subject site is located adjacent to Quince Street on the east, Washington Avenue on the south, and Mission Avenue on the north in the City of Escondido, County of San Diego, addressed as 635 W. Mission Avenue. The project site is comprised of three privately-owned parcels (APNs 228-270-72, -73 and -77) and one City-owned parcel (APN 228-270-57) known as the Reidy Creek Flood Control Channel. The property is split between two General Plan designations: Light Industrial and General Commercial. Parcel 228-270-77 has a General Commercial (CG) designation in the northern half of the block, and a Light Industrial (LI) designation in the southern half of the block. Parcels -72 and -73 have a designation of Light Industrial. The corresponding zoning designations are Light Industrial (M-1), Commercial General (CG), and Flood Control Channel (FCC).

The subject site is within an urbanized area of the City where a variety of industrial, commercial, public works, and residential uses exist. The site itself has previously been developed with various buildings, paved parking, drive aisles, ornamental landscaping, and is secured with a combination of chain-link and wrought-iron fencing. The property currently is the location of the Escondido Swap Meet, which originally was established in 1971 as an accessory use to the Old Escondido Drive-In movie theatre built in 1966. The drive-in ceased operations in the early 1980s, but some remnants of the use still exist on the site. The swap meet operates under a previously approved Conditional Use Permit (City File Nos. 95-12-CUP, 97-06-CUP and 98-38-CUP) and the site supports retail commercial type uses and a farmers market with approximately 150 or more vendors selling a wide range of retail merchandise and service, along with food and restaurant vendors. The swap meet operations are situated towards the northern portion of the site (north of the flood control channel), which includes a variety of small structures and vendor canopies. Paved parking is located towards the southern portion of the site (south of the flood control channel), along with an outdoor playground structure. A concrete bridge provides vehicular and pedestrian access over the channel between the parking lot and retail uses. The CUP for the swap meet encompasses additional parcels (APNs 228-270-38, -44 and -85) beyond the proposed General Plan Amendment boundaries, but these parcels are under separate ownership and are not part of the proposed GPA request. The CUP includes provisions for shared parking and access for the subject parcels and swap meet. The swap meet use would continue to operate under the current Conditional Use Permit provisions until such time the project site is redeveloped or the CUP modified.

The project site fronts onto and takes access from three Circulation Element Streets: Mission Avenue on the north; Quince Street on the east; and Washington Avenue on the south. On-street parking is restricted along these streets. Current access to Mission Avenue and Quince Street from existing driveways is restricted to right-in and right-out movements, except for the northerly most driveway along Quince Street which provides primary access to an adjacent two-story office building. The easterly driveway along Washington Avenue provides access to the existing parking lot, while the western driveway is limited to vendor access and is not used for general public access.

Surrounding zoning and land uses are as follows:

North: CG zoning (General Commercial) / A variety of retail, restaurant, office and service commercial uses are located north of the project site and also north across Mission Avenue. Mission Avenue is developed with curb, gutter and sidewalk along the project frontage.

South: M-1 zoning (Light Industrial) / A variety of light industrial and office uses are located south of the project site across Washington Avenue. Washington Avenue has been developed to its ultimate width

across the project frontage (with curb, gutter and sidewalk). The Escondido Transit Center is located approximately two block to the south, and the City's Public Work's Yard is located further southwest of along Spruce Street. The public works yard is the site of the proposed new Escondido Ballpark Project.

East: CG and M-1 zoning (General Commercial and Light Industrial) / Two, two-story multi-family residential projects are located east of the project site across Quince Street. A two-story motel also is located east of the Reidy Creek Flood Control Channel. The two apartment developments front onto and take access from Quince Street. The open space areas of the residential developments generally are situated towards the interior of the project and are shielded by the existing buildings. A single-story multi-tenant industrial building is located at the northeastern corner of Quince Street and Washington Avenue. Access to the building is provided from Quince Street and Washington Avenue. A variety of industrial, commercial, motel and mixed-use planned residential developments are located further to the east. Quince Street has been developed to its ultimate width (including curb, gutter and sidewalk) across the project frontage.

West: CG and M-1 zoning (General Commercial and Light Industrial) / A variety of industrial type uses **with outdoor storage areas**, and single-story buildings are located immediately west of the project site. ~~with outdoor storage areas~~. Retail type commercial uses are located northwest of the site.

Responsibility Agency Permit Approvals

The proposed General Plan Amendment does not have any specific development associated with the project. Therefore, no responsible agency permits or approvals would be required with this General Plan Amendment. However, the following permits and/or approvals could be required depending on the scope of future projects on the site, which include additional crossings, partial or complete covering of the concrete-line flood control channel:

National Pollutant Discharge Elimination Permits – The applicant would be required to comply with the NPDES General Permit for Storm Water Discharges Associated with Construction of Land Disturbance Activities (SWRCB Order No. 2009-0009-DWQ, NPDES No. CA2000002), as well as related City requirements for storm water/erosion control. The project also must comply with the requirements of the San Diego County Municipal Separate Storm Sewer System (MS4) Storm Water Permit (RWQCB Order No. R9-2008-0002, NPDES No. CAG919002).

NPDES Dewatering Waste Discharge Permit – If construction-related groundwater extraction/disposal (dewatering) is necessary.

Army Corp (404) and California Department of Fish and Game Streambed Alteration Permits (1602), California Department of Conservation and Regional Water Quality Control Board (401) – Appropriate permits or approvals may be required if future projects include any enhanced crossing, covering or work that would impact the Reidy Creek Flood Control Channel.

Anticipated Public Hearings

No hearing dates have been scheduled to date. The proposed project requires noticed public hearings by the Escondido Planning Commission and the Escondido City Council. Separate public hearing notices will be mailed out confirming the hearing dates and times.

I. LAND USE AND PLANNING

The City of Escondido General Plan designates the majority of the project site as Light Industrial (LI) and it is zoned as Light Industrial (M-1), which allows for light industrial uses engaged in processing, assembling, manufacturing, storage warehousing/distribution, and research/development in a more restricting setting than General Industrial. The northern portion of the site is designated as General Commercial and zoned General Commercial (CG), which allows a wide range of retail, service, office, assembly and recreational type uses. The Reidy Creek Flood Control Channel is designated as Flood Control Channel (FCC). The proposed General Plan Amendment proposes to change the land-use designations to Planned Commercial (PC). Future zoning for the site is anticipated to be Planned Development-Commercial (PD-C) which would require the submittal of a request for a Zone Change in conjunction with a Planned Development project. The adjacent land north of Mission Avenue also is designated as Planned Commercial, with an underlying zoning designation of Planned Development-Commercial (PD-C). Commercial Policy B4.1 (b) "Planned Commercial" states that this land use designation is intended to allow a variety of commercial activities within a self-contained, comprehensively planned commercial center. Appropriate uses within the Planned Commercial designation may include office and professional uses, tourist serving facilities, specialty retail, and other retail/service businesses. The Planned Commercial designation would require implementation through the Planned Development (PD) zone. Development also could occur in conformance with the current underlying light industrial and general commercial zoning designations subject to conformance with relevant Zoning Code requirements.

The project site is located within the Downtown Redevelopment Area and the Central/Tier 1 Neighborhood Area. The Tier 1 area is characterized as mostly developed with urban level public facilities and services and certain areas are likely to infill or redevelop. The project site also is listed as one of the re-developable sites in the City's Business Enhancement Zone Overlay. The proposed Planned Commercial land-use designation would be consistent with the Economic Policies in the General Plan in that it would promote the City as an economic center of North San Diego County and would encourage new economic activity that would provide additional opportunities to diversify the City's economic base. The proposed land use change and anticipated future Planned Development-Commercial zoning also would be in conformance with General Plan Goal 5 which states: "Encourage more high quality industrial, retail and manufacturing and service-oriented businesses that create and maintain a strong economic based and provide an environment for the full employment of a diverse set of skills."

Significance Criteria and Impact Analysis

The effects of a project on existing or planned land uses are considered significant if the proposed project would:

a. Physically divide an established community?

The proposed change in land use designation to Planned Commercial from Light Industrial and General Commercial or future change in zoning to Planned Development-Commercial would not significantly alter the mix or intensity of potential commercial and industrial uses that already could be developed on the site in accordance with the underlying zoning designations. Certain retail and office type uses are limited within the industrial zones. Through implementation of a future zone change to Planned-Development Commercial, the mix of uses (such as retail commercial and office) would be allowed to be located on the industrial zoned parcels of the site through approval of a comprehensive development plan. With approval of the proposed General Plan Amendment the range of land uses would be in compliance with the performance criteria stipulated in the zoning ordinance. All potentially significant impacts of the proposed General Plan Amendment and future Planned Development-Commercial zoning identified in

this Initial Study (i.e., Traffic/Circulation, Green House Gases and Hazards and Hazardous Materials) would be avoided through specific General Plan Planned Commercial policies/language, project design features, limitations on the project intensity or mitigated by the incorporation of measures that are subject to any future development).

Future development would not result in a significant impact to an established community because the surrounding area is developed with industrial, commercial and multi-family residential uses that are appropriate adjacent to a Planned Commercial area. Future development of this site would be subject to the development standards and performance criteria of the Zoning Code and implementation of the Planned Development zoning, which would ensure that appropriate architectural guidelines and site design measures are incorporated into any future project to minimize potential impacts. Therefore, the project would not result in a significant land-use impact.

The proposed General Plan Amendment to Planned Commercial and future Zone Change to Planned Development-Commercial would not disrupt or divide the physical arrangement of the area because the site has been completely disturbed with past commercial development and is located at the corner of an existing commercial/industrial area. All public facilities/infrastructure currently are provided to the site. Access to the site is provided by three Circulation Element Streets; Mission Avenue on the north; Quince Street on the east; and Washington Avenue on the south. The proposed project would not change the designations of the existing streets, alter street patterns or designs, or require the development of any new roads. The proposed General Plan Amendment or future Planned Development-Commercial zoning would not preclude the development or redevelopment of the site or surrounding parcels because the adjacent land uses would be maintained and are compatible with planned commercial development. Therefore, for the reasons state above, the proposed General Plan Amendment and a future zone change would not create any new land use barriers, or otherwise divide or disrupt the physical arrangement of the surrounding community.

The project is not located within an airport land-use plan, and airport land-use plan that is to be adopted, or within two miles of a public airport. The closest public airports to the project site are located approximately 10 miles to the west (McClellan-Polamor Airport ion the City of Carlsbad) and 12 miles to the east (Ramona Airport). The project also in not located within the vicinity of a private airstrip, with the closet such facilities located approximately six miles to the northeast. Accordingly, the proposed project would not result in any impacts associated with public airport related safety hazards for people working in the project area.

- b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?*

As stated above, the project site is designated for commercial and industrial development, and the proposed General Plan Amendment to Planned Commercial would be consistent with the General Plan polices and zoning ordinance requirements for future development of the site. In addition, the project would not conflict with any local policies or ordinances protecting biological resources since the site is within an urbanized area and fully developed with commercial and industrial type uses. There are no protected or sensitive habitat or species on or adjacent to the project site, or within the concrete flood control channel that transects the site. Vegetation on and adjacent to the site consists of ornamental landscaping consistent with commercial and industrial development. The area is not designated on the City's Draft Multiple Habitat Conservation Plan (MHCP) Focus Planning Area or any other conservation planning area. Therefore, no detrimental land-use policy impacts would be produced by the proposed General Plan Amendment and implementation of future Planned Development zoning.

II. AESTHETICS

- a. *Have a substantial adverse effect on a scenic vista?*
- b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c. *Substantially degrade the existing visual character or quality of the site and its surroundings?*

The project site is developed with an outdoor swap meet and contains various commercial/retail type buildings and accessory structures. The site and surrounding area does not contain and significant visual resources or any significantly prominent topographical features, as identified in the City's General Plan. The property is not located on a ridgeline identified in the Community Open Space/Conservation Element of the General Plan. The project site is designated for commercial and industrial development, and future development of the site with commercial, industrial and office uses would not block views towards any prominent topographical features or ridgelines. Although the project would be visible from adjacent multi-family residential development along Quince Street, the project site is primarily surrounded by industrial and commercial uses which already impact the views of these residences. Therefore, development of the site would not substantially degrade the visual character of the site nor adversely impact any scenic views through or across the property. Existing and future development have altered and would continue to alter the existing landforms and visual setting throughout the project area. Given the existing, approved and proposed development pattern in the project area, as well as what is anticipated in the General Plan buildout is similar to the existing visual patterns of development, the change in visual setting caused by future development of the site in accordance with the Planned Commercial land-use designation would not represent a significant individual or cumulative significant impact. Future development of this site would be subject to the development standards and performance criteria of the Zoning Code and implementation of the Planned Development zoning, as may be required, which would ensure that appropriate architectural guidelines and site design measures are incorporated into any future project to address and minimize any potential impacts.

The project site would not damage any significant scenic resources visible from a designated State Scenic Highway or create an aesthetically offensive site open to public views. The only designated Scenic Highway in the area is SR 78 located to the north. Views to the project site from SR-78 generally are obscured by the Lowes Home Improvement Center development on West Mission Avenue and other intervening structures. Intermittent and limited views of the project site are available from both northbound and southbound Interstate 15, which is not a designated State Scenic Highway, but is considered a sensitive viewshed by the City of Escondido. However, the project would not conflict with the two applicable General Plan policies pertaining to the I-15 corridor, specifically Viewshed Protection Policy E1.1 or Viewshed Protection Policy E1.2, because it would not impact long-range views of valley floors, ridgelines, steep slopes or focal points that are visible from the travel lanes of Interstate 15.

The site is relatively flat and a minimal amount of grading would be anticipated to support future development. No large manufactured slopes would be created. Therefore, anticipated grading would not create any long-term significant visual impacts. Future development would result in the removal of mature trees and ornamental landscaping associated with previous development of the site. Any mature trees removed during construction would be replaced in accordance with the City's Grading and Landscape Ordinance. The removal and replacement of mature trees is not considered significant.

- d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The site currently is developed with a swap meet, and includes a variety of on-site lighting, including parking lot lighting and street lighting along the project frontages. No specific development project is associated with this proposed General Plan Amendment. The proposed land-use change from industrial

and commercial to Planned Commercial would not create any significant increase in light and glare in the area. Any proposed building or perimeter lighting would be designed to minimize the overflow of light onto adjacent properties, where necessary. Compliance with the City's Outdoor Lighting Ordinance would ensure that impacts related to light and glare, resulting from future development of the site, are less than significant.

III. AGRICULTURE RESOURCES

Significance Criteria and Impact Analysis

In determining whether impacts to agricultural resources are a significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. The effects of a project on agricultural resources are considered significant if the proposed project would:

- a. *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*
- d. *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*
- e. *Result in the loss of forest land or conversion of forest land to non-forest use?*
- f. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

There are a limited number of areas within the Escondido Planning Area considered to contain prime agricultural soils. The project site and surrounding area are mapped as Urban and Built-Up Land by the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program. The project site is located within the central urban core area of Escondido and zoned for commercial and industrial development. The entire site has been disturbed by past commercial development. The project site is not located within an existing zone for agricultural or forestry uses and there are no agricultural uses or forestry land or uses on or adjacent to the site. The project site and surrounding area is not listed as prime Agricultural Lands in the General Plan Final EIR, which was prepared for the most recent General Plan revisions in 2000 (Escondido 2000). Therefore, the proposed project will not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, or result in the conversion of forest land to non-forest use. The project site does not contain any Williamson Act or other agricultural land contracts. Accordingly, no associated impacts to agricultural-related zoning or contract land would result.

IV. TRANSPORTATION/TRAFFIC

The project site fronts onto and takes access from three Circulation Element Streets: Mission Avenue on the north, Quince Street on the east and Washington Avenue on the south. For purposes of this General Plan Analysis, it is assumed that all study area roadways and intersections would be built to their ultimate designations and/or improved to their ultimate design capacities at buildout conditions (2030) in conformance with the General Plan Circulation Element. Given these assumptions, this analysis specifically focuses on whether the proposed land-use change to Planned Commercial would have any

adverse impacts to the Circulation Element Streets and whether these streets would continue to operate at acceptable levels of service under their existing classifications in conformance with the General Plan Circulation Element goals and policies.

Existing Conditions

Mission Avenue (Major Road, 110' R-O-W) - Currently built as a 4-lane undivided major roadway with a two-way left turn lane from Washington Avenue to Broadway. The General Plan Circulation Element designates Mission Avenue as a 6-lane super major roadway at ultimate buildout. Bike lanes are provided along both sides of the roadway. Curbside parking is restricted. Access to Mission Avenue from the existing driveway is restricted to right-in and right-out only due to a raised median. Bus stops are provided along both sides of the roadway and transit service is provided by North County Transit District (NCTD) Routes 305, 354 and 356. Existing traffic volumes along Mission Avenue (between Quince Street and Rock Springs Road) are 26,120 ADT (LLG 2010b), which operates at a Level-of-Service "C" under existing conditions. The roadway capacity at LOS "C" under full buildout (2030) conditions is 37,000 ADT with an ultimate capacity of 50,000 ADT at LOS "E." Future widening of the street would be required to accommodate the ultimate buildout, including across the project frontage.

Quince Street (Collector Road, 84' R-O-W) – Currently built as a 4-lane undivided roadway with a two-way left turn lane between Mission Avenue and Second Avenue. Curbside parking is restricted. Bus stops are provided on Quince Street, and transit service is provided by NCTD Route 305. Access to Quince Street to the project site is provided by two driveways, one serving the office building north of the flood control channel, and one to the south of the channel which provides access to the parking lot. The southern driveway is restricted to right-in and right-out turn movements. Existing traffic volumes along Quince Street (between Mission Avenue and Washington Avenue) are 8,430 ADT (LLG 2010b), which operates at a Level-of-Service "A" under existing conditions. The roadway capacity at LOS "C" is 25,300 ADT with an ultimate capacity of 34,200 at LOS "E."

Washington Avenue (Collector Road, 84' R-O-W) – Currently built as a 4-lane undivided roadway with a two-way left-turn lane from Washington Avenue to Centre City Parkway, and as a 4-lane divided roadway from Centre City Parkway to Broadway. Curbside parking is restricted and bike lanes are provided along both sides of the roadway between Centre City Parkway and Broadway. Bus stops are provided on both sides of the street and transit service is provided by NCTD Route 308. Existing traffic volumes along Washington Avenue (between Quince Street and Rock Springs Road) are 16,650 ADT (LLG 2010b), which operates at a Level-of-Service "B" under existing conditions. The roadway capacity at LOS "C" is 25,300 ADT with an ultimate capacity of 34,200 ADT at LOS "E."

Centre City Parkway (Major Road, 102' R-O-W) – Currently built as a 5-lane divided roadway between Lincoln Parkway (SR 78) and Mission Avenue; a 4-lane divided roadway between Mission Avenue and Grand Avenue and south of Second Avenue; and a 6-lane divided roadway between Grand Avenue and Second Avenue. Bike lanes are provided along both sides of the roadway and curbside parking is restricted. No bus stops are provided on Centre City Parkway. Existing traffic volumes along Centre City Parkway (between Mission Avenue and Washington Avenue) are 28,420 ADT (LLG 2010b), which operates at a Level-of-Service "C." The roadway capacity at LOS "C" is 29,600 ADT with an ultimate capacity of 37,000 ADT at LOS "E."

Significance Criteria and Impact Analysis

The effects of a project on transportation and traffic are considered to be significant if the proposed project would:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not

limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measure, or other standards established by the county congestion management agency for designated roads or highways
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e. *Result in inadequate emergency access?*
- f. *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Significant Determination – To determine the project impacts to roadway segments and intersections, the City of Escondido has developed thresholds based on allowable increases in delay at intersections and volume to capacity ratios (v/c Ratio) for roadway segments. At intersections, the measurement of effectiveness (MOE) is based on allowable increases in delay. At roadway segments, the MOE is based on allowable increases in the volume-to-capacity (v/c) ratio. At intersections that are expected to operate at LOS E or F with the project, the allowable increase in delay is two seconds. If vehicle trips from a project cause the delay at an intersection to increase by more than two seconds, this would be considered a significant project impact that requires mitigation. Under this condition, the applicant would be responsible for mitigation to restore the operations of the intersection to LOS D or better. If an existing intersection is at LOS E or F, the intersection would be considered an existing deficiency and the applicant would be responsible for making a fair-share contribution toward intersection improvements to achieve a LOS D or better. A fair-share contribution is based on the project's proportionate traffic contribution to the overall traffic volumes entering an intersection. For roadway segments that are forecasted to operate at LOS MID D or worse and the increase in v/c ratio exceeds 0.02, this would be considered a significant project impact that requires mitigation.

A traffic assessment was prepared for the proposed General Plan Amendment by Linscott, Law and Greenspan (LLG 2010a) to assess the potential traffic impacts of the proposed project. The Traffic Impact Analysis (TIA) prepared for the proposed Ballpark project (LLG, 2010b) also was used in the preparation of this Mitigated Negative Declaration. The traffic study prepared for the change in land use assumes a worse case scenario of the entire site to be buildout out as a neighborhood commercial center, which would generate the highest number of vehicle trips. However, the site most likely would be built out with a mix of commercial, office and light industrial uses, which would generate significantly less trips. Based on the worse case assumptions, the General Plan Amendment would limit any future projects (cumulative) to a maximum of 12,160 ADT to conform to General Plan Circulation goals and polices to achieve a minimum Level-of- Service "C" along the identified street segment under buildout conditions. Level-of-service "C" represents stable traffic flow that is at the beginning range of conditions where individual users become significantly affected by the interactions of others in the traffic stream. However, the Escondido General Plan also recognizes 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 at all times. Where existing street or intersection capacities are below Level of Service "C," street, operation or Transportation System Management improvements shall be required or planned to improve the service level to "C" when ever feasible based on impacts of future development (General Plan Quality of Life Standard 1: Traffic and Transportation).

The study also evaluated existing and near-term intersection operations (seven study area intersections) without the proposed land use change and the buildout capacity of each intersection with full improvements in conformance with City requirements. The study identified the number of peak-hour trips

each intersection could accommodate under existing conditions and trigger points that would require improvements/upgrades and/or signal modifications when an increase in peak-hour trips from this project or any other project (cumulative projects) would cause the intersection to operate below City standards. Any future development proposal would require project specific studies/evaluation, as determined by the City, to identify impacts to individual street segments and intersections, and the required improvements that would need to be physically implemented prior to operation and/or fair-share required to offset any potential individual and cumulative impacts. With the limitation on project ADTs, all study area intersections would not exceed their buildout design capacity under 2030 buildout conditions. Therefore, the proposed General Plan Amendment would not have a significant impact on area intersections.

Project Traffic – Year 2030 buildout projections with the existing General Plan land-use designations indicates all study area street segments would operate at LOS “C” or better (LLG 2010a). Year 2030 buildout projections with the worst-case rezone/land-use designation indicates that all study area street segments would operate at LOS “C” or better except for Mission Avenue (between Quince Street and Centre City Parkway), which would operate at LOS “D” (LLG 2010a). However, with the project limited to a maximum of 12,160 cumulative ADT, all study area roadways would operate at a LOS “C” or better under 2030 buildout conditions. In order to ensure conformance with General Plan level-of-service goals along Circulation Element roadways, the following mitigation is necessary:

Mitigation Measure Traffic – 1

All future development proposals on the site shall not produce a cumulative Average Daily Traffic exceeding 12,160 ADT to maintain General Plan Circulation polices for street segments of LOS “C.” Concurrent with a development proposal, each individual project shall provide a more detailed analysis of street segment and intersection operations, and necessary improvements/measures shall be implemented to maintain appropriate levels of service, as determined by the City.

Construction Traffic – There are no specific development projects proposed as part of this GPA. Temporary traffic impacts would occur during grading and construction activities. Moderate grading is anticipated to prepare the site and equipment used for grading and excavation generally would remain on site and would not contribute to a substantial increase in traffic. Additional traffic would be associated with construction employee trips to and from the site, equipment delivery and removal, and other related activities. Each construction phase would have its own traffic intensity and duration. Potential impacts from hauling and construction operations would be avoided by requiring the project to coordinate and implement safety/traffic control measures with the City that minimize potential conflicts. In addition, construction traffic typically occurs during the off-peak hours. All traffic control measures would be implemented at the specific project level prior to the onset of construction activities. Therefore, impacts to LOS during temporary construction would be less than significant.

Design Features/Hazards/Emergency Access – There are no specific development projects associated with this General Plan Amendment, and therefore, the project does not include any design features or incompatible uses that would substantially increase hazards. No new roadways would be constructed or designed with the project. The site current maintains driveways onto Mission Avenue, Quince Street and Washington Avenue. Future development of the site would be evaluated to ensure appropriate design features at each driveway or any new driveways.

Air-Impacts - The project is not located within the vicinity of a public or private airstrip and would not result in a change in air traffic patterns, increase in traffic levels, or a change in location that results in substantial safety risks.

Adopted Plans/Policies – The proposed land-use change from existing industrial and commercial to Planned Commercial would not conflict with adopted policies, plans, or programs supporting alternative transportation. Bus service in the vicinity of the site would not be impacted by the proposed project nor impact any existing or proposed bicycle facilities in the area as designated on the City's Bicycle Facility Master Plan. The proposed General Plan Amendment and future Planned Development-Commercial zoning would not result in inadequate emergency access, as determined by the Fire Department who would review any future development plans to ensure emergency service access is maintained.

Congestion Management – Centre City Parkway is a Congestion Management Program (CMP) Arterial and a significant impact would occur if the travel speed along an arterial segment operating at a LOS mid-D or worse decreases by more than one mile per hour. The Escondido Engineering Division indicated that Centre City Parkway is not anticipated to operate at LOS mid-D or worse under 2030 buildout conditions with the proposed General Plan Amendment or future Planned Development-Commercial zoning, as restricted by the project maximum ADT limitation of 12,120 trips. Therefore, the project would not decrease travel speeds by more than one mile per hour. Accordingly, impacts to LOS along CMP Arterials in the study area would be less than significant.

V. AIR QUALITY

Significance Criteria and Impact Analysis

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a. *Conflict with or obstruct implementation of the applicable air quality plan?*
- b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
- c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*
- d. *Expose sensitive receptors to substantial pollutant concentrations?*
- e. *Create objectionable odors affecting a substantial number of people?*

City of Escondido Significance Criteria:

Section 33-942 of the City's Zoning Code "Coordination of CEQA, Quality of Life Standards' and Growth Management provisions" provides quality-of-life emission thresholds related to air quality for projects proposed within the City of Escondido. If the project has the potential to produce emission that would exceed these screening thresholds, a more detailed analysis of potential air quality impacts is required to evaluate the potential to impact the environment. However, simply exceeding these thresholds does not constitute a significant air impact. Significance of potential air-quality impacts is based on the additional project specific analysis. Project related impacts exceeding any of the following South Coast Air Quality Management District (SCAQMD) daily emissions criteria can be considered significant:

**City of Escondido Screening Criteria and SDAPCD Emissions Thresholds
(pounds per day)**

Pollutant	City Screening Criteria	SDAPCD Thresholds
Carbon Monoxide (CO)	550 lbs	550 lbs
Reactive Organic Gases (ROG)	55 lbs	137 lbs
Oxides of Nitrogen (NOx)	55 lbs	250 lbs
Fine Particulate Matter (PM10)	150 lbs	100 lbs
Fine Particulate Matter (PM2.5)	N/A	55 lbs
SOx	250 lbs	250 lbs

An Air Quality Analysis was prepared for the proposed project by Recon Environmental, Inc. (Recon 2010). As noted in the report, the proposed project could result in both construction and operational impacts. Construction impacts include short-term emissions associated with future construction of the site. Operational impacts include long-term emissions associated with the project traffic generated by future development of the site, as well as water and energy consumption. The Analysis assumed a worst-case buildout of the project that could be achieved under the General Plan land-use designation of Planned Commercial. However, the project description and traffic mitigation limits the number of vehicle trips that can be generated by the project to achieve the General Plan Circulation Element Goal of LOS "C" on all study area roadways, which also would limit the amount of square footage that would be anticipated to be developed on the site.

Construction Emissions

This analysis assumes that standard dust and emission control during grading operations would be implemented as part of the project design and standard operating procedures to reduce potential nuisance impacts and to ensure compliance with SDAPCD rules and regulations. Emissions summarized in the analysis are the maximum emissions for each pollutant should the maximum development potential of the site be constructed as a single project. However, they most likely would occur during different phases of construction, and would not necessarily occur simultaneously. As indicated in the Air Quality Analysis, construction of the project site at full buildout potential would generate the following maximum daily quantities of criteria emissions:

**Summary of Worst-Case Construction Emissions
(pounds per day)**

Pollutant	Year 2011	City of Escondido Threshold	SDAPCD Significance Threshold
Carbon Monoxide (CO)	18 lbs	550	550
Reactive Organic Gases (ROG)	91 lbs	55	137
Oxides of Nitrogen (NOx)	32 lbs	55	250
Fine Particulate Matter (PM10)	27 lbs	150	100
Fine Particulate Matter (PM25)	7 lbs	N/A	55
SOx	0 lbs	250	250

As indicated in the analysis, maximum daily construction emissions are projected to be less than the City of Escondido and SDAPCD thresholds for all criteria pollutants except the City's screening threshold of 55 lbs per day for ROG at maximum buildout potential. This is due to the VOC content of the paint used during the architectural coatings phase of construction. Because construction is a one time, temporary activity and because both maximum construction emissions are to be below the APCD AQIA significance

thresholds, operation of equipment during project construction is not anticipated to result in significant air quality impacts. Since the project description also limits the number of trips that can be generated from the site under this environmental review, the amount of building square footage also is restricted reducing the amount of ROG that potentially could be generated. Therefore, since the project would not exceed SDAPCD thresholds of significance, the project would not result in any significant construction-related impacts and no mitigation is required. As a matter of standard practice, dust and emission control during grading operations would be implemented to reduce potential nuisance impacts and to ensure compliance with SDAPCD rules and regulations.

Operation Emissions

As indicated in the Air Quality Analysis, future development and operation of the project site is based on the full buildout potential based on a worse case development of the site using 100 percent neighborhood commercial. Based on projected buildout of the site at neighborhood commercial, the project could generate up to approximately 10,760 net daily trips (LLG 2010). The ADT cap used for the traffic purposes is larger than the net daily trips used for air quality purposes because it is adjusted for pre-existing traffic generation and pass-by traffic.

The proposed development would result in various amounts of on-site source emission from activities such as use of natural gas or consumer products, and landscape maintenance activities. Based on an ultimate buildout of 10,760 net daily trips, the project generated emissions are projected to be less than the significance thresholds for all criteria pollutants except NOx. Emissions of NOx would exceed City's screening thresholds of 55 lbs per day in the summer and winter. However, emission would not exceed the SDAPCD AQIA thresholds of significance. The study indicated the project ADT CAP would need to be reduced to 14,510 (net daily trips of 8,778) to meet the City's NOx screening threshold of 55 lbs per day. As indicated in the project description and traffic mitigation, the ultimate project CAP of 12,160 total trips would not cause the project to exceed the City's screening threshold of for NOx of 55 lbs per day or exceed the SDAPDC thresholds of significance. Therefore, the project would not result in a significant impact and no mitigation is required.

Applicable Air Quality Plan

The project area is within the San Diego Air Basin (SDAB). Air quality at a particular location is a function of the kinds and amounts of pollutants being emitted into the air locally, and throughout the basin, and the dispersal rates of pollutants within the region. The major factors affecting pollutant dispersion are wind, speed and direction, the vertical dispersion of pollutants (which is affected by inversions) and the local topography. The air basin currently is designated a state and federal non-attainment area for ozone and particulate matter. However, in the SDAB, part of the ozone contamination is derived from the South Coast Air Basin (located in the Los Angeles area). This occurs during periods of westerly winds (Santa Ana condition) when air pollutants are windborne over the ocean, drift to the south and then, when the westerly winds cease, are blown easterly into the SDAB. Local agencies can control neither the source nor transportation of pollutants from outside the basin. The Air Pollution Control District (APCD) policy therefore, has been to control local sources effectively enough to reduce locally produced contamination to clean air standards.

Operations emissions come from area sources, including natural gas for space and water heating, and gasoline-powered landscaping and maintenance equipment, and from vehicle operations associated with the project. The proposed project (as limited by the project description and traffic mitigation) would not significantly increase traffic volumes on local streets and intersections, as indicated in the Traffic/Transportation Section, and the proposed project would not result in a substantial increase in the number of vehicles operating in cold start mode or substantially increase the number of vehicles on local roadways. Therefore, the project would not cause an unacceptable concentration of CO at any project-affected intersection (Recon 2010). Since the project would not adversely impact area roadways and intersections, the proposed project would not violate any air quality standard or contribute substantially to

an existing or projected air quality violation and would have a less than significant impact on local and regional air quality. Any individual impacts attributed to the proposed project are small on a regional scale and will not cause ambient air-quality standards to be exceeded, nor contribute to any adverse cumulative impacts. Due to the proposed use of the site for planned commercial and light industrial purposes, the project is not anticipated to generate any objectionable odors affecting the surrounding area.

Consistency with the RAQS

Consistency with the Regional Air-Quality Standards (RAQS) assumptions is determined by analyzing the project with the assumptions in the RAQS. Forecasts used in the RAQS are developed by the San Diego Association of Governments (SANDAG). The SANDAG forecasts are based local general plans and other related documents that are used to develop population projections and traffic projections. The proposed uses that could be constructed under the proposed Planned Commercial designation generally would be consistent with uses allowed under the existing General Commercial and Industrial designations. Therefore, the proposed would be consistent with the growth forecast in the Escondido General Plan and would not conflict with the goals and strategies in the RAQS or TCM. Any potential impacts from an increase in vehicle trips from the facility would be considered negligible since projected traffic would be consistent with the General Plan traffic/transportation goals and policies indicated in the sections above, and therefore would not conflict with the goals and strategies in the RAQS or Transportation Control Measures (TCM) for the air quality plan prepared by the San Diego Association of Governments (SANDAG). Thus, the proposed land use change would not exceed the assumptions used to develop the RAQS and would not obstruct or conflict with the SDAPCD's RAQS. The proposed project would have a less than significant impact on cumulative regional and local air quality. No mitigation is required.

Odors

Future project related emissions would be limited to the construction period, during which emissions from construction equipment could be temporarily evident in the immediate surrounding area. These odors would not affect a substantial number of people, because the scale of future construction is relatively small, the frequency of permanent trips would be relatively low, and the potentially affected area is limited due to the localized evidence of these odors. Operations generally would result in a limited number of large-truck trips to the project site, which could also create an occasional whiff of diesel exhaust for nearby receptors along roadways. However, these temporary sources of odors are not considered significant. The short-term construction period would be much less than the 70-year period used for health risk determination. Objectionable odors are regulated by the San Diego Air Pollution Control District (APCD).

VI. GREENHOUSE GAS EMISSIONS

In order to determine the potential effects of a project on greenhouse gas emission (GHG), would the project:

- a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

A Global Climate Change Analysis was prepared for the proposed General Plan Amendment by Recon Environmental, Inc. (Recon 2010). The study was based on an initial theoretical maximum allowable future development of the 14.16-acre site. The proposed GPA would allow for a mix of uses, including light industrial, commercial and office components. The exact mix of commercial, industrial and office uses is not known at this time since no specific development proposals are associated with this GPA. However, the intensity of future uses is restricted by an average daily traffic volume of cap of 12,160

vehicle trips to conform to General Plan Circulation Element Goal of LOS "C" along identified area roadway segments. Therefore, the potential impacts from the project would be significantly less than anticipated in the analysis.

In response to rising concern associated with increasing GHG emissions and global climate change impacts, several plans and regulations have been adopted at the international, national and state levels with the aim of reducing GHG emissions. Transportation accounts for the largest share of the state's GHG emissions. The State of California has adopted a number of plans and regulations aimed at indentifying statewide and regional GHG emission caps, GHG emissions reduction targets, and actions and timelines to achieve the target GHG reductions. Executive order (EO S-3-05) signed by Governor Schwarzenegger on June 1, 2005, established the following GHG reduction targets for the state of California: by 2010, reduce GHG to 2000 levels; by 2020 reduce GHG emission to 1990 levels; by 2050 reduce GHG emissions to 80 percent below 1990 levels. In response to the Executive Order, the California Legislature passed Assembly Bill (AB) 32 (Nunez) the "California Global Warming Solutions Act of 2006."

Transportation-Related Emissions

Vehicular traffic associated with the Project based on maximum theoretical buildout would generate approximately 12,308 metric tons of carbon dioxide equivalent (MTOC₂E) greenhouse gas (CG+HG) emissions annually. A similar project under business-as-usual (BAU) as defined in the BAU 2020 Forecast developed by the California Air Resources Board (CARB) would generate 23,240 MTCO₂E of vehicular CHGs annually. The Project's transportation-related emissions reductions of nearly 30 percent would be achieved through implementation of state wide regulations on vehicle engine and fuel technologies, such as improved vehicle technologies and low carbon fuel standards as new vehicles come on line. Efforts to reduce transportation emissions by reducing vehicle miles traveled (VMT) on a regional level are anticipated to come from polices related to changes in future land use patterns and community design, as well as through improvements in public transportation. By reducing miles vehicles travel, vehicle emissions would be reduced. Because the project is not anticipated to increase local vehicle trip lengths sufficient enough to increase the average regional trip length, as defined in the California Air Resources Board (CARB) business-as-usual (BAU) 2020 Forecast used to develop the regulations to reduce vehicle GHG emissions, project related impacts on statewide vehicular GHGs would not be considered significant.

Non-Transportation Related Emissions

Future development based on the maximum development potential of the property under the Planned Commercial land-use designation would generate approximately 4,328 MTCO₂E annually through operational electricity use, natural gas consumption, water use, short-term construction activity, and solid waste disposal. An equivalent BAU project would generate 6,045 MTCO₂E from the same non-transportation-related sources. This project reduction of 1,717 MTCO₂E in non-transportation-related emissions compared to BAU results from the project's recommended mitigation measures that require future development to incorporate necessary project design features (PDFs) to reduce water and/or energy use. The incorporate of necessary PDFs would equate to a minimum 28.4 percent reduction in BAU emissions, and therefore, exceed the City's 28.3 percent BAU reduction target that is consistent with statewide goals. With the incorporate of the appropriate PDFs and mitigation measures, the project's contribution to cumulative statewide GHG emissions would not be significant.

In order to achieve the targeted reduction in non-transportation related BAU emissions, any future development would have to incorporate greater water and/or energy conservation features than those currently required in existing state energy and plumbing codes. Future building energy efficiency to achieve BAU emission targets would be achieved through compliance with the 2008 Title 24 Energy Efficiency Standards. On a state and region-wide level, greenhouse gas emissions are expected to be reduced from energy efficiency gains from the increase amount of electricity produced from renewable

energy sources, and energy efficient industries, homes and buildings. Other land development applicable measures such as water conservation, materials use and waste reduction, and green building design and development practices also is anticipated to achieve additional emissions reductions. To ensure the project achieves a 28.3 percent reduction in BAU GHG emissions, the following mitigation measures is required:

Mitigation Measure GHG - 1

Prior to issuance of building permits and as a condition of future building permit approval, construction plans and specifications for future development under the project shall indicate in the general notes or individual detail drawings the design features, product specifications and methods of construction and installation that area required to surpass the 2008 Title 24 Energy Efficiency Standards by a minimum of 15 percent. Verification of increased energy efficiencies shall be demonstrated based on a performance approach, using a CEC-approved energy compliance software program, in the Title 24 Compliance Reports provided by the project applicant to the City prior to issuance of the building permit.

Mitigation Measure GHG - 2

Prior to issuance of a final certificate of occupancy, the energy features shall undergo independent third-party inspection and diagnostics with compliance verified by the City's Building Official. Additional inspections may be conducted as needed to ensure compliance, and during the course of construction and following completion of the project, the City may require the applicant to provide information and documents showing use of products, equipment and materials specified on the permitted plans and documents.

Mitigation Measure GHG - 3

Where 2008 Title 24 Energy Efficiency Standards are surpassed by a minimum of 15 percent, but less than 20 percent, construction plans and specifications for future development under the project shall indicate in the general notes or individual detail drawings the advanced water conservation features, product specifications and methods of construction and installation that are required to surpass the state plumbing code by a minimum of 20 percent, to achieve a minimum 20 percent reduction in water usage. Verification of the 20 percent reduction in potable water use shall be demonstrated by verifying each plumbing fixture and fitting meets the 20 percent reduced flow rate or by calculating a 20 percent reduction in the building water use baseline. This documentation shall be provided by the project applicant to the City prior to issuance of the first building permit. The performance of the water conservation design shall be verified through final inspection prior to issuance of a final certificate of occupancy.

Mitigation Measure GHG - 4

Where a City of regional Climate Action Plan or other plan or policy has been adopted at the time of project submittal to reduce City/regional GHG emissions, and the plan or policy was adopted in a public process following environmental review and contains the following elements:

- *Quantification of GHG emission within a defined area that includes the project site;*
- *A GHG target level identifying where GHG emissions are not cumulatively considerable;*
- *Specification of binding and enforceable measures to achieve the target GHG emissions levels; and*
- *A process to monitor progress and make amendments if necessary;*

Construction plans and specifications for future development under the project shall demonstrate compliance with the adopted plan or policy.

Conflict with Plans and Policies

With the implementation of appropriate project design features and mitigation described above, the project would be consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. Impacts would be mitigated to a level that is less than significant and the project's overall contribution to cumulative GHG emissions would thus be reduced to less than a significant level (Recon 2010).

VII. BIOLOGICAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on biological resources are considered to be significant if the proposed project would:

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
- e. *Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?*
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Based on field reconnaissance and review of the Draft Escondido Subarea Plan of Multiple Habitat Conservation Program (City of Escondido 2001), the entire 11.46-acre project site and 2.54-acre concrete flood-control channel have been previously disturbed and all native plant cover has been removed from these areas through past uses and ongoing property/facility maintenance. As a result, no plant life or animal species recognized as threatened or endangered by the U.S. Fish and Wildlife Service or California Department of Fish and Game, or other sensitive species, as identified in local/regional plans/policies or regulations, are known or anticipated to occur within the proposed project area or within the concrete flood control channel. Existing vegetation on the site consists of ornamental grasses, shrubs, groundcover, mature trees, and various weed species. No raptor nests were observed during site reconnaissance. Based on the developed nature of the site and perimeter fencing and development, project implementation would not result in any impacts to wildlife movements or established wildlife corridors/habitat linkages. The project area is outside the City of Escondido Focused Planning Areas as indicated on the MHCP maps and no conflicts with the provisions of the MHCP are expected.

A concrete flood-control channel bisects the project site from northeast to the southwest. As noted above, no native riparian habitat, wetland habitat, or other designated sensitive natural communities are present within or adjacent to the subject site or within the flood control channel. Any future project-related runoff that would be discharged into downstream receiving waters (including indirect effects to associated

habitats) would be avoided or reduced to below a level of significance through mandatory conformance with applicable regulatory requirements, including the federal Clean Water Act/National Pollutant Discharge Elimination System (SWA/NPDES) and related City storm water standards. Therefore, no significant direct or indirect impacts to riparian or sensitive habitat would occur. The proposed General Plan Amendment includes the potential covering, crossing or enhancement of the 2.54-acre concrete-lined channel to support a development proposal such as additional parking, access or structures. However, any future development that would affect the channel would require necessary permits/approvals from affected Resource Agencies and permitting authorities (such as U.S. Fish and Wildlife Service, California Department of Fish and Game, Army Corps of Engineers, San Diego Regional Water Quality Control Board, and Resource Conservation District), along with any additional technical studies to support future development.

VIII. CULTURAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on cultural resources are considered to be significant if the proposed project would:

- a. *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*
- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
- c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*
- d. *Disturb any human remains, including those interred outside of formal cemeteries?*

The site is fully developed with a former drive-in theatre and a current outdoor swap meet. No grading or extensive ground disturbance is proposed as part of this General Plan Amendment. No cultural resources study has previously been completed on the subject site and therefore, no prehistoric, cultural or archaeological resources have been previously recorded or know to exist on the site. Previous record searches and/or Sacred Lands File searches prepared for adjacent or nearby projects (Proposed Escondido Ballpark Project and Lowe's Planned-Commercial Development) have not identified any known recorded sites or Native American Resources within the immediate area. The City of Escondido General Plan EIR (1990a) does not include the project site in areas identified as having potential paleontological resources. The site does not appear to contain any indicators of significant cultural resources or geologic features due to the past development and grading of the site and flood control channel. There are no structures over 50 years in age located on the site and the property does not contain any resources listed on the City's Historic Sites. The potential for disturbing any human remains is low given the fact that known archaeological sites in the area were not intensively used due to their location along the boundary between Luiseno and ~~Kemehaah~~ **Kemeyaay** territories (Affinnis 2010). Archaeological and Native American monitoring were conducted during the grading for construction of the Lowe's property, a short distance north of the site, and no archaeological materials was found during this monitoring program. Therefore, the proposed land-use amendment and anticipated zone change to Planned Development-Commercial and development would not result in a significant increase in land disturbance over the existing General Plan and the project would not result in a significant impact to these resources. No mitigation is required.

As described in Section IX, Geology and Soils, the project area is underlain by Pleistocene-age older alluvium and Cretaceous-age granitic rocks. The paleontological sensitivity of these geologic units is none and low respectively. Therefore, the potential for encountering fossils due to any site preparation if redeveloped in the future is anticipated to be less than significant at the plan to plan or plan to ground level.

IX. GEOLOGY AND SOILS

Significance Criteria and Impact Analysis

The effects of a project on geology and soils are considered to be significant if the proposed project would:

- a. *Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii. *Strong seismic ground shaking?*
 - iii. *Seismic-related ground failure, including liquefaction?*
 - iv. *Landslides?*

The subject site, including all areas of Escondido and surrounding San Diego County is located within a Seismic Zone 4 designation. The project site is not located within proximity to any mapped State of California Fault-Rupture hazard Zones (formerly known as Alquist-Priolo Special Studies Zones) or other known fault hazard designations (California Geological Survey [CGS] 2007a, County of San Diego 2007, City of Escondido 1990b). No known active or potentially active faults are located in the project site vicinity. The closest known active faults are the Rose Canyon Fault and the Elsinore Fault. The Rose Canyon Fault is located approximately 15.4 miles southwest of the project site, and the Julian segment of the Elsinore Fault is approximately 17.8 miles northeast of the project site (CGS 2010). Accordingly, fault surface rupture is not likely at this project. In the event of a major earthquake on these faults or other faults within the Southern California region, the site could be subjected to moderate to severe ground shaking. However, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general, and associated potential impacts would be less than significant. All new development would be required to conform to current seismic building code requirements designated for the specific area.

Based on existing geologic mapping and the developed nature of the subject site and vicinity, local surficial materials likely consist primarily of fill and undifferentiated mid to late Pleistocene-age older alluvium, while underlying geologic units encompass mid Cretaceous-age granitic rocks (CGS and City of Escondido 1990). While no known site specific information is available regarding the occurrence and depth of on-site groundwater, the site is adjacent to Reidy Creek and shallow groundwater is known to occur generally in "the central developed valley of the City." (City of Escondido 1990). Based on existing conditions and geologic/development history of the area, potential liquefaction and expansive soil issues are not anticipated to rise to a level of significance. In addition, the proposed land-use amendment will not result in an increase in land disturbance over the existing General Plan (except for the flood control channel if crossing or covering is proposed). However, appropriate design and construction measures would be required to be incorporated into future development plans as recommended by any subsequent geotechnical/soils reports that may be required at the building/grading permit stage of site development, which include standard industry practices such as the use of appropriate foundation and footing designs, design and construction measures to accommodate projected seismic loading, implementation of properly engineered and non-expansive fill, and appropriate surface/subsurface drainage techniques. These and/or other appropriate measures would be implemented as part of any development permit and conformance with applicable regulatory/industry criteria such as the IBC/CBC, Greenbook and City Standards. Since the subject site and surrounding properties have been developed and situated on relatively level terrain, the project site is not considered to be susceptible to other potential geologic hazards such as landslides, tsunamis, or seiche.

- b. *Result in substantial soil erosion or the loss of topsoil?*
- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*
- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Potential impacts related to liquefaction, lateral spreading, expansive soils and landslides are discussed in the section above. The entire project site has been disturbed with previous commercial development and there is no development permits associated with this General Plan Amendment and Zone Change. Based on the developed nature of the subject site and surrounding parcels, most or all local topsoils have likely been previously removed or replaced and or mixed with fill materials. Therefore, the project would not result in the loss of top soil. Extensive grading is not anticipated for any future development since the site is relatively flat. Any proposed grading, excavation, demolition and construction activities would increase the potential for erosion and sedimentation both within and downstream of the site relative to existing conditions. Erosion and sedimentation impacts would be addressed through conformance with the NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit, State Water Resources Control Board [SWRCB]). Specifically, conformance with the Construction General Permit is required prior to development of applicable sites exceeding one acre, with this permit issued by the SWRCB under an agreement with the U.S. Environmental Protection Agency (USEPA). Specific performance requirements include implementing a Storm Water Pollution Prevention Plan (SWPPP) and implementation of Best Management Practices (BMPs). Based on implementation of appropriate erosion and sediment control BMPs as part of, and in conformance with the project SWPPP and related NPDES/City storm water requirements, potential erosion and sedimentation impacts from a proposed project would be avoided or reduced below a significant level.

- e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The project site currently is serviced by an existing wastewater/sewer pipeline system with the City of Escondido. No septic tanks or alternative wastewater disposal system would be utilized as part of any future development projects.

X. HAZARDS AND HAZARDOUS MATERIALS

Significance Criteria and Impact Analysis

The effects of a project on hazards and hazardous materials are considered to be significant if the proposed project would:

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project site is not located within one-quarter mile of any known existing or proposed school, and therefore would not result in any associated impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or wastes. The closest existing schools, Classical Academy and Central Elementary, are located approximately 0.32 and 0.5 miles east and south east of the project site respectively.

The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (the Cortese List). However, a number of sites from the Cortese List are located in the general project vicinity. A Phase I Environmental Assessment was prepared for the proposed project by GeoTek, Inc. (Geo 2009). The study revealed evidence of recognized environmental conditions in connection with the subject property due to nearby properties located upgradient of the subject property that are listed on the Leaking Underground Storage Tank (LUST) database as having open environmental cases where groundwater has been affected. At least two of these facilities may have affected soil and/or groundwater quality beneath the subject property. In addition, one drycleaner site located upgradient of the subject property is listed on the Spills, Leaks, Investigation, and Cleanups (SLIC) database as having a release of VOCs affecting groundwater. This facility also may have affected the subject property. Therefore, prior to any grading/development of the site, implementation of the following mitigation measures would avoid or reduce potential impacts related to hazardous materials release below of level of significance:

Mitigation Measure Haz - 1

Prior to future development of the property that would involve grading or significant ground disturbance, a Phase II environmental Assessment shall be prepared to assess the presence of hazardous materials on site and in any off-site area proposed for development. Should hazardous materials or contamination be identified (from contaminated soils or groundwater) the recommendations contained in the Phase II study shall be implemented so that any existing hazardous conditions is remediated to levels deemed acceptable by the County Department of Environmental Health, and all other applicable state and federal regulations. If required, a remedial action plan (RAP) shall be prepared to: (1) summarize the nature and extent of on-site contamination; (2) asses risks to human health and the environment from potential exposure to contaminants during construction/operation of a future project; (3) evaluate potential remedial actions. The RAP (or equivalent document) shall be submitted to the Department of Environmental Health (DEH) for review and comment prior to implementation.

Due to the age of the structure and construction materials used during prior to the 1970's, asbestos and lead-based paint may be present. Similarly, the electrical equipment associated with the projector and sound system for the theater may contain PCBs. Therefore the following mitigation measure would avoid or reduce potential impacts related to hazardous materials release below of level of significance:

Mitigation Measure Haz - 2

Prior to the issuance of building/demolition permits for the existing structure(s), an evaluation of the potential occurrence of asbestos materials (ACM), lead-based paint (LBP) and PCBs shall be conducted. The determination of structures subject to such testing shall be made by the hazardous materials contractor, in consultation with appropriate regulatory agencies (e.g., the DEH). The removal and disposal of any ACM, LBP and PCB materials shall be conducted in accordance with applicable local, state and federal regulatory guidelines/regulations. Evidence of survey completion shall consists of a signed and stamped statement from the person certified to complete the facility survey indicating the survey has been completed, and that either regulated materials is present or absent. If present, the letter shall describe the procedures that will be taken to remediate the hazard.

Any future development of the project site would be required to comply with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. The proposed range of uses is not anticipated to involve the routine transport, use, or disposal of hazardous materials. The proposed range of uses also would not involve the use or storage of hazardous materials that would result in a reasonably foreseeable upset or accident conditions. Both the Federal government and State of California require all business that handle more than a specified amount of hazardous or extremely hazardous materials to submit a business risk management plan with the City of Escondido and County of San Diego Department of Environmental Health. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Therefore, the project will not create a significant risk of upset or hazard to human health and safety.

- e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?*
- f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The project is not located within an airport land-use plan, an airport land-use plan that is to be adopted, or within 2 miles of a public airport. The closest public airports to the project are located approximately 10 miles to the west (McClellan-Palomar Airport in the City of Carlsbad), and 12 miles to the east (Ramona Airport). The project also is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area. The closest private airstrip is located approximately six miles to the northeast (Lake Wohlford Resort Airstrip) and 12 miles to the north (Blackington Airstrip). Therefore, the project would not result in any associated impacts related to safety hazards for people residing or working in the project area.

- g. *Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*

The project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan. The proposed development is not expected to result in the need for additional emergency and fire facilities. Any future development of the site would be required to comply with all applicable Fire, Building, and Health and Safety Codes. The Police and Fire Department indicated the proposed project would not impact service levels, nor conflict with the City's Hazard Mitigation Plan (City of Escondido 2004).

- h. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The subject site is located within an urban area and surrounded by development on all sides. The project is not located within an identified Fire Hazard Area as indicated on Figure IV-1 of the 1990 General Plan Community Protection and Safety Element (City of Escondido 1990), or Figure 5.7.2 of the 2000 General Plan Update EIR (City of Escondido 2000). The site is located within a Moderate Fire Severity Zone based on current Fire Department maps. The site is not located adjacent to wildlands and the Fire Department indicated that appropriate fire service is provided to the area. Based on the described conditions, the proposed General Plan Amendment and Zone Change would not result in a significant exposure of people or structures to wildland fires.

XI. HYDROLOGY AND WATER QUALITY

Significance Criteria and Impact Analysis

The effects of a project on hydrology and water quality are considered to be significant if the proposed project would:

- a. *Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?*
- b. *Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*
- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?*
- d. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?*
- e. *Cause significant alteration of receiving water quality during or following construction?*
- f. *Cause an increase of impervious surfaces and associated runoff?*
- g. *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*
- h. *Cause potentially significant adverse impact on ground water quality?*
- i. *Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?*
- j. *Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?*
- k. *Otherwise substantially degrade water quality?*

The project site currently is zoned for commercial and industrial development and the entire site has previously been developed with commercial uses, paved parking areas, driveways, various landscape planters areas and a concrete-lined flood control channel. The project site generally consists of level terrain and generally drains to Reidy Creek via existing public/private storm drain facilities and as minor overland flow. Reidy Creek consists of a concrete-lined trapezoidal channel that bisects the project site from east to west and flows west/southwest converging with the concrete-lined Escondido Creek Channel further downstream. No changes to the overall drainage patterns and directions would occur as a result of this General Plan Amendment and no associated significant impacts are anticipated to result from future development of the site. Since the site is completely developed, the project would not result in an increase of impervious surfaces and associated runoff, except for the potential covering or crossing of the existing concrete-lined Reidy Creek Flood Control Channel. Potential post development runoff from the site most likely would decrease due to a corresponding reduction of impervious surfaces (e.g., from increase landscaping) required as part of future project design requirements consistent with final WQTR requirements and in conformance with City landscape standards for commercial and industrial development. Any potential project related impacts from future development would be avoided or reduced below a level of significance through conformance with existing NPDES and City storm water standards. Therefore, future project implementation would result in a less than significant impacts related

to runoff rates/amounts, associated flooding, hydromodification, or the capacity of existing/planned storm drain systems.

Water and sewer service to the site currently is provided by the City of Escondido District, and the project would not withdraw groundwater or otherwise substantially interfere with long-term groundwater recharge or the groundwater table level. Dewatering activities could potentially be required to facilitate future project construction. Based on the temporary nature and relatively minor anticipated quantities of groundwater extraction that potentially would be associated with future development of the site, associated impacts related to the drawdown or depletion of local groundwater resources would be less than significant. Therefore, from a plan-to-plan and plan-to-ground perspective, the proposed General Plan Amendment from Light Industrial and General Commercial to Planned Commercial would not result in any significant impacts to hydrology or water quality; result in a significant increase in runoff from the site; or adversely impacts surface water beneficial uses, water quality objectives, or 303(d) impaired water listings.

Surface Water Quality

Potential surface water quality effects from future development of the site would encompass both short-term (construction-related) and long-term (operational) activities. Potential construction-related issues include erosion/sedimentation, the use and storage of potentially hazardous substances such as concrete and vehicle fuels/lubricants, demolition-related debris generation, and the disposal of extracted groundwater (if necessary). Potential operational water quality concerns would be associated with activities such as vehicle access/parking areas, landscaping maintenance and runoff from various commercial and industrial activities, which could potentially result in impacts to water quality to downstream receiving waters, including Reidy Creek and Escondido Creek that are designed as impaired on the Clean Water Act Section 303(d) List of Impaired Waters.

Under the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued in 1990 to the County of San Diego and to the City of Escondido, as one of the co-permittees, all development and significant redevelopment is required to implement structural and on-structural non-point source pollution control measures known as Best Management Practices (BMPs) to limit urban pollutants reaching the waters of the U.S. to the maximum extent practical. The NPDES permit requires the preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP). The implementation of this permit system requires that specific management practices be implemented at the time of construction. Detailed BMPs would be determined as part of the NPDES/SWPPP process based on site-specific parameters. Therefore, potential impacts would be avoided or reduced below a level of significance through conformance with existing NPDES and related City storm water standards. If groundwater is extraction/disposal is required during construction, the applicant and/or contractor would be required to conform with applicable criteria of the associated NPDES Groundwater Permit.

Long-term Operational Impacts

A project Water Quality Technical Report (WQTR) would be required to be submitted for any future development of the subject site that is a priority project based on applicable NPDES and City SUSMP criteria, including areas of disturbance and the proposed construction/operation of roadways, parking areas, and restaurant facilities. The WQTR also identifies anticipated pollutants of concern from project development/operation that could potentially impact downstream receiving waters. In accordance with requirements under the NPDES Municipal Permit and related City standards (e.g., the City SUSMP) future projects would be required to implement appropriate measures to address potential long-term water quality concerns and ensure regulatory conformance. Specifically, this would include the designation of drainage management practices (DMAs) pursuant to the City SUSMP, and implementation of appropriate integrated management practices (IMPs) and low impact development (LID) source control and treatment control (or structural) BMPs. Therefore, with implementation of appropriate measures as part and in conformance with the project WQTR, the proposed project would conform with all applicable

regulatory requirements related to long-term water quality concerns and associated impacts would be avoided or reduced below a level of significance.

- k. Create or exacerbate already existing environmentally sensitive areas?*
- l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?*
- m. Impact aquatic, wetland or riparian habitat?*

The site has been completely developed with commercial uses and no sensitive plant or animal species are known or reported on the project site. As described in Section VII, Biological Resources, the proposed development would not affect any environmentally sensitive areas or aquatic/riparian/wetland habitats, with no associated impacts from future project development. The project area is outside the City of Escondido Focused Planning Areas as indicated on the MHCP maps. No conflicts with the provisions of the MHCP are expected.

- o. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*
- q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*
- r. Inundation by seiche, tsunami, or mudflow?*

The project site is located outside the 100-year flood zone except for the Reidy Creek Flood Control Channel which bisects the project area. The Reidy Creek drainage facility is a concrete-lined channel designed to contain the 100-year flow, with no associated mapped 100-year floodplains occurring locally in the SanGIS database or on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). Therefore, no structures would impede or redirect flood flows. The project does not include the construction of any housing or the placement of any residential structures within a 100-year floodplain. The project does not propose to construct a levee or dam and would not otherwise expose people or structures to a significant risk of flooding. The project site and surrounding area are located within a mapped dam inundation area associated with the upstream Lake Wohlford and Dixon Reservoir containment structures/reservoirs (City of Escondido 2000, 1990). Associated potential impacts are considered less than significant, based on the fact that containment structures (dams) are subject to extensive design and maintenance requirements of the California Division of Safety of Dams, with the probability for a catastrophic failure of the notes sites considered extremely low. Specifically, the Lake Wohlford and Dixon Reservoirs dams are inspected and maintained (if necessary) on a weekly basis, as well as after applicable seismic events (City of Escondido 2000). Based on the location of the proposed project approximately 12 miles inland, no significant impacts related to tsunamis would result. No significant impacts related to seiches and associated flood hazards are anticipated to occur given the distance from the existing Lake Wohlford and Dixon Reservoirs, and channelization of Reidy Creek. The project site and surrounding properties are developed and generally level, and therefore the site is not subject to any anticipated mudflows.

XII. MINERAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on mineral resources are considered to be significant if the proposed project would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

- b. *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?*

The subject site and adjacent properties have been previously developed for uses including industrial, commercial and multi-family residential. These properties are not known to contain any known mineral deposits of value. This conclusion is based on the described existing land uses, as well as review of: (1) City General Plan (1990); (2) the CGS (formerly the California Department of Mines and Geology [CDMG]) Update of Mineral Land Classification; Aggregate Materials in the Western San Diego County Production-Consumption Region (1996); and (3) the CGS Mines and Mineral Resources of San Diego County, California (1963). Specifically, the General Plan designates the subject site for general industrial and general commercial uses, but does not identify any related land uses or zoning categories associated with mineral extraction or processing. The subject site is located within a Mineral Resource Zone (MRZ) designation of MRZ-4 I the referenced 1996 CGS report, which is defined as "areas of no known mineral resources." Finally, the referenced CGS San Diego County Report does not identify any known mineral deposits or mining activities within the subject site. Therefore, the proposed project would not result in the loss of known valuable resources or change the existing availability of such mineral resources that would be of value to the region and residents of the state. No known locally important mineral resource recovery sites delineated on a local general plan, specific plan or other land-use plan are present within the project site or surrounding area.

XIII. NOISE

Significance Criteria and Impact Analysis

The effects of a project on noise are considered to be significant if the proposed project would result in:

- a. *Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b. *Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?*
- c. *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
- d. *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Noise Level Standards and Ambient Noise

The City's General Plan Noise Element contains policies which outline acceptable noise levels associated with each type of land use. A 60 dBA CNEL exposure is considered normally acceptable for exterior residential land uses and 45 dBA CNEL for interior levels, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. CNEL is a weighted sound level during a 24-hour period after the addition of five decibels (db) to average sound levels at evening hours (7 PM to 10 PM) and 10 dB to the average night hours (10 PM to 7 AM) is applied to account for noise sensitivity during evening and nighttime hours. The City's sound level limit for noise at the property lines of commercial zones is 60 dBA (7 a.m. to 10 p.m.) and 55 dBA (10 p.m. to 7 a.m.) and light industrial zones is 70 dBA equivalent sound level (Leq) as referenced in Section 17-229, Article of the Municipal Code. The proposed project must meet the 70 DBA leq standards at the property boundary, but also must not exceed the ambient standard at the receiving land use. With respect to noise generators, the General Plan Noise Element states that projects that increase noise levels by five dBA or greater would result in a significant impact

The area surrounding the subject site is primarily industrial and commercial in nature, with a few residential uses which are considered sensitive to noise. The primary noise sensitive uses in the

surrounding area are two non-conforming multi-family residential developments directly east of the site across Quince Street (Quince Park Apartments and Village Grove Apartments), and two motel developments further to the east located between Quince Street and Centre City Parkway. The subject area and existing uses along Quince Street are located within a projected Noise Contour of 65 CNEL Noise Contour Map (General Plan Noise Contour Map, Figures 5.4-12 April 2000). Based on noise measurements taken in the vicinity of the area, the hourly ambient noise levels along N. Quince Street in the vicinity of the site currently exceed the daytime and nighttime residential standards identified in the City's Municipal Code Section 17-229 of Article 12. Therefore, the ambient noise levels are the threshold for determining project impacts, pursuant to Municipal Code Section 17-229(c) of Article 12. Along the segment of N. Quince Street (between Mission Ave. and Washington Ave.) the existing noise level is 66.8 dBA CNEL (Ldn 2010). The future noise level along this roadway segment (which includes the ballpark project and this proposed General Plan Amendment project) is projected at 67.0 dBA CNEL. The proposed project must meet the 70 DBA leq standards at the property boundary, but also must not exceed the standard at the receiving land use.

Operational Noise

Future development of the site has the potential to increase noise levels within the immediate area in association with facility-related activities. Since no specific project is proposed as part of this General Plan Amendment, noise generated from future development would vary depending on the type of uses and location on the site. The project area is located within an urban area and currently zoned for commercial and industrial uses, and from a plan-to-plan analysis, the proposed Planned Commercial land-use designation is not anticipated to result in a significant increase in noise impacts that would potentially be generated by the existing Planned Industrial and General Commercial land-use designation, or potential future zone change to Planned Development-Commercial.

Surrounding uses include commercial and industrial, with two non-conforming multi-family residential developments to the east across Quince Street. The proposed General Plan Amendment to change the existing land use from commercial and industrial to Planned Commercial is not anticipated to result in a significant increase in operational noise beyond those levels anticipated in the General Plan Noise Contours. From a plan-to-ground level, future projects would be required to meet acceptable exterior noise level standards as established in the noise and land use compatibility guidelines contained in the Noise Element of the General Plan. Future development would be reviewed for consistency with the land use/noise compatibility table and General Plan policies to establish whether specific noise reduction measures would be required through design and construction techniques. Potential site design and construction measures include appropriate site planning (e.g., increase distance between noise source and receiver, using non-noise sensitive structures to shield noise-sensitive areas, building orientation, perimeter noise attenuation walls and berms and construction modification, etc.). With the submittal of a future development request, a site specific acoustical evaluation would be required for those areas or uses that would have the potential create adverse impacts to adjacent uses.

Traffic Related Noise

The cumulative traffic noise levels along a roadway segment are based on three primary factors; the amount of traffic, travel speed and the vehicle mix ratio or number of medium and heavy trucks. The intensity of traffic noise is increased by higher traffic volumes, greater speeds and increased number of trucks. Because mobile/traffic noise levels are calculated on a logarithmic scale, a doubling of the traffic volume without changing the vehicle speeds or mix ratio results in a noise increase of 3 dBA. With respect to noise generators, the Noise Element states that projects that increase noise levels by five (5) dBA or greater would result in a significant impact. Anticipated traffic generated from this General Plan Amendment is limited to 12,160 ADT to maintain a General Plan Circulation Element Level-of-Service Goal of "C" or better on all studies roadway segments. Therefore, the proposed project would not double the projected buildout traffic volumes over the existing General Plan land-use designations along the study area roadways and also would not result in identified roadway segments operating below LOS "C."

The project also is not anticipated to change the noise contours identified in the General Plan noise element (2000, Figure 5.4.) since all identified roadway segments still would operate within buildout projections and would not result in significant impact to the area roadways. Therefore, anticipated noise levels from traffic-related noise is not anticipated to increase noise levels by more than 5 dBA and the project would have less than significant impact on traffic noise along nearby roadways.

No noise sensitive land uses are proposed on the project site. Therefore, no traffic related impacts from the roadways are anticipated.

Construction Noise

No specific projects are proposed as part of this General Plan Amendment. However, noise levels within and adjacent to the specific construction sites would increase construction noise would occur from future demolition of existing structures, grading and construction activities. Construction would not cause long-term impacts since it would be temporary and daily construction activities would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. Upon completion of construction, all construction noise would cease with no associated permanent increase in ambient noise levels.

- e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
- f. *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No private or public airstrips are located within 2 miles of the proposed project site; thus, people residing or working in the project area would not be exposed to excessive noise levels due to airport operations.

XIV. POPULATION AND HOUSING

Significance Criteria and Impact Analysis

The effects of a project on population and housing are considered to be significant if the proposed project would:

- a. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The proposed General Plan Amendment from Planned Industrial and General Commercial to Planned Commercial would not induce substantial population growth within the surrounding area and city. The type and intensity of anticipated development would be considered in conformance with the existing General Plan's General Commercial and Industrial land-use designations. The site generally is underutilized and considered an "infill" project site within a developed area of the City, and is adjacent to similar development, densities and intensities. The project site is within an urban area and all area roadways and related utilities have been constructed. Therefore, the proposed General Plan Amendment would not significantly alter the location, distribution or population density within the area, nor would it adversely impact the City's housing demand. The project site and surrounding areas are designed Tier 1 urbanized area neighborhoods, and are described as planned and zoned for commercial and industrial uses.

The project site is developed with commercial uses and does not contain any residential uses or structures. The existing and proposed land-uses also do not allow for residential uses. Therefore, the project would not result in the loss of any existing housing would not induce substantial population growth nor displace any housing or substantial numbers of people. Therefore, the project would not induce substantial population growth nor displace any housing or substantial numbers of people. Redevelopment of the site would create additional permanent job opportunities, but it is not anticipated to create a substantial demand for additional housing and would not affect the population buildout projections for the City. Many of the jobs are anticipated to be filled by people in the local community.

XV. PUBLIC SERVICES

Significance Criteria and Impact Analysis

The effects of a project on public services are considered to be significant if the proposed project would:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire protection

The City Fire Department has indicated their ability to adequately serve the proposed site with respect to day-to-day fire suppression and EMS facilities/services. The area currently is served by Fire Station No. 1, located at 310 N. Quince Street, less than 0.2 miles from the project site. Specifically, this station includes one engine company; one truck company; one reserve unit; one ambulance; and approximately 12 personnel (including a Battalion Chief). Fire Station No. 1 also is used as a training facility. Therefore, less than a significant impact would occur.

ii. Police protection

The Police Department indicated the proposed General Plan Amendment and Rezone would not result in the need for additional police services (e.g., equipment and staff). Police response times would remain the same with the project. The Escondido Police Department indicated their ability to adequately provide both normal and emergency response to the site and no significant impacts to police services are anticipated.

iii. Schools

The City of Escondido is served by the EUSD (grades K-8) and the EUHSD (grades 9-12). As the project would not increase population within the surrounding area, the proposed General Plan Amendment and Rezone would not result in any significant additional demand for school facilities/system.

iv. Parks

The proposed General Plan Amendment and Rezone would not result in a need to provide additional park or open space amenities since the project would not increase population within the surrounding area. The project is not anticipated to increase the use of existing neighborhood or regional parks or other recreation facility that would cause a substantial physical deterioration due to the Planned Commercial nature of the project. The proposal will not impact the quality or quantity of existing recreational opportunities since the site is not used for recreational activities, and is not listed as a potential park site

in the City's Master Plan of Parks and Trails. Therefore, no significant impact to recreational resources would occur as a result of the General Plan Amendment and Rezone.

v. *Libraries*

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities or staff. The project would not result in an increase in population, and thus, would not generate an increased demand for library facilities, or the development of additional library spaces, books or other related items.

vi. *Gas/Electric*

SDG&E would provide gas and electric facilities to the project. The General Plan Amendment from Planned Industrial and General Commercial to Planned Commercial would not result in substantial adverse physical impacts associated with the provision of new or physically altered SDG&E facilities. Future development of the site would create an increased demand for gas and electricity over existing levels, but the project increase is not significant on an area-wide level and the project would not require a major expansion existing SDG&E power transmission facilities. Therefore, no significant impacts are anticipated to occur with respect to increased power demand from the proposed project.

XVI. UTILITIES AND SERVICE SYSTEMS

Significance Criteria and Impact Analysis

The effects of a project on utilities and service systems are considered to be significant if the proposed project would:

- a. *exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.*
- b. *require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.*
- c. *require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.*
- d. *have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.*
- e. *result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*
- f. *be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.*
- g. *comply with federal, state, and local statutes and regulations related to solid waste.*

Solid Waste – Escondido Disposal, Inc. (EDI) currently provides solid waste removal service for the Escondido area. EDI also operates a solid waste transfer station at their Washington Avenue site where solid waste is consolidated into larger transfer trucks and taken to a class III landfill for disposal. There are no specific projects associated with this General Plan Amendment and Zone Change. However, solid waste pick-up will be available for the site and any future development by EDI. The proposed General Plan Amendment and future development is not anticipated to result in a substantial increase in demand for solid waste disposal. Future projects would be required to incorporate appropriate trash enclosures and recycling bins into the trash facilities, which would minimize its contribution to landfill capacity in the region and less than significant impacts would occur since adequate capacity exists.

Sewer Service – The Escondido Drive-In property is within the sewer service area of the City of Escondido and gravity sewer collection extends to the property including an existing sewer line in Rock Springs Road and Quince Street. Many other sewer lines exist in this area, but do not provide service to the property. From a Plan-to-Plan analysis, a change from Industrial to Planned Commercial would result in a lower sewage generation rate for much of the property, which also includes potential covering or crossing of the channel. From a Plan-to-Ground analysis, the ultimate sewage flows are consistent with the projected ultimate flows calculated in the November 2005 Wastewater Collections System Master Plan Update and December 2006 Wastewater and Disposal Capacity Study by Brown and Caldwell. The Hale Avenue Resource Recovery Facility (HARRF) has the capacity to handle the demand for service generated by future development of the site. The project also complies with established General Plan Quality-of-Life Standards for Sewer Service.

Water Service – The subject site is within the water service area of the City of Escondido. The City's Lindley Pressure Zone supplies water to a network of water mains surrounding the property. Based on the range of elevation on the property of 642 and 650 feet, the maximum static water pressure on the property is between 120 and 124 psi. Water system demand for commercial and industrial zoned property is the same at 1.22 gpm/acre (Waster Master Plan 2000) and a Fire Flow requirement of 2,500 gpm, 2hrs. Therefore, the plan to plan impacts of the proposed General Plan Amendment would be the same. The only water demand change of 4,462 gpd is if the Escondido Channel Property is covered and/or developed since it does not have a current water demand. This increase in demand is not significant and sufficient water service would continue to be provided to the site from existing mains within the adjoining street system.

Plan to Ground – The May 2009 Design Standards document indicates the minimum size for multi-family, commercial and industrial zones is 12-inch pipe. Many of the existing water lines within the City's Lindley Pressure Zone situated in the downtown area south of Highway 78 and east of Interstate 15 are 6-inch and 8-inch in diameter. Based on field fire hydrant flow testing, there is sufficient flow and pressure available to deliver 2,500 gpm fire flow to the property. However, in order to avoid any potential impacts to residual pressures within the Lindley Pressure Zone, any future development of the site would be required to evaluate their individual project specific impact to the existing system and to upgrade the existing system as necessary to meet City Design Standards and/or contribute their fair share to the regional improvement of the water system by upgrading to 12-inch diameter water main, as may be required by the Engineering Division and Utilities Department.

Drainage Facilities – See analysis contained within Water Section No. IV.

SUMMARY OF MITIGATION MEASURES

The following measures constitute an enforceable commitment pursuant to Section 15070(b)(1) of the State CEQA Guidelines.

Mitigation Measure Traffic – 1

All future development proposals on the site shall not produce a cumulative Average Daily Traffic exceeding 12,160 ADT to maintain General Plan Circulation polices for street segments of LOS "C." Concurrent with a future development proposal, each individual project shall provide a more detailed analysis of street segment and intersection operations, and any necessary improvements/measures shall be implemented to maintain appropriate levels of service, as determined by the City.

Mitigation Measure GHG - 1

Prior to issuance of building permits and as a condition of future building permit approval, construction plans and specifications for future development under the project shall indicate in the general notes or individual detail drawings the design features, product specifications and methods of construction and installation that area required to surpass the 2008 Title 24 Energy Efficiency Standards by a minimum of 15 percent. Verification of increased energy efficiencies shall be demonstrated based on a performance approach, using a CEC-approved energy compliance software program, in the Title 24 Compliance Reports provided by the project applicant to the City prior to issuance of the building permit.

Mitigation Measure GHG - 2

Prior to issuance of a final certificate of occupancy, the energy features shall undergo independent third-party inspection and diagnostics with compliance verified by the City's Building Official. Additional inspections may be conducted as needed to ensure compliance, and during the course of construction and following completion of the project, the City may require the applicant to provide information and documents showing use of products, equipment and materials specified on the permitted plans and documents.

Mitigation Measure GHG - 3

Prior to issuance of building permits, where 2008 Title 24 Energy Efficiency Standards are surpassed by a minimum of 15 percent, but less than 20 percent, construction plans and specifications for future development under the project shall indicate in the general notes or individual detail drawings the advanced water conservation features, product specifications and methods of construction and installation that are required to surpass the state plumbing code by a minimum of 20 percent, to achieve a minimum 20 percent reduction in water usage. Verification of the 20 percent reduction in potable water use shall be demonstrated by verifying each plumbing fixture and fitting meets the 20 percent reduced flow rate or by calculating a 20 percent reduction in the building water use baseline. This documentation shall be provided by the project applicant to the City prior to issuance of the first building permit. The performance of the water conservation design shall be verified through final inspection prior to issuance of a final certificate of occupancy.

Mitigation Measure GHG - 4

Where a City of regional Climate Action Plan or other plan or policy has been adopted at the time of project submittal to reduce City/regional GHG emissions, and the plan or policy was adopted in a public process following environmental review and contains the following elements:

- *Quantification of GHG emission within a defined area that includes the project site;*
- *A GHG target level identifying where GHG emissions are not cumulatively considerable;*
- *Specification of binding and enforceable measures to achieve the target GHG emissions levels; and*
- *A process to monitor progress and make amendments if necessary;*

Prior to the issuance of building permits, construction plans and specifications for future development under the project shall demonstrate compliance with the adopted plan or policy.

Mitigation Measure Haz - 1

Prior to future development of the property that would involve grading or significant ground disturbance, a Phase II environmental Assessment shall be prepared to assess the presence of hazardous materials on site and in any off-site area proposed for development. Should hazardous materials or contamination be identified (from contaminated soils or groundwater) the recommendations contained in the Phase II study shall be implemented so that any existing hazardous conditions is remediated to levels deemed acceptable by the County Department of Environmental Health, and all other applicable state and federal regulations. If required, a remedial action plan (RAP) shall be prepared to: (1) summarize the nature and extent of on-site contamination; (2) asses risks to human health and the environment from potential exposure to contaminants during construction/operation of a future project; (3) evaluate potential remedial actions. The RAP (or equivalent document) shall be submitted to the Department of Environmental Health (DEH) for review and comment prior to implementation.

Mitigation Measure Haz - 2

Prior to the issuance of building/demolition permits for the existing structure(s), an evaluation of the potential occurrence of asbestos materials (ACM), lead-based paint (LBP) and PCBs shall be conducted. The determination of structures subject to such testing shall be made by the hazardous materials contractor, in consultation with appropriate regulatory agencies (e.g., the DEH). The removal and disposal of any ACM, LBP and PCB materials shall be conducted in accordance with applicable local, state and federal regulatory guidelines/regulations. Evidence of survey completion shall consists of a signed and stamped statement from the person certified to complete the facility survey indicating the survey has been completed, and that either regulated materials is present or absent. If present, the letter shall describe the procedures that will be taken to remediate the hazard.

MANDATORY FINDINGS OF SIGNIFICANCE

Potential impacts to the environment as a result of this project are in the areas of Traffic/Circulation, Green House Gases and Hazardous Materials. With the project description and limitations on cumulative vehicle trips, and mitigation measures, the project is not expected to have any significant impacts, either long-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. The project will not degrade the quality of the environment for plant or animal communities since the project will not cause fish and wildlife populations to drop below self-sustaining levels nor reduce the number or restrict the range of endangered plants or animals. The project will not materially degrade levels of service of the adjacent streets, intersection or utilities, nor have a significant impact on the City's Quality of Life Standards. Therefore, in staff's opinion, the proposed project would not have a significant individual or cumulative impact to the environment.

Materials Use in Preparation of this Analysis

Escondido General Plan and Environmental Impact Report (Escondido 1990)

Escondido General Plan Update and Environmental Impact Report (Escondido 2000)

Escondido Zoning Code and Land Use Maps

SANDAG Summary of Trip Generation Rates

Escondido Historic Sites Survey

City of Escondido

Public Works Department

Engineering Division

Traffic Division

Building Division

Fire Department

Police Department

Planning Division

FIRM maps (Flood Insurance Rate Maps) Panel No. 06073C1076F. June 19, 1997

Draft MHCP maps (Multiple Habitat Conservation Program)

County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List.

Escondido Drainage Master Plan (1995).

Escondido Water Master Plan (2000)

Preliminary Water Service Overview for the Escondido Drive-Inn Property prepared by Dexter Wilson Engineering, Inc., August 2010

Escondido Wastewater Collection System Master Plan Update (Nov. 2005) and Wastewater Treatment and Disposal Facilities Capacity Study, Dec. 2006.

Preliminary Sewer Service Overview for the Escondido Drive-Inn Property prepared by Dexter Wilson Engineering, Inc., August 2010.

Mitigated Negative Declaration and associated Technical Studies issued for the proposed Triple-A Minor League Baseball ballpark (City File No. AZ 10-0002), issued October 19, 2010.

State Water Resources Control Board (SWRCB) 20072006 Clean Water Act Section 303(d) List of Water Quality Limited Segments.

California Department of Conservation (CDC) 2010 Farmland Mapping and Monitoring Program (FMMP)

CGS (formerly the California Department of Mines and Geology [CDMG]) Update of Mineral Land Classification; Aggregate Materials in the Western San Diego County Production-Consumption Region (1996); and the CGS Mines and Mineral Resources of San Diego County, California (1963).

2000 General Plan Noise Contour Exhibits (5.4-5)

Preliminary Noise Study prepared for the Escondido Ballpark prepared by LDN Consulting, Inc., October 2010 (Lnd 2010).

Air Quality Analysis for the Escondido Drive-In Project, prepared by RECON, July 2010 (Recon 2010)

Global Climate Change Analysis for the Escondido Drive-In Project prepared by RECON, July 2010. (Recon 2010).

Traffic Assessment for the Escondido Drive-In General Plan Amendment prepared by Linscott Law and Greenspan (LLG 2010a)

Traffic Impact Analysis for the proposed Escondido Ballpark prepared by Linscott Law and Greenspan, October 2010 (LLG 2010b)

Phase 1 Environmental Site Assessment prepared by Geotech, April 2009 (Geotech 2009)

Cultural Resource Survey prepared for the Escondido Ballpark (Affinis 2010).

Mitigation Monitoring Reporting Program

Project Name: Escondido Drive-In General Plan Amendment
Project Description: General Plan Amendment
Project Location: 635 W. Mission Ave (APNs 228-270-57, 72, -73 and -77)

Env. Doc. Number: PHG 09-0009
Assoc. Case Nos.: N/A

Contact Person: David Ferguson (project representative)
Phone Number: (760) 743-1201

Approval Body/Date: Jay Paul, Associate Planner
Project Mgr.: (760) 839-4537
Phone No.:

Phase at which the Mitigation Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTATION	CERTIFIED INITIAL/DATE	COMMENTS
<p>Traffic</p> <p>Maintain street segment Level of Service "C"</p> <p>Concurrent with development submittal</p>	<p>All future development proposals on the site shall not produce a cumulative Average Daily Traffic exceeding 12,160 ADT to maintain General Plan Circulation goals/policies for street segments operation of LOS "C." Concurrent with a future development proposal, each individual project shall provide a more detailed analysis of street segment and intersection operations, and any necessary improvements/measures shall be implemented to maintain appropriate levels of service, as determined by the City.</p>	<p>Traffic - 1.</p>	<p>Applicant Planning Div. Engineering Div.</p>		
<p>Green House Gas</p> <p>Conformance with energy efficiency standards</p> <p>Prior to issuance of building permits</p>	<p>Prior to issuance of building permits and as a condition of future building permit approval, construction plans and specifications for future development under the project shall indicate in the general notes or individual detail drawings the design features, product specifications and methods of construction and installation that area required to surpass the 2008 Title 24 Energy Efficiency Standards by a minimum of 15 percent. Verification of increased energy efficiencies shall be demonstrated based on a performance approach, using a CEC-approved energy compliance software program, in the Title 24 Compliance Reports provided by the project applicant to the City prior to issuance of the building permit.</p>	<p>GHG -1.</p>	<p>Applicant Planning Div. Building Div.</p>		

<p>Green House Gas Conformance with energy efficiency standards</p>	<p>Prior to issuance of a final certificate of occupancy, the energy features shall undergo independent third-party inspection and diagnostics with compliance verified by the City's Building Official. Additional inspections may be conducted as needed to ensure compliance, and during the course of construction and following completion of the project, the City may require the applicant to provide information and documents showing use of products, equipment and materials specified on the permitted plans and documents.</p>	<p>GHG - 2</p>	<p>Applicant Planning Div. Building Div.</p>		
<p>Green House Gas Conformance with water efficiency standards Prior to issuance of building permits</p>	<p>Where 2008 Title 24 Energy Efficiency Standards are surpassed by a minimum of 15 percent, but less than 20 percent, construction plans and specifications for future development under the project shall indicate in the general notes or individual detail drawings the advanced water conservation features, product specifications and methods of construction and installation that are required to surpass the state plumbing code by a minimum of 20 percent, to achieve a minimum 20 percent reduction in water usage. Verification of the 20 percent reduction in potable water use shall be demonstrated by verifying each plumbing fixture and fitting meets the 20 percent reduced flow rate or by calculating a 20 percent reduction in the building water use baseline. This documentation shall be provided by the project applicant to the City prior to issuance of the first building permit. The performance of the water conservation design shall be verified through final inspection prior to issuance of a final certificate of occupancy.</p>	<p>GHG - 3</p>	<p>Applicant Planning Div. Building Div.</p>		
<p>Green House Gas Compliance with future Climate Action Plan(s) Prior to issuance of building permits</p>	<p>Where a City of regional Climate Action Plan or other plan or policy has been adopted at the time of project submittal to reduce City/regional GHG emissions, and the plan or policy was adopted in a public process following environmental review and contains the following elements:</p> <ul style="list-style-type: none"> • Quantification of GHG emission within a defined area that includes the project site; • A GHG target level identifying where GHG emissions are not cumulatively considerable; • Specification of binding and enforceable 	<p>GHG - 4</p>	<p>Applicant Planning Div. Building Div.</p>		

	<p>measures to achieve the target GHG emissions levels; and</p> <ul style="list-style-type: none"> • A process to monitor progress and make amendments if necessary; <p>Prior to issuance of building permits, construction plans and specifications for future development under the project shall demonstrate compliance with the adopted plan or policy.</p>			
<p>Hazardous Materials Potential contaminated ground water or soils</p> <p>Prior issuance of grading permits or any significant ground disturbance</p>	<p>Prior to future development of the property that would involve grading or significant ground disturbance, a Phase II Environmental Assessment shall be prepared to assess the presence of hazardous materials on site and in any off-site area proposed for development. Should hazardous materials or contamination be identified (from contaminated soils or groundwater) the recommendations contained in the Phase II study shall be implemented so that any existing hazardous conditions is remediated to levels deemed acceptable by the County Department of Environmental Health, and all other applicable state and federal regulations. If required, a remedial action plan (RAP) shall be prepared to: (1) summarize the nature and extent of on-site contamination; (2) assess risks to human health and the environment from potential exposure to contaminants during construction/operation of a future project; (3) evaluate potential remedial actions. The RAP (or equivalent document) shall be submitted to the Department of Environmental Health (DEH) for review and comment prior to implementation.</p>	<p>Haz - 1</p> <p>Applicant Planning Div. Engineering Div.</p>		
<p>Hazardous Materials Potential hazardous building materials and PCBs</p> <p>Prior to issuance of building or demolition permits</p>	<p>Prior to the issuance of building/demolition permits for the existing structure(s), an evaluation of the potential occurrence of asbestos materials (ACM), lead-based paint (LBP) and PCBs shall be conducted. The determination of structures subject to such testing shall be made by the hazardous materials contractor, in consultation with appropriate regulatory agencies (e.g., the DEH). The removal and disposal of any ACM, LBP and PCB materials shall be conducted in accordance</p>	<p>Haz - 2</p> <p>Applicant Planning Div. Building Div.</p>		

	<p>with applicable local, state and federal regulatory guidelines/regulations. Evidence of survey completion shall consist of a signed and stamped statement from the person certified to complete the facility survey indicating the survey has been completed, and that either regulated materials is present or absent. If present, the letter shall describe the procedures that will be taken to remediate the hazard.</p>				
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CODE COMPLIANCE

<p>Ongoing monitoring to ensure compliance with all mitigation measures, conditions of approval, operational requirements, standards, codes and regulations.</p>	<p>Project Applicant City of Escondido Planning Division Wildlife Agencies</p> <p>Public Works Dept. Code Enforcement Div. Police Dept. Field Engineering Div.</p> <p>Building Dept. City Attorney Fire Dept.</p>
<p>Enforcement of the project conditions, mitigation measures, codes, standards and regulations are handled through inspection and evaluation procedures by the above mentioned City Departments and upon failure to comply with the conditions, the project may be referred to the Planning Commission for review and possible modification or revocation of the permit.</p>	<p>City of Escondido</p>

PHG 09-0009

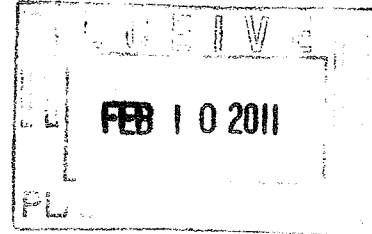
PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



February 8, 2011

Jay Paul, Associate Planner
City of Escondido
201 North Broadway
Escondido, CA 92025-2798



Dear Mr. Paul:

Re: SCH# 2011011038; PHG-09-0009 (Escondido Drive-in General Plan Amendment)

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-Negative Declaration* from the State Clearinghouse for the proposed Escondido Drive-in General Plan Amendment. The proposed project at 635 W. Mission Avenue may have impacts not only on streets and at intersections, but also at the nearby NCTD Sprinter crossings of Andreason Drive (CPUC No. 106E-120.38 and DOT No. 027593X) and Hale Avenue (CPUC No. 106E-120.75 and DOT No. 027596T). This includes considering pedestrian circulation patterns/destinations with respect to the railroad and rail transit right-of-way.

Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad and transit right-of-way.

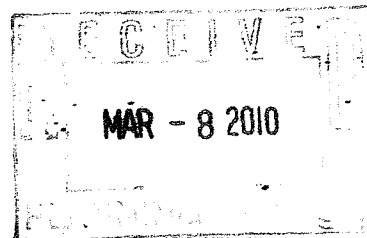
Language should be in place so that any traffic impact studies undertaken should also address vehicular and pedestrian traffic increase impacts over affected crossings and associated proposed mitigation measures.

If you have any questions, or would like to discuss our concerns please contact Laurence Michael, Utilities Engineer at 213-576-7076, ldi@cpuc.ca.gov, or me at rxm@cpuc.ca.gov, 213-576-7078.

Sincerely,

A handwritten signature in black ink, appearing to be "Rosa Muñoz".

Rosa Muñoz, PE
Senior Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division



SAN LUIS REY BAND of Mission Indians

Tribal Council

MeI Vernon

Captain

Carmen Mojado

*Secretary of Government
Relations*

Charlotte Herrera

Secretary of the Treasury

Tom Beltran

*Secretary of Economic
Development*

Al Cerda

*Secretary of Tribal Ethics
and Information*

Clara Guy

Tribal Elder

Henry Contreras

Council Member

David Herrera

Council Member

Mary Lou Beltran

Council Member

Carrie Lopez

Tribal Advisor

Merri Lopez, Esq.

Tribal Legal Advisor

Contact information

1889 Sunset Drive

Vista, CA 92081

tel: (760) 724-8505

fax: (760) 724-2172

MARCH 1, 2010

Re: Comments on Proposed JOHNSTON General Plan Amendment
ESCONDIDO SWAP MEET-PHG 09-0009

Dear Mr. Jay Paul

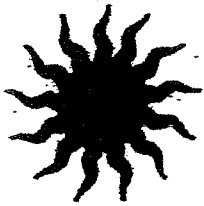
**The San Luis Rey Band of Mission Indians hereby submits the following
comments on the proposed** JOHNSTON General Plan Amendment
ESCONDIDO SWAP MEET - PHG 09-0009 **("Project").**

The San Luis Rey Band ("Band" or "Tribe") is a San Diego County Tribe whose traditional territory includes the current cities of Vista, Oceanside, Carlsbad, San Marcos and Escondido, among others. The Band's primary concerns are the preservation and protection of cultural, archaeological, sacred and historical sites of significant to the Band located within the Project area.

The Band is concerned about protecting the unique and irreplaceable cultural resources which will be affected by the Project. The Tribe is also concerned about the appropriate and lawful treatment of Native American human remains and cultural and sacred items which are likely to be disturbed during the Project's development and ground disturbing activities. The Band does have a Most Likely Descendant on file with the Native American Heritage Commission in the event that human remains are discovered during the grading process.

The need for mitigation measures for this Project are undisputed. The strongest protections must be afforded to protect these invaluable resources. The Band intends to use all appropriate and necessary procedures available to ensure that these resources are properly addressed via the CEQA and SB 18 processes.

To ensure a complete and undisputed understanding by all parties regarding the protection of these priceless resources, the Band respectfully



SAN LUIS REY BAND of Mission Indians

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Merrí Lopez, Esq.

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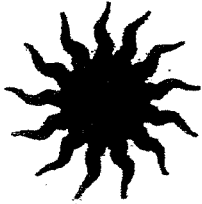
Fax: (760) 724-2172

requests that the following mitigation measures be added as mandatory conditions for approving the grading permit for the Project. The Developer must be required to submit written proof of these requirements before the permit may be issued.

1. The Developer must execute a Pre-Excavation Agreement with the Band prior to any ground-disturbing activities on the Project site. The agreement will, at minimum, include the following provisions:
 - A. Require appropriate treatment of human remains and cultural items.
 - B. Require a good faith effort by the parties to agree on what is appropriate treatment and dignity when addressing human remains and cultural items.
 - C. Require that any human remains or cultural items recovered during the grading process be returned to the Band, and not curated in a facility absent the express written consent of the Band.
 - D. Require avoidance for all significant and sacred archaeological sites which may be found during development. Avoidance is the preferred method of preservation under CEQA for such resources.
 - E. Require Native American monitors to be present during all ground-disturbing activities.
 - F. Provide for the compensation of tribal monitors at the expense of the Developer.

2. Additionally, the Band requests that Native American monitors be added as a mandatory requirement, in addition to any archaeological monitor required by state law.

With these clarifications, the San Luis Rey Band believes that the mitigation measures described above will provide adequate protection for the cultural resources and human remains that may be discovered in the Project area. The Band intends to carefully monitor this Project to ensure that the requirements imposed by CEQA and SB 18 are rigorously applied for the duration of the Project.



SAN LUIS REY BAND of Mission Indians

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Revised: 01 05

The Band truly appreciates the commitment of CITY OF ESCONDIDO to continue consultation with the Tribe during the Project. We look forward to continuing this positive relationship and we thank you for your assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,

Mel Vernon

San Luis Rey Band of Mission Indians

RESOLUTION NO. 2011-35

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A REQUEST FOR A GENERAL
PLAN AMENDMENT ON 14.16 ACRES OF
LAND AND ESTABLISHING PLANNED
COMMERCIAL AREA NO. 20

Case No. PHG 09-0009

WHEREAS, on March 8, 2011, the Planning Commission considered and by Resolution No. 5918, recommended approval of the proposed General Plan Amendment to change the existing General Commercial (GC) and Light Industrial (LI) land-use designations of four parcels of land to Planned Commercial (PC), and create Planned Commercial Area No. 20 and corresponding policy language. The subject area consists of approximately 11.62 acres of privately-owned land and 2.54 acres of city-owned land (known at the Reidy Creek Flood Control Channel) for a total of 14.16 acres. The subject site generally is located on the northwestern corner of Washington Avenue and Quince Street, south of Mission Avenue, addressed as 635 Mission Avenue (APNs 228-270-57, -72, -73 and -77) more particularly depicted and described in Exhibit "C," attached to this resolution and incorporated by this reference; and

WHEREAS, the City Council has reviewed and considered the Mitigated Negative Declaration issued for the proposed General Plan Amendment in conformance with the California Environmental Quality Act (CEQA), and has determined that it is complete and adequate for this project, and there are no significant environmental effects which are not mitigated; and

WHEREAS, this City Council has considered the request, the staff report, the recommendations of the Planning Commission and the appropriate agencies, and public testimony presented at the Council meeting and incorporates by reference the findings made in the report(s); and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said General Plan Amendment as reflected on plans and documents on file in the offices of the City Clerk and Planning Division.

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

1. That the above recitations are true.
2. That the City Council has reviewed and considered the environmental review and adopts the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program issued for the project.
3. That the Findings of Fact, attached as Exhibit "A" and incorporated by this reference, were made by said Council.
4. That upon consideration of the Findings, environmental review, all material in the staff report (a copy of which is on file in the Planning Division), Planning Commission recommendation, public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council desires at this time and deems to be in the best public interest to approve the proposed General Plan

Amendment creating Planned Commercial Area No. 20, modify the General Plan Map from General Commercial (GC) and Light Industrial (LI) to Planned Commercial (PC), and include text in the General Plan as described in Exhibit "B," attached to this resolution and incorporated by this reference.

EXHIBIT "A"
FINDINGS OF FACT
PHG 09-0009

Resolution No. 2011-35
Exhibit 'A'
Page 1 of 2

General Plan Amendment

1. Granting the proposed General Plan Amendment to change the existing General Commercial and Light Industrial land-use designations to Planned Commercial would be in conformance with General Plan Economic Policies in the General Plan in that it would continue to promote the City as an economic center of North San Diego County and would encourage new economic activity that would provide additional opportunities to diversify the City's economic base. The proposed land use change and anticipated future Planned Development-Commercial zoning also would be in conformance with General Plan Goal 5 which states: "Encourage more high quality industrial, retail and manufacturing and service-oriented businesses that create and maintain a strong economic based and provide an environment for the full employment of a diverse set of skills." The proposed General Plan Amendment recognizes opportunities for infill development to attract new, higher quality commercial and office uses, and spur revitalization of the underutilized parcels. The proposed General Plan Amendment also would create the opportunity to revitalize the underutilized commercial/industrial site and create a concentrated mixed-use commercial node in conjunction with adjacent uses offering a variety of retail, office and light industrial uses to support the surrounding mix of land uses and redevelopment efforts throughout the downtown and surrounding area, and to take advantage of the Escondido Transit Center and Sprinter Light Rail located to the south. The Planned Commercial designation would require implementation through the Planned Development (PD) zone. Development also could occur in conformance with the current underlying light industrial and general commercial zoning designations subject to conformance with relevant Zoning Code requirements.

The proposed General Plan Amendment would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets/intersections or public facilities, create excessive noise, and circulation and public services could be provided to the site.

2. The proposed General Plan Amendment conforms to the policy for amending the City's General Plan that requires the consideration of physical, social or city-wide economic factors or changes that have made the proposed plan designation appropriate from the standpoint of the general public welfare. In this situation, the site is in an area that has experienced economic decline since the 1990 General Plan and the underutilized site is suitable for redevelopment. Future development of the site would continue to provide opportunities to revitalize the area and bolster the underutilized commercial/industrial property and result in a stronger draw along the West Mission Avenue retail area. The amendment would not trigger Proposition 'S' since the site is identified for commercial and industrial development and the proposed Planned Commercial land-use designation is not covered by the language of Proposition 'S.' Text is proposed that identifies the specific site in the General Plan. The proposal is in response to services required by the community since future development of the site would revitalize the area.
3. The proposed change in land use designation to Planned Commercial from Light Industrial and General Commercial or future change in zoning to Planned Development-Commercial would not result be detrimental to the public health, safety or welfare, or injurious to the property or improvement in the zone or vicinity since the site currently is zoned for commercial and light industrial development/uses and would be zoned for mixed-use commercial/industrial development. Future development would not result in a significant impact to an established community because the surrounding area is developed with industrial, commercial and multi-family residential uses that are appropriate adjacent to a Planned Commercial area. Future development would be subject to the development standards and performance criteria of the Zoning Code and implementation of the Planned Development zoning, which would ensure that appropriate architectural guidelines and site design measures are incorporated into any future project to minimize potential impacts. With approval of the proposed General Plan Amendment the range of land uses would be in compliance with the performance criteria stipulated in the zoning ordinance.

The proposed facility could adequately be served by existing public facilities since City sewer and water service is available from existing mains in the adjacent streets or easements, and the project would not adversely impacts these facilities. Appropriate improvements and/or upgrades to existing utilizes would be implemented to support future development proposals on the site. All potentially significant impacts of the proposed General Plan

Amendment and future Planned Development-Commercial zoning identified in this Initial Study (i.e., Traffic/Circulation, Green House Gases and Hazards and Hazardous Materials) would be avoided through specific General Plan Planned Commercial policies/language, future project design features, limitations on the project intensity or mitigated by the incorporation of measures that are subject to any future development).

4. A Mitigated Negative Declaration was issued for the proposed General Plan Amendment on January 12, 2011 in conformance with the California Environmental Quality Act (CEQA). The Initial Study identified effects related to Traffic, Hazardous Materials and Greenhouse Gases that might be potentially significant, but revisions in the project plans and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts to the environment are reduced to less than a significant level.

EXHIBIT "B"

Proposed General Plan Language

20) Quince Street and Washington Ave (Escondido Drive In)

The 14.16 acres consists of three privately-owned parcels and one City-owned parcel (APNs 228-270-57, -72, -73 and -77) located at the northwestern corner of Quince Street and Washington Avenue, and also fronts onto and takes access from Mission Avenue. Reidy Creek bisects the property from northeast to southwest with a crossing over the channel. The property formerly was the Escondido Drive In and currently is used for an outdoor swap meet. The site may continue to operate as an outdoor swap meet in accordance with the previously approved Conditional Use Permits for the use until such time the site is redeveloped, and also may be used or developed consistent with existing zoning designations, but development of any parcel that requires a zone change or requests City participation in the nature of fee reductions, off-site improvements or tax sharing shall require a Planned Development approval.

The site is designated Planned Commercial and the site may be developed with a mix of commercial, retail, restaurant, office, and light industrial uses that support revitalization efforts throughout the area and to take advantage of the Escondido Transit Center and Sprinter Light Rail located two blocks to the south along Quince Street. New development should encourage consolidation of properties and incorporate "smart growth" design principles. The development also may include crossing or covering of the existing flood control channel. Enhancement along the channel (such as decorative fencing, landscaping, pedestrian-oriented features/amenities, etc.) also should be incorporated into future projects where appropriate. Traffic circulation and pedestrian patterns shall be coordinated when future development of the site is proposed to provide integrated access points and to ensure appropriate vehicular and pedestrian access between the individual parcels and adjacent streets. In order to maintain appropriate levels-of-service on the surrounding street system and minimize potential air-quality impacts, the scale of development and nature of the uses shall be limited as necessary in order to generate no more than a cumulative total of 12,160 vehicle trips per day. Specific site and technical studies may be required, to address and/or mitigate any project specific impacts related to traffic/circulation, utilities, air quality, noise and hazardous materials associated with future development of the site, and as identified in the Mitigated Negative Declaration.

EXHIBIT "C"

**PHG 09-0009
Legal Description**

APNs 228-270-72, -73 and -77

Parcel A1:

Parcel 2 of Parcel Map No. 14183, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, February 25, 1986 as File No. 86-074097 of Office Records

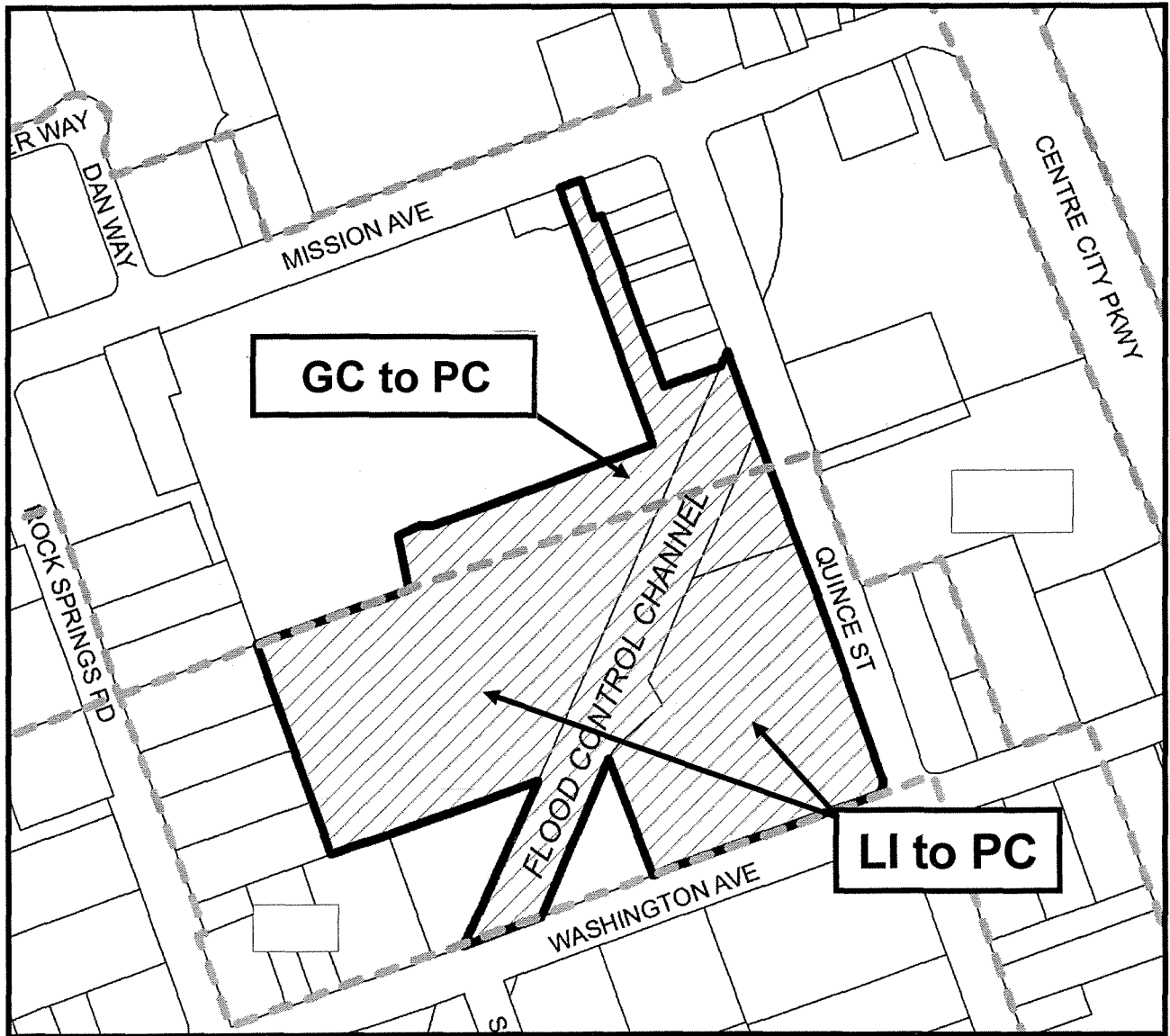
Parcel A2:

Parcels C and D of Parcel Map No. 4640, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 13, 1976 as File No. 76-109566 of Office Records

APN: 228-270-77 (Affects: Parcel A1), 228-270-72 (Affects: Parcel C of Parcel A2) and 228-270-73 (Affects Parcel D of Parcel A2)

APN 228-270-57

City-owned parcel 228-270-57 which includes the entire storm drain channel from N. Quince Street on the northeast to W. Washington Avenue on the southwest.



**Proposed
PC Area #20**

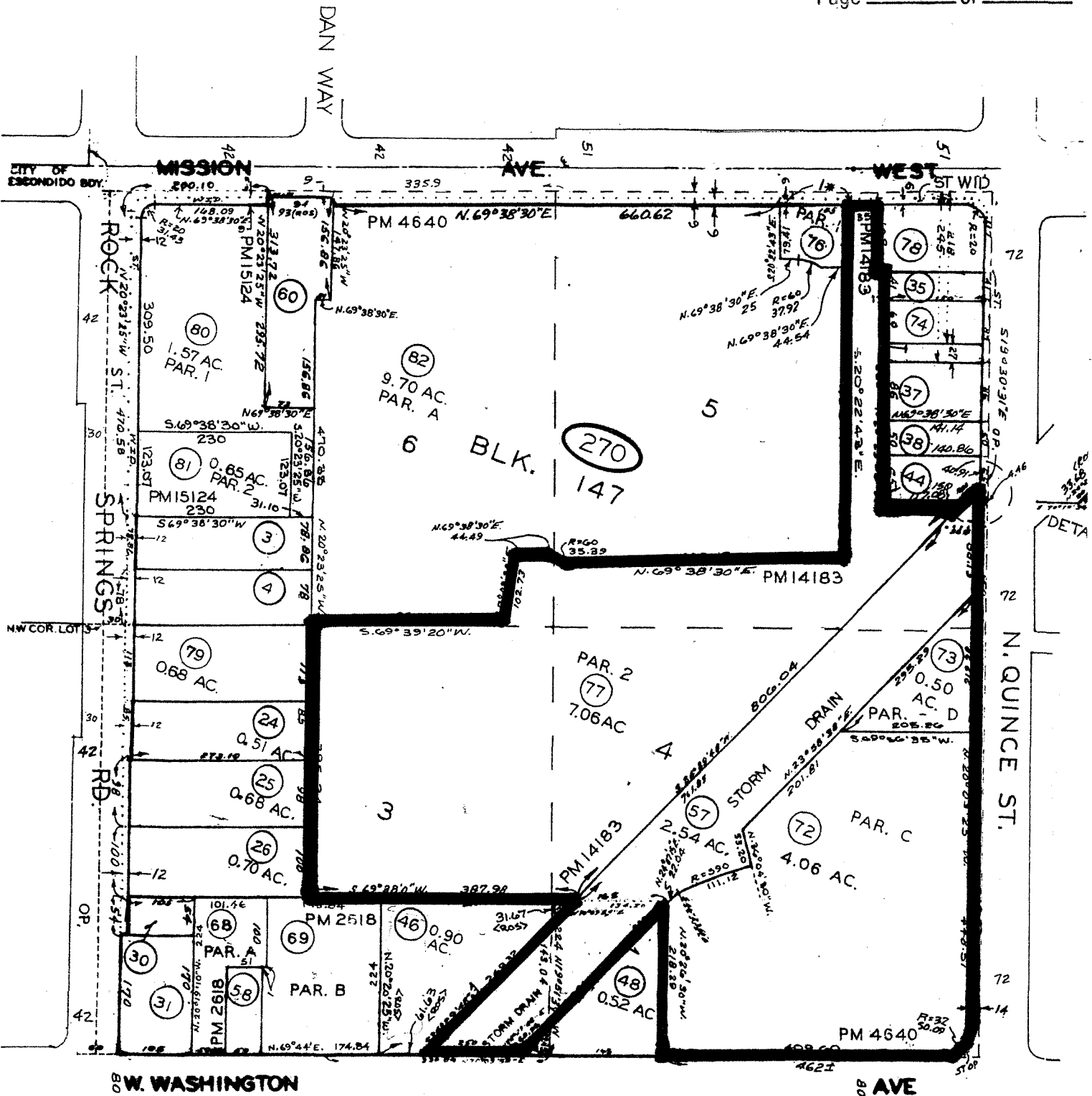


GC and LI to PC

Resolution No. 2011-35

Exhibit C

Page 3 of 3



N. SPRUCE ST.

APNs 228-270-57, -72, -73 and -77

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8

Date: April 6, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Jerry Van Leeuwen, Director of Community Services
Roni Keiser, Housing Manager
Rich Buquet, Neighborhood Services Manager

SUBJECT: Public Hearing to Approve the FY 2011-2012 One-Year Action Plan for Use of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Funds

RECOMMENDATIONS:

1. Solicit and consider citizen input on the FY 2011-2012 Action Plan for use of CDBG and HOME funds;
2. Adopt Resolution No. 2011-14, approving the HOME budget and authorizing the Director of Community Services and City Clerk to execute contracts as appropriate; and
3. Approve the submittal of the FY 2011-2012 Action Plan to the U.S. Department of Housing and Urban Development (HUD).

In the alternative, Council may choose to modify the recommended FY 2011-2012 Action Plan for the allocation of CDBG and HOME funds.

FISCAL ANALYSIS:

The City of Escondido receives annual formula allocations of HOME and CDBG funding from HUD. All expenses for activities and administration of activities outlined in this report are paid for with HOME and CDBG funds and do not impact the City's general fund.

It is anticipated that the City of Escondido will receive approximately \$1,686,901 in CDBG entitlement funds and \$816,169 in HOME entitlement funds for FY 2011-2012. These figures are based on an estimated 10 percent reduction in entitlement program funds nationwide which is expected as part of the federal government's efforts to decrease the deficit. Should the actual allocations be substantially higher or lower than estimated, a public hearing will be scheduled for a future date to approve an Action Plan amendment revising the allocation amounts. The City defines a substantial change to the scope of a project as a change that affects the funding level by greater than 25 percent of projects budgeted at more than \$100,000. Non-substantial increases or decreases to the HOME allocation will be proportionally dispersed to current distributions.

PREVIOUS COUNCIL ACTION:

On March 24, 2010, Council held a public hearing and approved the FY 2010-2015 Consolidated Plan and the FY 2010-2011 Action Plan for CDBG and HOME funds.

On March 9, 2011, Council held a public hearing and reaffirmed the community development priorities adopted in the FY 2010-2015 Five-Year Consolidated Plan and approved an allocation process for FY 2011-2012 CDBG funds.

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.

In accordance with the City of Escondido's public participation plan, Council held a public hearing on March 9, 2011, and reaffirmed those priorities for FY 2011-2012. The FY 2011-2012 Action Plan for use of CDBG and HOME funds describes the specific activities the City will carry out to address those priorities during the second year of the five year period.

HOME Funds

The City anticipates receiving \$816,169 in HOME funds for FY 2011-2012. Ten percent of that amount and ten percent of the projected program income derived from loan repayments (a total of \$105,700) is reserved for the City's costs of administering the program.

A minimum of 15 percent of the annual allocation of HOME Program funds (\$123,750) must be reserved for the housing development activities of Community Housing Development Organizations (CHDOs). The City has two known certifiable CHDOs: Community HousingWorks and San Diego Habitat for Humanity. 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. Staff is recommending that this five percent be allocated to Housing Development. HOME Program funds must be committed or reserved within two years and expended within five years of allocation.

FY 2011-2012 Housing Activities

A variety of programs and projects will be utilized during the FY 2011-2012 to address the priorities of the Consolidated Plan. The programs proposed for HOME funding in FY 2011-2012 are identified in Appendix A of the attached FY 2011-2012 Action Plan and will be discussed below. 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 53 percent, which is lower than the state and national averages of 57 percent and 66 percent respectively as reported by the 2000 Census (2010 Census data is not yet available). The FY 2011-2012 One-Year Action Plan addresses 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.

HELP Program

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 (\$62,800 for a household of four) to purchase their first home. The HELP program has been funded with HOME funds since September of 1996. In FY 2009-2010, 47 HELP loans were issued; in the first half of this fiscal year, 22 HELP loans have been issued. While the maximum loan is \$25,000, the average loan is \$9,820; the reduced amount allows for the issuance of more loans and thus more opportunities for first-time homebuyers to purchase a home. In anticipation that the coming year will be similar to this year, and due to the continued high rate of home loan foreclosures and proportionate need for home loan assistance, staff is recommending that all of the available Housing Development HOME funds (\$833,875) identified in the budget be used to fund a minimum of 33 HELP loans.

Creation of HELP-AR Program

Staff also recommends adding a new program – Homebuyer Entry Loan Program, Affordable Rental (HELP-AR) – which will offer a \$25,000 loan to first time home buyers moving out of affordable housing developments in Escondido. This new program leverages the staff's experience with the HELP program to assist families currently in Escondido affordable housing projects reach a new level of self-sufficiency. Families who have been stabilized by the affordable rents and supportive programs can move into permanent homes in Escondido, making their affordable units available to new income-eligible residents. This will help make offers by future owner-occupants who are currently being excluded from the market by investors (with full price cash offers) more attractive. The program will stimulate the local economy and generate sales promoting the long-term stability of our neighborhoods. The program will use the general policies and process of the existing HELP program and will leverage the City's current relationships with approved lenders now using the HELP program and affordable housing providers to promote the program.

Rental Housing Assistance

Lower-income owner-occupants have been designated a high priority for assistance in maintaining their homes. In keeping with the Consolidated Plan, the City expects to fund an average of 22 owner-occupied, single-family and mobile home rehabilitation loans each fiscal year. Funding of these loans will be accomplished with Housing Set-Aside Funds.

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.

In order to address the increasing need for housing for low-income seniors, the Consolidated Plan sets an objective to fund commitments to assist an average of 295 elderly households per year with rental assistance from Housing Set-Aside Funds. The Consolidated Plan also 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 City's FY 2011-2012 One-Year Action Plan places an emphasis on the rehabilitation of rental units and new construction of rentals in some instances where determined to be appropriate. Redevelopment and rehabilitation will occur with the assistance of HOME funding and Housing Set-Aside Funds, as leverage to other funding sources. During the upcoming fiscal year, the City anticipates the completion of the redevelopment of Mission Grove Place in the Mission Park Neighborhood, providing a minimum of 55 multi-family rental units that include two-, three- and four-bedroom units by Urban Housing Communities. In addition, San Diego Habitat for Humanity will commence self-help construction on a minimum of 14 town homes for first time homebuyers developing two unimproved lots on Elm Street adjacent to the Escondido Creek Trail and Community HousingWorks anticipates construction of 36 one-, two- and three-bedroom rental units in the Redevelopment Area.

Analysis of Impediments to Fair Housing (AI)

The City participates with regional partners to assess impediments to fair housing. The regional partners selected a consultant to prepare an Analysis of Impediments to Fair Housing in order to adequately assess any impediments on a regional basis. The consultant held several workshops throughout the county and has provided the jurisdictions with a draft plan. The "San Diego Regional Analysis of Impediments to Fair Housing Choice" is available on the Housing Division Web page for public review, with plans for submittal to HUD in the next few months.

CDBG Funds

The City of Escondido anticipates receiving \$1,686,901 in CDBG funds for FY 2011-2012. No more than 15 percent of the total entitlement (\$253,035) may be used for public service activities, and no more than 20 percent (\$337,380) may be expended for administrative activities. There is no limit to the percentage that may be expended for capital improvement or other neighborhood revitalization activities in low- and moderate -income neighborhoods.

CDBG Review Process:

The City of Escondido accepts and reviews applications for CDBG funding throughout the year. A description of the CDBG funding process, application materials and resources for technical assistance are posted on the Neighborhood Services Web site and provided by staff upon request. The City conducts two public hearings in accordance with its Consolidated Plan public participation policy, and utilizes a streamlined allocation process for CDBG.

To date, the City of Escondido has received three proposals from outside agencies for FY 2011-2012 CDBG funding. Two requests are for public service funds: 1.) Fraternity House, Inc. for \$14,300 for a care giving program for people with AIDS; and 2.) Angels Depot for \$25,000 for a senior emergency meal box program; and one request for uncapped, capital improvement funds from North County Serenity House Center for infrastructure and repair work on their temporary housing and child care facilities in the amount of \$105,000. In addition, the City has received two proposals for increased CDBG funding to current public service programs: 1.) San Diego Food Bank for an additional \$3,000 for their Food 4 Kids Backpack program at Lincoln Elementary; and 2.) Escondido Community Child Development Center (ECCDC) for an additional \$10,000 for their infant/toddler counseling and parent training program.

Staff has reviewed the applications for completeness and eligibility. Specific allocation recommendations for CDBG-funded activities are included as Appendix B in the attached FY 2011-2012 Action Plan.

FY 2011-2012 CDBG-Funded Activities

The Action Plan describes activities the City will carry out during fiscal year 2011-2012 to address the priorities of the Consolidated Plan. The priority areas are youth, economic development, transportation for seniors, neighborhood revitalization, homelessness/AIDS and ADA improvements to public facilities. Specific activities are described below, including an expansion of activities to address the neighborhood revitalization priority based on Council direction at the March 9, 2011, public hearing. Specific allocation recommendations for CDBG-funded activities are included as Appendix B in the attached FY 2011-2012 Action Plan.

Proposed Capital Improvement and Neighborhood Revitalization Activities

Expansion of Project NEAT

Project NEAT (Neighborhood Enhancement, Awareness and Training) is a CDBG-funded activity approved mid-year by an amendment to the FY 2009-2010 Action Plan to address the neighborhood revitalization priority. The goal of Project NEAT is to improve the appearance and safety of neighborhoods through mediation, education and fostering relationships with neighbors. Project NEAT works with Escondido's organized neighborhood groups to resolve potential code compliance issues, mostly with regard to yard maintenance and other appearance-related issues, before they reach the level of code enforcement cases.

Project NEAT currently utilizes one Program Administrator working within the boundaries of Escondido's 14 organized neighborhood groups. To date, 240 Project NEAT cases have been opened and 171 have been resolved with just four of those necessitating Code Enforcement's involvement due to non-compliance. Additionally, 13 cases have been referred directly to Code Enforcement which were obvious health and safety concerns and beyond the scope of Project NEAT.

Currently, Project NEAT is effectively resolving neighborhood appearance issues and continues to address the Consolidated Plan's neighborhood revitalization priority and the proposed Council Action Plan Image and Appearance priority. As a result, the proposed FY 2011-2012 Action Plan includes an expansion of Project NEAT in two phases over the course of the fiscal year.

For Phase 1, the work area of the current Project NEAT Program Administrator would expand beyond the boundaries of Escondido's organized neighborhood groups into all CDBG-eligible residential areas. A previously approved part-time Department Specialist would assist with data entry, translation and other administrative duties related to Project NEAT. After a six-month assessment period, Phase 2 would be implemented depending on the number of cases, demand and workload as measured in Phase 1. Phase 2 would add an additional part-time Project NEAT field staff person to address property maintenance issues in CDBG-eligible residential areas.

CDBG-Funded Code Enforcement

In addition to an enhanced Project NEAT approach, CDBG-funded neighborhood revitalization efforts would include funding two part-time Code Enforcement Officers to work in commercial areas of CDBG-eligible census tracts. The officers would address code issues relating to business licensing, illegal signage and other appearance and compliance issues generally associated with commercial areas.

Elm Street/Habitat for Humanity Project

This project will include full street improvements consisting of new curbs, gutters, retaining walls, sidewalks, street lights and new surfacing of streets in public rights of way on Elm Street between

Washington and the Escondido Creek Trail. This project will be done in conjunction with the Habitat for Humanity townhome project in the same location, and will incorporate elements to facilitate future revitalization of the Escondido Creek Trail.

Escondido Creek Trail Revitalization – Juniper to Broadway

Where eligible, CDBG-funded projects to revitalize the Escondido Creek Trail are recommended to continue the momentum started with the Escondido Creek Trail Vision Plan (completed in March 2011). For FY 2011-2012 it is recommended that CDBG funds be used for a “demonstration project” along the Escondido Creek Trail from Juniper to Broadway. The project will include landscaping, lighting and other improvements along the trail as inspired by the Escondido Creek Trail Vision Plan and the future Escondido Creek Master Plan which leverages \$75,000 in SANDAG grant funds, providing adjacent neighborhoods with safer, more attractive bicycle and pedestrian access.

Finally, CDBG funds are recommended to be allocated to Phase 4 of the Tulip Street Improvement Project, and for additional funding to North County Community Services for improvements to their child care facility on Oak Hill Drive which was approved as part of last fiscal year’s CDBG Action Plan.

Proposed Public Service Activities

The FY 2011-2012 Action Plan includes activities which address the priorities of the Consolidated Plan. Staff recommends continued and/or expanded funding for the following programs.

- Learn to Swim program, providing water safety training to low-income youth and adults in the Mission Park area;
- Exceptional Promise scholarship program, providing opportunities for low- and moderate-income individuals to participate in activities offered by the Escondido Recreation Division which might otherwise be economically unfeasible;
- Bi-lingual, workforce-oriented computer training targeted at Mission Park area residents;
- Workforce-oriented computer lab at the Escondido Public Library;
- Food 4 Kids Backpack program providing 50 very low income students at Lincoln Elementary with backpacks full of healthy food each week;
- Older-Adult services provided by the City’s Community Services Department, including a low-cost transportation program and Senior Nutrition Program at the Joslyn Senior Center;
- Meal delivery services for homebound seniors and people with disabilities;
- SAFEWALK, a parent volunteer effort to ensure students can walk to and from school safely, leveraging Escondido Union School District funds;

FY 2011-2012 One-Year Action Plan for CDBG and HOME

April 6, 2011

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- Regional Winter Shelter, which serves homeless men and women during the cold winter months.

The maximum allowable allocation for administration of the CDBG program (20%) is also included in the FY 2011-2012 Action Plan allocation recommendations per Council's recommendations at the March 9, 2011 public hearing.

The FY 2011-2012 Action Plan for CDBG and HOME will be available for a 30-day public review and comment period from April 7 – May 7 on the City's Web site www.escondido.org and upon request from the Neighborhood Services Division. Public input received will be incorporated into the final Action Plan document which will be submitted to HUD in May 2011.

Respectfully submitted,



Jerry Van Leeuwen
Director of Community Services



Roni Keiser
Housing Manager



Rich Buquet
Neighborhood Services Manager

Attachment A

City of Escondido

**FY 2011-2012 One Year Action Plan
CDBG and HOME**

**Sam Abed
Marie Waldron
Olga Diaz
Ed Gallo
Michael Morasco**

**Mayor
Deputy Mayor
Councilmember
Councilmember
Councilmember**

**Available for Public Review and Comment
April 7, 2011 – May 7, 2011**

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EXECUTIVE SUMMARY

The FY 2011-2012 Action Plan covers the second year in the City's FY 2010-2015 Consolidated Plan period. The Five-Year Consolidated Plan and the One-Year Action Plan are required as part of the application and planning processes for four formula-based federal housing and community development programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The City of Escondido directly receives and distributes CDBG and HOME funds. ESG and HOPWA funds are received indirectly through the County of San Diego.

The statutes for the grant programs included in the Consolidated Plan set forth three basic goals to benefit low and very low-income persons:

1. Provide a suitable living environment. This includes improving the safety and livability of neighborhoods, organizing working and viable neighborhood groups, increasing access to quality facilities and services, reducing the isolation of income groups within areas by expanding affordable housing opportunities and revitalizing deteriorating neighborhoods, restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons and conserving energy resources.
2. Provide decent housing. This includes retaining the affordable housing stock, increasing the availability of permanent housing that is affordable to low-income households without discrimination, assisting homeless persons to obtain affordable housing and increasing supportive housing that includes structural features and services to enable persons with special needs to live independently.
3. Expand economic opportunities. This includes creating and retaining jobs accessible to low and very low-income persons, providing access to credit for community development that promotes long-term economic and social viability and empowering low-income persons in federally-assisted and public housing to achieve self-sufficiency.

The consolidated strategy allows communities to establish a unified vision for housing and community development activities through a collaborative effort and process. By consolidating the submission and reporting requirements for HUD formula programs, the federal government is providing local jurisdictions with an opportunity to better shape the various programs into effective, coordinated neighborhood and community development strategies. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive framework and reduces duplication of effort at the local level. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that families and communities can work together and succeed.

The City of Escondido's current Consolidated Plan was developed through a collaborative community process that identified needs, established priorities and developed goals, objectives and performance benchmarks for housing and community development actions. The Plan covers the period of FY 2010 – 2015 and was approved by City Council through a public process on

March 24, 2010. The housing needs are similar to those discussed in the California State mandated Housing Element.

Each year, the City is required to prepare an action plan specifying how resources will be allocated to address the priorities established in the Consolidated Plan.

The FY 2011-2012 One-Year Action Plan specifies how CDBG and HOME Investment Partnership funds will be allocated to achieve the community development and affordable housing priorities of the Consolidated Plan. The FY 2011-2012 One-Year Action Plan is comprised of the following components:

1. A summary of available resources and the activities the City plans to undertake in FY 2011-2012 to address its Consolidated Plan priorities and objectives for affordable housing, community development and homelessness;
2. A needs analysis pertaining to housing, community development and the continuum of care for homeless and non-homeless persons requiring supportive housing;
3. The City's monitoring standards for HOME-assisted rental and CDBG projects;
4. A description of each proposed CDBG- and HOME-supported activity; and
5. A map of FY 2011-2012 project locations.

HUD-required forms, including the SF424 Form/Applications for CDBG and HOME will be included in the final document.

In FY 2011-2012, the City of Escondido will use a multi-faceted approach to provide affordable housing and meet community development needs. The critical factors in this approach are: the formation of partnerships among public, private and nonprofit agencies and the leveraging of resources to revitalize low-income neighborhoods to acquire and rehabilitate affordable housing; to develop first-time homebuyer opportunities; to create jobs and prepare low-income individuals to secure and maintain employment; to transition homeless families/individuals to self-sufficiency; and to provide health and human services to meet the needs of special populations.

At the time of this report, the actual allocation amount of CDBG and HOME funds to be received from HUD is not known, so estimates are used. An estimated 10% reduction in CDBG and HOME funds is expected as part of the federal government's efforts to decrease the deficit. Should the actual allocations be substantially higher or lower than estimated, a public hearing will be scheduled for a future date to approve an Action Plan amendment revising the allocation amounts. The City defines a substantial change to the scope of a project as a change that affects the funding level by greater than 25 percent of projects budgeted at more than \$100,000. Non-substantial increases or decreases to the HOME allocation will be proportionally dispersed to current distributions. The City of Escondido will work to identify opportunities to leverage resources from other sources of funding to offset reductions as appropriate.

Geographic Areas

To best address the priorities of the Consolidated Plan, CDBG resources are concentrated in specified low-income areas to achieve a more targeted benefit (see Appendix D - "Distribution of CDBG-Funded Projects by Local Priority.") These areas include the Mission Park area, which includes two low-income census tracts (Census Tracts 202.02 and 202.12) which have been identified as two of the lowest income tracts in the entire county, requiring significant resources to address quality-of-life issues such as employment and services for at-risk youth and their families, the Westside area (Census Tract 205.00) and other low-income areas which are targeted for residential and commercial/industrial revitalization.

Agencies Responsible for Administering Programs

The City of Escondido Neighborhood Services Division will serve as the lead agency in the administration of all CDBG projects proposed in this plan. The City will contract with local nonprofit organizations to administer public service and fair housing activities in addition to administering some projects directly. Where applicable, contract agencies (subrecipients) will be responsible for program implementation. Contract performance will be monitored by the City of Escondido.

The City of Escondido Housing Division will serve as the lead agency in the administration of HOME projects proposed in this plan. The City will contract with local housing developers and lending institutions to help implement housing programs.

COMMUNITY RESOURCES

Many federal, state and local resources are expected to be available to address the housing and community development priority needs identified in the Consolidated Plan.

Supportive Housing Program (SHP) Funds

Escondido's homeless service providers have been very successful in competing for SHP funds. These funds provide transitional housing and support services for homeless families and a variety of special populations. The Supportive Housing Program is a critical source of funding for Escondido's Continuum of Care.

The Spruce Street Project provides stabilization, support services and short-term housing with a capacity to support 34 homeless adult individuals with alcohol, drug and/or mental health problems. Interfaith Community Services is the lead agency and has leased the City-owned property on Spruce Street for the past 15 years. In January 2011, the City terminated the lease for the purposes of future redevelopment and the terms of the lease transitioned to a month to month basis. On January 25, 2011 the City issued notice to the leaseholder extending the lease until June 30, 2011 with no change in rent. Therefore, the lease termination date was extended to June 30, 2011.

The Escondido New Resolve project will be supported by \$56,000 in Veterans Affairs per-diem funds through Interfaith Community Services, \$230,000 in VA Homeless Grant funds, \$37,000

in resident rent, and approximately \$36,000 in Parolee Partnership funds for a total of approximately \$516,000 during FY 2010-2011. The Vietnam Veterans of San Diego is the lead agency for this 44-bed transitional housing and supportive services project, which houses 33 homeless veterans and 11 homeless non-veterans. Residents participate in a variety of programs, including drug treatment, mental health services for trauma and other problems, and job training and placement.

Genesis I and II are transitional housing projects for homeless families with children, sponsored by Interfaith Community Services. A one-year SHP renewal grant for Genesis I (\$103,415) and a one-year grant for Genesis II (\$64,214) that began in January 2011 and March 2011, respectively, maintain these 92 beds. The renewal grants support intensive case management, vocational rehabilitation, psychological counseling and life skills training to help homeless families achieve self-sufficiency. Interfaith Community Services will continue to reapply in annual federal NOFAs for a similar amount of funding.

Interfaith receives an annual \$82,129 in HUD SHP funds for the CASA program, which serves women and children with a disability and/or a history of domestic violence. This is a longer-term transitional housing program with intensive case management and related support services. CASA has its renewed grant funding start again each April 1.

Interfaith also receives two additional SHP grants, each funding six permanent supportive housing beds for chronically homeless seniors with disabilities. The first grant, Raymond's Refuge I, is for \$558,732 and covers the period of August 2008 to July 2011. The second grant, Raymond's Refuge II, is for \$575,735 and covers the period of May 2009 to April 2011.

Shelter Plus Care

Shelter Plus Care funds, administered by the County of San Diego, provide transitional housing and support services for homeless individuals and families who are disabled, mentally ill, or substance abusers. Interfaith Community Services received \$193,382 for a one-year renewed sponsor-based contract. The County of San Diego HCD partners with Mental Health Systems annually to renew the Shelter Plus Care Tenant Based Program which provides permanent housing to individuals and families receiving supportive services. This renewal process generally occurs each Spring-Summer.

Department of Justice

The City of Escondido Police Department successfully competes for grants for programs which support Consolidated Plan objectives. \$2.3 million in funds is being received from the U.S. Department of Justice Community Oriented Policing Services (COPS) Hiring Recovery Program Grant, which supports the City's priority to revitalize low-income neighborhoods through direct citizen involvement in improving the physical and social environment. By definition, community-oriented policing involves direct citizen participation. COPS officers work closely with Neighborhood Services and Code Enforcement to address neighborhood code violations, abandoned vehicles and engage in other neighborhood revitalization activities.

Federal Emergency Management Agency (FEMA) Emergency Food and Shelter Program (EFSP)

Federal ARRA funding, which, in combination with other HUD monies and private donations, is used to address the City's priority homeless needs. For FY 2009-2010, Interfaith Community Services received \$56,999.10 from ARRA funds for Motel Voucher Program and for Congregate and Supplemental Food. Through the 2011-2011 year, funding from these federal streams consisted of the following:

- ARRA - \$183,404, processed as a supplement to Interfaith's normal annual FSS contract via Lifeline Community Services for Family Self-Sufficiency
- FEMA EFSP assistance -
 - 19,353 pounds of food for pantry distribution, valued at \$16,329
 - \$43,245 reimbursement for congregate (served) meals in the Escondido area
 - \$20,807 worth of rent/mortgage assistance, provided from May – July 2010; provided from Interfaith's Escondido office (not necessarily just to Escondido residents)
 - \$15,180 in hotel/motel vouchers

Interfaith expects to apply for the 2011-2012 cycle of FEMA EFSP assistance during April when the RFP is released, with awards made in July of 2011.

Department of Labor/Workforce Investment Act (WIA) Programs

Workplace Investment Act (WIA) programs and the Homeless Veterans Reintegration Program (HVRP) are also offered within Escondido. Interfaith Community Services operates a variety of programs for veterans, which provide supportive services, case management, psychological counseling (including specialized PTSD/TBI treatment), and employment services. Interfaith has received over \$2,959,150 for WIA programs for veterans over the past 3 years. This includes a WIA grant (January 2009 – December 2011) for Recently Separated and Dislocated Veterans in the amount of \$500,000 and an HVRP grant (FY 2009-2012) in the amount of \$900,000.

- In addition, North County Inland Career Center receives WIA funding grants to operate its one-stop shop consolidated career center offering a variety of services for the unemployed and for those at risk. Ongoing programs at NCICC include case management, job skills assessment, occupational skills training, job search assistance and computer classes.

The Escondido Education COMPACT receives WIA funding for services for youth ages 14 to 21 in Escondido and neighboring North County cities. The programs leverage a variety of federal, state, and local resources. COMPACT expects to receive WIA funding of approximately \$600,000 in FY 2010-2011 for youth services.

In addition, COMPACT is receiving \$431,715 in American Recovery and Reinvestment Act (ARRA) funding which, leveraged with WIA funding, will provide a 2010 Summer Youth Employment Program for youth ages 14 to 24 in Escondido and neighboring North County cities.

Department of Health and Human Services (HHS)

HHS funds essential services for programs with children and maternal health components, as well as domestic violence programs. A variety of programs are operated by Neighborhood Healthcare including medical, dental, behavioral health, pharmacy, HIV outreach, education and treatment for the uninsured.

Other Federal Healthcare Resources

Primary medical and behavioral health care integration program in collaboration with Mental Health Systems, Council of Community Clinics, Community Research Foundation, Imperial Beach Health Center, and the County of San Diego. This funding originates with the Federal SAMHSA program.

Clinic services, outreach and health education related to family planning. This funding originates from Federal Title X.

Healthcare for the Homeless provides for medical, dental and behavioral health services to individuals who meet the 'homeless' criteria. These funds originate from Federal programming.

Healthcare services, including primary care, behavioral health and oral health for the uninsured are supported in part by the Federal Health Resources and Services Administration Agency (HRSA)

Department of Veterans Affairs (VA)

The VA funds essential housing and supportive services for homeless and non-homeless veterans in Escondido. In FY 2010-2011, Veterans Village of San Diego (VVSD) expects to receive approximately \$360,000 from the VA and \$209,000 from HUD to provide mental health, alcohol/drug treatment and job training services for homeless veterans. In addition, through the 2011-2012 fiscal year, Interfaith Community Services will receive VA reimbursement funding for Escondido-based housing including Veterans transitional housing on Aster Street, the 44-bed Merle's Place transitional housing program, and a Recuperative Care program for ten Veterans at a time on Aster Street. The total annual dollars for these three programs is expected to be approximately \$1,146,500.

Social Security Administration

The Social Security Administration (SSA) has, in the past, provided grant funds for programs that serve chronically homeless disabled persons with services including Social Security eligibility screening and application assistance, housing, drug/alcohol treatment, therapy, case management and other supportive services. Although funding from SSA ended in April 2008, through the successful leveraging of other resources Interfaith Community Services has continued to provide advice and referrals for Social Security eligibility, and continues to provide the other services to the chronically homeless population in Escondido.

County of San Diego

The County of San Diego supports a wide range of services in Escondido that contribute to achieving the Consolidated Plan's community development objectives. The County's Aging and Independence Services division supports nutrition and transportation services for older adults in Escondido. In addition, mental health counseling and treatment, residential and non-residential alcohol/drug recovery services, juvenile diversion, child abuse prevention and public health services are all provided through County offices located in Escondido and through local nonprofit organizations supported with County funds.

During FY 2011-2012, Palomar Family Counseling Services, Inc. (PFCS) anticipates receiving funds from County Children's Mental Health (CMH) Services to provide on-site counseling and case management services at the Escondido Union High School District's various locations. In addition, PFC anticipates receiving funds from CMH to provide individual and group counseling and case management for preschool age children and their parents. PFC is also receiving funds from the County's Health and Human Services Agency – School Age Services for a North County Prevention and Early Intervention program (NCPEI) for elementary age school children and their families at Rose and Pioneer elementary schools.

Neighborhood Healthcare receives funding from the First 5 Commission of San Diego that partially provides for services of a part-time pediatric dentist, care coordination for high-risk children 0-5 years of age and prenatal women, and a treatment fund for uninsured children and prenatal women. This funding originates from the State and goes to the County.

CalFresh Outreach Program, previously the Food Stamp program, provides outreach, application assistance and general support to applicants in an effort to improve access to Cal Fresh benefits. This funding originates from Federal programming.

Health Care Coverage for Uninsured Chronic Disease Patients (Coverage Initiative) is no cost insurance for adults between the ages of 21-64 years of age with a diagnosis of diabetes and/or hypertension and other chronic conditions. (cannot be Medi-Cal eligible), and pays for office visits to a primary care provider, case management, care coordination, nutrition/diabetes education classes, prescription medicines and dental services. County funding provides for outreach, application assistance, enrollment, retention and utilization activities. This funding originates from State/Federal matching funds.

Funds from First 5 Commission of San Diego are used to assist with enrolling children, 0-5 years old and pregnant women in a public health insurance program such as Healthy Families, Medi-Cal, AIM, California Kids, Kaiser Child Health Plan, helping them maintain coverage, and instructing on appropriate use of covered services. This funding originates from the State.

Senior Latino Peer Promotoras Project a community program focused on North Inland Latino seniors who may be home alone, isolated and monolingual. The project is designed to increase access to behavioral health services; in particular, provide for a depression care manager to can help clients navigate resources for care. This funding originates from the State and goes to the County Department of Mental Health Services.

State of California

The State of California supports numerous programs within Escondido that support achievement of the Consolidated Plan priorities, including funds from the Department of Education, Child Development Division to support childcare facilities and to subsidize tuition for low-income residents and families in Escondido.

In 2008 Escondido Community Child Development Center was awarded \$1.14M by the California Department of Education, Child Development Division (CDE/CDD) to provide early care, early intervention early education and essential nutrition: comprehensive educational and social services for 120 newly enrolled families. Families qualify for this subsidized Title V program based on documented need and eligibility. In 2009 ECCDC also received a CDE/CDD 10-year Revolving Facilities loan (-to-own) of \$1,330,000 to install 6 modular classrooms at their new facility currently under construction at 2269 E. Valley Parkway. This new childcare facility will be licensed to provide subsidized childcare for 144 infants-toddlers and preschool age children when fully operational on or before October 1, 2010.

For FY 2010-2011, Escondido Community Child Development Center will receive Department of Education funds totaling \$3,343,171. ECCDC has three licensed facilities with 105 employees. The Agency is fully subsidized to serve 67 infants, 183 toddlers, and 205 preschool age children for a total of 455 children daily. Children are offered two main meals and two snacks each day: ECCDC serves over 430,000 meals per year subsidized by the California Adult and Child Food Program (CACFP).

The State receives Federal funds which are matched to provide Neighborhood Healthcare reimbursement for services provided for Medi-Cal, Denti-Cal and FPACT (Family Planning, Access, Care, Treatment).

Redwood Elderlink receives Department of Education funds totaling approximately \$28,000 per year for enhanced meal and nutrition programs offered to seniors and disabled adults. Redwood Elderlink also receives approximately \$54,000 per year from the State of California (via the County of San Diego Aging and Independence Services Division) in an adult day care contract to provide specialized Alzheimer's care and supportive services to families. Elderlink also receives approximately \$18,000 in a Title III contract for adult day care services for eligible seniors.

Local School Districts

Palomar Family Counseling Service, Inc. (PFCS) anticipates receiving funding from the Escondido Union High School District for site-based counseling services.

In addition, the Escondido Police Department received a Safe Schools/Healthy Students (SS/HS) Initiative CARE Youth Project Grant of \$35,900 through the Escondido Union School District (EUSD). This is a federal program designed to prevent violence and substance abuse among the nation's youth, schools and communities. The grant covers salary and overhead expenses for a part-time Police Reserve Officer who will be assigned to work with EUSD to prevent gang violence in elementary and middle schools.

The City of Escondido anticipates assisting at least one new affordable housing development to obtain tax credits in the upcoming fiscal year. Community HousingWorks is proposing a 36-unit affordable rental project in Escondido and is applying for tax credits.

Private Resources, Nonprofit Agencies

United Way - United Way supports achievement of the Consolidated Plan priorities in two important ways: by providing grant funds for specific projects and by partially funding the general operating expenses of nonprofit health and human service providers in Escondido. A wide range of services is provided with United Way funding. These services contribute to creating Escondido's comprehensive service systems for special populations and the continuum of care for the homeless.

Easter Seals – Provides services to people with autism and other disabilities through their Adult Services Center in Escondido.

Private Foundations and Funds - The City works with and funds local nonprofit agencies which actively seek private foundation and other funding to help achieve the community development priorities of the Consolidated Plan. Human service agencies funded by the City receive funding from a variety of private foundations. In some cases, CDBG funds are leveraged to acquire these private resources.

Bank Mortgages - Private financing coming from banks and other financial institutions represents a significant contribution to the City's total housing program funding resources. These private funds are used in mobilehome park conversions, first-time homebuyer loans, acquisition, rehabilitation and new construction programs.

Local Initiatives Support Corporation (LISC) - LISC's mission is to assist community residents and Community Development Corporations (CDCs) in their efforts to transform distressed neighborhoods into healthy and sustainable communities. This organization believes that building Sustainable Communities will help improve and strengthen neighborhoods, provide a means to achieve positive community change for the benefit of low- and moderate-income persons, and help residents enjoy more fulfilling lives. In the past, LISC has assisted Community Housing of North County (now Community HousingWorks), a local nonprofit housing development organization, with funding commitments for its new construction and rehabilitation of affordable housing projects. Besides financial assistance, LISC also provides training, technical and organizational support to local nonprofit developers.

Leveraging

The City of Escondido's policy is to use CDBG and HOME funds to leverage additional private and public resources, including in-kind resources from organized neighborhood groups, to address the Consolidated Plan priorities. The City encourages partnerships and collaborative efforts with private enterprises, neighborhood groups and nonprofit agencies. In addition, the City encourages shared funding arrangements with agencies requesting CDBG and HOME funding. In evaluating projects and services to be funded with CDBG and HOME funding, their ability to leverage and contribute other resources is heavily considered. The City leverages HOME funds with local resources such as Neighborhood stabilization program funds, Set-Aside

California State Library

The California State Library awards approximately \$50,000 in funds to the Escondido Library for adult, family and mobile Literacy services. In addition, these funds provide staffing to support the services provided. Funding for these programs is also provided through Literacy Friends Group and the Library Trust Fund.

Department of Mental Health

The California Department of Mental Health Support Services Initiative Act (SSIA) provides funds for psychiatric and psychological services to chronically mentally ill, homeless adults.

Redevelopment Set-Aside Funds

The 20% tax increment Redevelopment Set-Aside Funds are Escondido's most significant local resource for housing development, rehabilitation, acquisition, tenant assistance, new construction, homebuyer assistance, and support services for the City's various redevelopment project areas.

California Housing Finance Agency (CalHFA) HELP Program

The goal of the CalHFA HELP (Housing Enabled by Local Partnerships) program was to provide affordable housing opportunities through program partnerships with local government entities, consistent with their affordable housing priorities. While the program has been temporarily suspended, there are five developments that have been assisted with a low-interest, ten-year CalHFA loan in the last ten years, three of them within the previous five-year Consolidated Plan period. Juniper Senior Village, a 61-unit affordable senior development, benefited by a CalHFA loan in 2008 and was completed in fiscal year 2010-2011. The City does not expect any additional CalHFA loans to be available in the upcoming fiscal year.

Section 8 Vouchers

The total number of households served by Section 8 rental assistance in the City of Escondido for FY 2009-2010 was 1,227. An average of \$756,242 was spent on the program each month, totaling \$9,074,908 for the year. It is anticipated that a similar number of households in Escondido will be assisted in FY 2011-2012.

Low-Income Housing Tax Credits

In the past, the City has been successful in assisting affordable housing developments that have received tax credits. The City assisted in two recent tax credit applications for projects that are ongoing. Both projects were awarded tax credit allocations. Juniper Senior Village, a 61-unit (60 affordable) senior housing development on Washington Avenue submitted by National Community Renaissance (CORE), was awarded tax credits during the 2009-2010 Fiscal Year in the amount of \$863,947 annually and was completed in FY 2010-2011. The Crossings at Escondido, a 55-unit family rental development currently under construction on Mission Grove Place and submitted by Urban Housing Communities, was awarded tax credits in the amount of \$2,033,305 annually in September, 2009. The project is anticipated to be completed early in FY 2011-2012.

Redevelopment funds, Tax Credits, and private mortgages. Leveraging resources will continue to be a priority.

Enhanced Coordination Between Public and Private Agencies

The City will work closely with other public and private agencies in order to implement and coordinate the objectives, programs and policies for producing and preserving affordable housing and meeting community development needs. The City encourages the participation of other agencies in the development of affordable housing programs and social services aimed at reducing the number of households with incomes below the poverty line. Several nonprofit organizations in the community have been working with the City under different projects and programs. These organizations address the lower income segment of this community by providing services such as support services, education, job training, budget counseling and assistance in obtaining permanent housing.

Two nonprofit organizations located in Escondido are currently certifiable as Community Housing Development Organizations (CHDOs) by the Housing Division. They are San Diego Habitat for Humanity and Community HousingWorks. This certification promotes better coordination of available HOME federal funds for development of affordable housing. It also enhances coordination between public and social service agencies.

To coordinate the use of funding sources to develop housing programs, an Affordable Housing Committee (AHC) is utilized. The AHC is made up of representatives from various City departments and divisions such as Housing, Neighborhood Services, Planning and Building, Code Enforcement, Finance, Engineering, and the City Attorney's Office. The group meets to discuss the physical development of the projects, as well as the use of HOME funds and other sources of funds for the development of the projects. This provides an effective method of coordinating the various departments, people, programs, and funding sources to be used in the jurisdiction.

Foster Resident Initiatives

The City of Escondido utilizes CDBG funds to directly involve residents in improving the physical and social environments of their neighborhoods. The City serves as a catalyst to stimulate residents' participation in the revitalization of its community by providing resources, technical expertise and support. Documented decreases in crime, code issues and graffiti have resulted from this partnership between neighborhood groups and the City.

Housing Resources

The City is a participating jurisdiction for the federal HOME program and anticipates receiving \$816,169 for fiscal year 2011-12, which is an estimate based on an anticipated 10% reduction to HOME allocations. The City also anticipates receiving program income of approximately \$240,831. These monies will provide for first-time homebuyer loans for low-income residents as well as a contingency for the development of future affordable housing. City staff will review any potential applications for additional federal and/or state resources in order to further leverage the currently available revenue streams.

changes will affect future funding. A 30 day public comment and review period will be provided before the amendment is submitted to HUD.

FY 2011-2012 One-Year Action Plan Public Review and Comment Period

The FY 2011-2012 One-Year Action Plan will be made available for public review and comment from April 7, 2011 to May 7, 2011 on the City of Escondido's Web site at www.escondido.org or by contacting the Neighborhood Services Division at (760) 839-4517.

Institutional Structure

Housing and community development programs in the City of Escondido will be carried out by an institutional structure that includes public institutions, nonprofit organizations, educational institutions and private industry. The institutional capacity of these agencies includes human resources to assist in the development, implementation and monitoring of housing and community development programs. An assessment of the institutional structure in the City of Escondido indicates various agencies and organizations are actively collaborating to develop and administer programs and policies to increase affordable housing units and address community development needs. Examples of collaborators include:

- Escondido's 14 organized neighborhood groups
- SAFEWALK parent volunteer program members
- Escondido Workforce Roundtable
- Alliance for Regional Solutions
- Regional CDBG Administrators Group
- Fair Housing Resources Board
- Emergency Food and Shelter Program Board
- Escondido Police Department Gang Prevention Programs

Monitoring Standards

As an entitlement city in the CDBG program and a participating jurisdiction in the HOME program, the City of Escondido is responsible for ensuring that federally-assisted projects and programs comply with all applicable statutes and regulations. The City will monitor the activities of all entities receiving funds from the City to ensure compliance with requirements and for taking necessary corrective action should performance problems occur.

The City of Escondido uses HOME funds to assist first-time homebuyers through the Homebuyer Entry Loan Program (HELP). The funds are used as a direct subsidy to the homeowner for closing costs, escrow costs or principal. The HELP program offers a loan amount of 5% of the purchase price, up to a maximum of \$25,000.

The City imposes recapture requirements that comply with the standards of the HOME Final Rule under Title 24 Section 92.254. If the property that is assisted with HOME funds is no longer owner-occupied, is refinanced or is sold during the first ten years, the homeowner is responsible for repaying the entire principal amount plus interest to the City. Interest is forgiven after ten years, but repayment of principal is still required. Recaptured funds are re-invested by the City into the HELP Program.

To accommodate the current trends in the housing market, including an increase in the number of property foreclosures and short-sales, the City has revised the loan documents for the HELP Program to protect the City's HOME funds. The documents have been revised to include specific language related to the Recapture Provisions required in CFR 982.254(a)(5)(ii). The language specifies what repayment the City would require if there were no net proceeds from a home sale or if the amount of net proceeds was less than the amount owed to the City through the HELP loan.

CITIZEN PARTICIPATION

Public Hearings

Two public hearings were held to develop the FY 2011-2012 One-Year Action Plan. At the first public hearing, held on March 9, 2011, the priorities from the FY 2005-2010 Consolidated Plan were presented in order to solicit public feedback on whether to continue those efforts to further the progress made over the last five years by carrying forward the existing priorities, or establish new priorities. At this public meeting, public comments were received and Council reaffirmed the FY 2005-2010 Consolidated Plan priorities with added emphasis in the areas of neighborhood revitalization. The second public hearing will be held on April 6, 2011 to present the draft One Year Action Plan for FY 2011-2012. Additional public feedback will be solicited and received.

Process for Amending the One-Year Action Plan

In accordance with the Citizen Participation Plan, amendments to the One-Year Action Plan are to be considered any time that a "substantial change" to a project is intended. A "substantial change" is defined as a change in the location of a project, a change in scope of a project which affects the funding level of *more than* \$25,000 for projects budgeted at \$100,000 or less, or greater than 25 percent of projects budgeted at more than \$100,000.

Any time an amendment to the One-Year Action Plan is made, a public hearing will be conducted and the public hearing will be noticed in local English and Spanish-language publications. The notice will provide an explanation of the changes and describe how the

changes will affect future funding. A 30 day public comment and review period will be provided before the amendment is submitted to HUD.

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Monitoring Standards

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Monitoring Standards for Home-Assisted Rental Projects

Prior to disbursement of HOME funds to any entity, the City shall enter into a written agreement with the entity ensuring compliance with all applicable statutes and regulations. Agreements will remain in effect for the requisite period of affordability.

The City is responsible for the review of activities of owners of HOME-assisted rental housing to determine compliance with applicable regulations and written agreements. Post-completion property inspections shall be conducted to ensure that properties meet all local codes and standards. Multi-family housing projects containing at least 26 units shall be inspected on-site annually to determine compliance with housing codes, HOME regulations and written agreements. For rental projects containing five to 25 units, an on-site review shall be made once every two years. Projects containing one to four units shall be inspected every three years. Review of rent levels and recertifications of tenant income levels shall be conducted on an annual basis. The results of all reviews shall be and have been included in the HOME annual performance report and shall be and were made available for public review.

Monitoring Standards for CDBG Projects and Program

Recipients of CDBG funds (subrecipients) are required to enter into written agreements with the City prior to receipt of CDBG funds. The agreements govern the activities of subrecipients and specify regulations and conditions under which funds will be provided. Additionally, agreements define the purpose and nature of services and projects and where they will be provided, the tasks to be performed, the level of service to be offered in quantifiable units, performance measurements and a project implementation schedule within a defined contract period.

The City will monitor all CDBG project and program activities on an ongoing basis to ensure compliance with HUD regulations and City policies, facilitate timely completion of projects and provide opportunities for dialogue with subrecipients. Monitoring strategies will include on-site field visits, telephone calls, monthly review of financial records, quarterly review of agency performance reports and the provision of technical assistance as needed. Annual site visits will be conducted for all subrecipients new to the CDBG program, those with previous compliance or performance problems and those carrying out multiple or high-risk CDBG activities.

Lead-based Paint

The City of Escondido is committed to addressing lead-based paint hazards. On January 24, 2001, the Escondido Community Development Commission approved a grant program for lead-based paint testing and hazard reduction in pre-1978 housing, in conjunction with the Owner-occupied Housing Rehabilitation Loan Program. The program grants owner-occupants (who are rehabilitating their homes through the City's Rehabilitation Program) funding to conduct required lead-based paint related activities under Title X regulations such as paint testing, risk assessment, hazard reduction, or abatement and clearance. Currently, grants are paid with Housing Set-Aside Funds budgeted for the FY 2010-2011 Rehabilitation Program. It is anticipated that money for FY 2011-2012 will also be budgeted for lead-based paint activities. Additionally, City Housing staff will continue to attend meetings, seminars and training

regarding lead-based paint hazard testing and reduction. Staff will also continue to provide informational brochures to the public regarding lead-based paint hazard reduction.

HOUSING

Affordable Housing Activities

A variety of housing programs and projects will be utilized in FY 2011-2012 to address the priorities of the Consolidated Plan. There are six adopted housing priorities, several 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.

Priorities 1 and 2 relate to the need for homeownership in Escondido. This FY 2011-2012 One-Year Action Plan addresses the need to reduce turnover rates and increase a sense of ownership within the community. The issuance of Mortgage Credit Certificates (MCCs) and HELP (Homebuyer Entry Loan Program) loans will assist first-time homebuyers in the purchase of their homes. At the inception of the HELP program, over 50 loans were issued annually. The number of HELP loans declined considerably when housing prices escalated. However, with the current foreclosure problem loan activity has increased substantially. During fiscal year 2008-09 71 HELP loans have were issued and during fiscal year 2009-2010 45 HELP loans were issued. From July 1, 2010 through December 2010, 22 additional HELP loans have been made. Staff continues to anticipate the need for all Housing Development HOME funds to be allocated to the HELP program for the minimum issuance of 27 subordinate deferred loans for the upcoming fiscal year.

Lower-income owner-occupants who live in substandard units have been designated a high priority for assistance in maintaining their homes. In keeping with the Consolidated Plan, the City expects to fund an average of 22 owner-occupied, single-family and mobile home rehabilitation loans each year. Funding of loans will be accomplished with Housing Set-Aside Funds.

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 that are affordable to lower-income households, and the doubling up of families to save on housing costs.

In order to address the increasing need for housing for low-income seniors, the Consolidated Plan sets an objective to fund commitments to assist an average of 295 elderly households per year with rental assistance. The Consolidated Plan also sets forth an objective of providing 23 additional rental units for families per year. As a strategy toward meeting related priorities, the City's FY 2011-2012 One-Year Action Plan places an emphasis on the rehabilitation of rental units and new construction of rentals in some instances where determined to be appropriate. During the 2009-2010 fiscal year the City continued to assist National CORE (formerly SoCal Development) in its redevelopment of a dilapidated mobilehome park into a senior complex with 61 rental units on Washington Avenue. The project opened in December 2010. The city also assisted Urban Housing Communities in its redevelopment of Elder Place, a severely declining area of the Mission Park Neighborhood, into 55 multi-family rental units that include three and four bedroom units. It is expected to begin occupancy in the summer of 2011.

In the upcoming fiscal year, the City will assist San Diego Habitat for Humanity to develop fourteen ownership units, affordable to low-income families. The City also will assist Community HousingWorks to develop 36 new rental units, 35 which will be affordable to families earning between 30 and 60% AMI.

Needs of Public Housing

There is no public housing in the City of Escondido.

Barriers to Affordable Housing

In order to remove barriers to affordable housing, City staff will continue to monitor and review planning and housing policies and ordinances for impacts on the ability of developers to produce affordable housing units. The purpose of this review is to reduce governmental constraints on the production and preservation of housing for very low-income and low-income households.

HOME/American Dream Down Payment Initiative (ADDI)

ADDI funds are not anticipated for this year.

HOMELESS AND SPECIAL NEEDS POPULATIONS

Continuum of Care for the Homeless

Support for Escondido's homeless individuals and families will continue in FY 2011-2012 through participation on regional boards, commissions and other discussion forums which ensure support for the series of programs that constitute Escondido's Continuum of Care. The One-Year Action Plan also includes the Regional Winter Shelter program, providing \$33,000 in funds which, leveraged with funds from several other cities in the region, provide emergency shelter for men and women during the cold winter months.

At its entry point, the Continuum consists of basic survival services such as food, clothing, shelter and case management. Additional services include job training and placement, life skills training, childcare, support groups and residential care. These projects are part of Escondido's Continuum of Care for the homeless and are primarily funded through the Supportive Housing Program and supplemented with CDBG and other federal, state and private resources. These resources are listed and described in the Community Resources section of this report.

Activities to Meet the Needs of Special Populations

Nearly all of the CDBG-funded projects proposed for FY 2011-2012 are designed to meet the needs of special populations, including youth, senior citizens and persons with physical disabilities. During FY 2011-2012, the City will support the following projects with CDBG funds to meet the needs of special populations:

- Learn-to-Swim water safety classes targeted at the ethnically diverse and economically challenged Mission Park area;
- Workforce-oriented computer access and support at the library for individuals seeking job information, filling out online job applications, writing résumés, applying online for unemployment benefits, locating housing and searching for other workforce-related community resources;
- Daily in-home meal delivery for homebound, low-income seniors and people with disabilities;
- Daily hot meals to seniors;
- Specialized, coordinated transportation services for low-income seniors and people with disabilities;
- Emergency shelter and case management services for homeless men and women during the cold winter months;
- Job-readiness training through subsidized computer classes targeted at Mission Park residents;
- Weekend supplies of healthy food to very low-income elementary school students living in the Mission Park area;
- ADA improvements to City facilities and public capital projects.

Projects funded for FY 2011-2012 are well distributed throughout the City, with targeted concentration in the Westside and Mission Park areas. Specific project descriptions and allocation amounts are identified in "Appendix B - CDBG Allocations Table." All proposed projects are required to undergo and receive environmental clearance in order to receive funding.

Affirmatively Furthering Fair Housing

The City of Escondido has made a strong commitment to the provision of fair housing in its community. The goal of the City's Fair Housing Program is to affirmatively further fair housing through specific educational, outreach, and monitoring activities.

Currently, the City contracts with the North County Lifeline to provide comprehensive fair housing services. The contract with North County Lifeline includes landlord/tenant counseling, which is administered by a full-time bilingual counselor/mediator who is available by phone on a daily basis. In addition, the provider educates property owners and managers and assists them to comply with fair housing regulations.

The City completed an analysis of impediments (AI) to Fair Housing in 1996 and participated in the completion of a Regional AI in 2000 and another in 2004. A new Assessment of Impediments to Fair Housing Choice (AI) has recently been prepared on a regional basis. A notice regarding citizen input was placed in local newspapers and the draft document was available for public review and comment for thirty days. The regional AI is on its final stages of review before submitting the final version to HUD. It is anticipated to be completed during the upcoming fiscal year. The Fair Housing Resource Board (FHRB) a group made up of staff from local jurisdictions participating in the Regional AI, has met several times to discuss collaborative actions to be taken with emphasis on determining solutions that can be implemented county-wide. The City will continue to address impediments to fair housing regionally and in Escondido as identified in the pending AI, and implement any solutions, programs and policies necessary. All of the completed AIs identify potential impediments to Fair Housing or related issues and offer actions to address them. Following is a list of the three completed AIs and the current draft AI with corresponding completion and adoption dates.

AI	POTENTIAL IMPEDIMENT OR ISSUE	RECOMMENDED ACTION (PROPOSED INVESTMENT)	COMPLETED		ADDITIONAL ACTIONS COMPLETED
			YES	NO	
			DATE	ANTICIPATED DATE	
1996 City of Escondido AI (Completed by City staff)	Increased percentage of population that is Hispanic that could trigger need to test for apartment availability	Conducted testing for apartment availability with testers that are Hispanic versus availability to those that are white	FY 1999-		Availability of landlord tenant mediation and fair housing services in Spanish and English
			2000		
	1994 housing brokerage data showing disproportion-	City to promote and/or offer free financial and credit counseling to the	1998-1999	1999-2000	From 7-1-00 to 7-1-05, 279 first-time homebuyer

City of Escondido FY 2011-2012 Action Plan for CDBG and HOME

AI	POTENTIAL IMPEDIMENT OR ISSUE	RECOMMENDED ACTION (PROPOSED INVESTMENT)	COMPLETED		ADDITIONAL ACTIONS COMPLETED
			YES	NO	
			DATE	ANTICIPATED DATE	
	ately higher denial rates for applicants who were Hispanic. Reinvestment Task Force attributes this to credit reasons (primarily its non-existence)	public in English and Spanish	2001-2002		loans and 29 mortgage credit certificates were issued. Approximately 85% were to Hispanic households. Additional testing for Hispanic ethnicity to be conducted.
2000	The need for a diverse participation on boards and commissions	Further encouragement of a diverse participation on local boards and commissions	Ongoing		2007 Council increased the pay for certain boards and commissions to encourage more diverse interest and participation

AI	POTENTIAL IMPEDIMENT OR ISSUE	RECOMMENDED ACTION (PROPOSED INVESTMENT)	COMPLETED		ADDITIONAL ACTIONS COMPLETED
			YES	NO	
			DATE	ANTICIPATED DATE	
	The need for housing programs including affordable and homeownership	Continuance of Citywide housing programs, including affordable and home ownership assistance programs Continue to conduct 1996 & 2000 recommended actions	Ongoing		Advertisements for board and commission recruitments are published in both English and Spanish-language publications
			Ongoing		

AI	POTENTIAL IMPEDIMENT OR ISSUE	RECOMMENDED ACTION (PROPOSED INVESTMENT)	COMPLETED	ADDITIONAL ACTIONS COMPLETED
<p>2004</p> <p>Regional AI (Completed by Cotton/Bridges/Associates)</p>	<p>Need to clarify zoning ordinance allowing residential care facilities (depending on the number of residents) by right as practiced in the City</p> <p>Need to have minimum density requirements</p>	<p>Amend ordinance</p> <p>Amend General Plan and Zoning Ordinance /No funding required</p>	<p>Completed in fall of 2004</p> <p>Completed in 2007</p>	

AI	POTENTIAL IMPEDIMENT OR ISSUE	RECOMMENDED ACTION	YEAR TO BE COMPLETED
<p>2010</p> <p>Draft Regional AI (Completed by Veronica Tam and Associates)</p>	<p>Escondido's' Zoning Ordinance does not provide for supportive housing and Single Room Occupancy (SRO) as required by State law (SB 2 and AB 2634)</p>	<p>Amend Zoning Code as necessary.</p>	<p>2015</p>

Zoning Ordinance allows for “pyramiding”, or allowing SF residences in MF zones	Amend Zoning Code as necessary	2015
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AI	POTENTIAL IMPEDIMENT OR ISSUE	RECOMMENDED ACTION	YEAR TO BE COMPLETED
2010	Escondido’s Zoning Ordinance does not have density bonus provisions that comply with state law	Amend Zoning Code as necessary.	2015

Escondido's Zoning Ordinance does not provide for emergency shelters by right (year round) in at least one zoning classification	Amend Zoning Code as necessary	2015
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The following are identified regional impediments that will be analyzed for applicability to the City of Escondido:

Disconnect between tenant/landlord disputes and fair housing discrimination prevention	Ensure dispute resolution/mediation services are provided	2015
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Substandard housing conditions impact minority households disproportionately	Offer/modify housing rehabilitation programs and include lead based paint information	2015
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Fair Housing providers should actively pursue Fair Housing Initiative Funds	Select providers that meet QFHO and FHO criteria for housing services	2015
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Fair Housing service disparities across region	Collaborate with fair housing service providers	2015
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Exclusion of random testing from fair housing service contracts	Incorporate testing in contracts and conduct regional audits	2015
Inconsistent data in statistical reporting	Develop a uniform reporting method to report fair housing data	2015
Difficulty in gauging success/progress of education and outreach efforts	Use outcome based performance measures and publicize outcomes of fair housing complaints to encourage reporting	2015
Non adoption of universal design ordinance	Consider adoption of u.d ordinance or encourage universal design principles.	2015
Minorities and families with children disproportionately affected by lead based paint hazards	Provide information in programs and increase education of lead based paint hazards to tenants and 1 st time homebuyers	2015
Minimal regional collaboration among fair housing service providers	Increase regional collaboration, annual review to identify service gaps	2015
Overconcentration of Section 8 voucher use in specific areas	Promote program to landlords and increase education of recipients as to choice, to disperse voucher use.	2015
Limited housing choices for persons with disabilities	Increase housing choices for persons with disabilities	2015

Racial segregation	Diversify and expand housing stock to accommodate varied housing needs of groups. Promote equal access to information and collaboration with local housing authorities and providers to ensure affirmative fair marketing plans.	2015
Underrepresentation among Hispanics and Blacks in Homebuyer market	Continue outreach efforts and homeownership opportunity awareness to minority communities	2015
Reoccurring rental/home market application denial due to credit history and financial management factors	Homebuyer programs provide education and outreach on credit history and financial management	2015
Persistent housing discrimination based on race, disability, national origin and familial status	Conduct comprehensive random testing, support reinforcement activity by fair housing providers and expand education and outreach	2015
Limited educational and outreach literature regarding fair housing issues, rights and services	Ensure ease of access to information on websites with links between jurisdictions and service providers. Prominently display information.	2015
Lack of knowledge of new laws for new homeowners becoming landlords	Coordinate education efforts between jurisdictions and service providers and target education to small property owners	2015
Increase regional collaboration		

Fair housing violations
committed by “mom
and pop” rental
operations

Coordinate education
efforts and target
education and
outreach materials to
small property owner
market

2015

Affirmative Marketing

The City of Escondido requires compliance to affirmative fair housing marketing practices when landlords and owners of assisted units are advertising the availability of housing units to solicit applications from persons of all ethnic, racial and gender groups. Affirmative marketing practices include, but are not limited to, collection of race/ethnic origin data, community marketing efforts and waiting lists.

- Written material on Federal Fair Housing Laws will be distributed to owners/tenants. All advertisements and/or public announcements regarding the program will include the "Equal Housing Opportunity" logo.
- Each property assisted will be marketed in a manner to affirmatively further fair housing, including, but not limited to, the following:

Listing available units with the Section 8 Existing Marketing Section of HCD;

Attempting to fill vacant units with families who are active certificate holders through the Section 8 program or who are applicants on the waiting list for Section 8 Certificates/Vouchers;

Using the "Equal Housing Opportunity" logo in any newspaper advertisement, or written communication to community groups, organizations, agencies or other community contacts.

- To inform and solicit applications from those persons in the housing market area least likely to apply for the housing unit, owners will utilize various community contacts to advertise unit availability.
- The City will periodically review affirmative marketing efforts made by owners to ensure compliance with Equal Housing Opportunity provisions. Where an owner has failed to follow affirmative marketing requirements, appropriate actions available under program regulations and/or applicable laws will be taken to enforce conformity.

Owners will be encouraged to comply with provisions of affirmative marketing of the units for no less than seven years after the completion date of the project.

Outreach to Minority and women Owned Businesses

Pursuant to our loan documents, all Escondido HOME fund recipients who are developing or producing affordable housing are required to maintain records which demonstrate compliance with the Equal Opportunity and Fair Housing requirements, including documentation and data on the steps taken to implement outreach programs to minority-owned and female-owned businesses.

The City continues to ensure that documentation indicates the racial/ethnic or gender character of each business entity receiving a contract or subcontract of \$10,000 or more paid, or to be paid, with HOME funds

Emergency Shelter Grants (ESG)

Emergency Shelter Grant (ESG) funds are not directly received by the City of Escondido; however, local eligible agencies receive ESG funds through the County of San Diego. ESG funds sponsor women's and children's programs and sheltering programs for single individuals and families. Interfaith Community Services received \$46,745 for the July 1, 2010 – June 30, 2011 period, with the option for two consecutive one-year renewals.

COMMUNITY DEVELOPMENT PRIORITIES

The City of Escondido Neighborhood Services Division will serve as the lead agency in the administration of all CDBG projects proposed in this plan. The City will contract with local nonprofit agencies and organizations to administer public service and fair housing activities described in the One-Year Action Plan in addition to administering some projects directly. Contract agencies (subrecipients) will be responsible for program implementation. Contract performance will be monitored by the City of Escondido.

The FY 2010-2015 Consolidated Plan specifies six community development priority areas:

1. Youth and Families
2. Economic Development
3. Senior Transportation
4. Neighborhood Revitalization
5. Homelessness and AIDS
6. Americans with Disabilities Act (ADA) community facility improvements

CDBG-FUNDED ACTIVITIES

To best address these priorities, CDBG resources are concentrated in specified low-income areas, to achieve a more targeted benefit. These areas include the Mission Park Area (Census Tracts 202.02 and 202.12) which includes two low-income census tracts that require significant resources to address quality-of-life issues such as employment and services for at-risk youth and their families; the Westside Area (Census Tract 205.00); and other low-income areas targeted for residential and commercial/industrial revitalization. For a complete description of all CDBG funded activities and specific allocation recommendations see “Appendix B – CDBG Allocations Table.”

Activities to Benefit Youth and Families

The Five-Year Consolidated Plan places great emphasis on addressing the needs of youth and families in the Mission Park area which encompasses two low-income census tracts located in the City's urban core.

Escondido's “Learn to Swim” program will continue to receive CDBG public service funds in FY 2011-2012, providing water safety classes in a low-income neighborhood. The program, now in its second year of operation, served 102 youth with varying levels of swimming skill and experience during the first year. In the first half of FY 2010-2011, it had already seen a 60%

increase in participation with 172 participants enrolled. The program was honored in March 2011 by the California Park and Recreation Association District 12 with an award for outstanding recreation program.

In FY 2010-2011, a new youth-focused nutrition program was added to Escondido's CDBG public service allocations. Administered by the San Diego Food Bank, the Food 4 Kids backpack program provides discrete backpacks full of healthy foods, nutrition information and resource referral information to very low-income students at Lincoln Elementary each Friday before they leave school. The program has shown to improve school attendance and student performance for children who might not otherwise have enough to eat over the weekend.

Finally, an increased allocation is recommended in FY 2011-2012 for the Escondido Recreation Exceptional Promise scholarship program. Approved in FY 2010-2011, this program provides bridge scholarship funding to low-income athletes who show exceptional promise in athletic activities, as identified by City recreation staff. Building on the success of the Share a Dream scholarship program, which is based solely on income and has a cap of \$150 per family annually, Exceptional Promise scholarships are based on ability, merit and potential, as well as income. The program will focus on empowering promising young athletes to pursue more advanced athletic goals. Specifically, the success of the previously mentioned Learn to Swim program has led to an increased number of low-income young people becoming more interested in advancing their aquatics skills. Through this scholarship program, those young athletes will continue to have opportunities to pursue advanced athletic goals, such as joining the Escondido Swim Club, for which costs might normally be prohibitive.

Economic Development Activities

The Economic Development priority is being addressed with a continued program at the Escondido Public Library which provides computer access for individuals seeking job information, filling out online job applications, writing résumés, applying online for unemployment benefits, locating housing and finding out about other workforce-related community resources.

Additionally, the Economic Development priority is being addressed with a continued public service allocation to provide important job-readiness computer skills targeted at residents of the Mission Park Area.

Finally, a capital improvement project at the Oak Hill Child Care facility managed by North County Community Services and approved in FY 2010-2011 will also address the Economic Development priority by increasing the child care capacity at the facility by 48 children, enabling more families to enter or remain in the workforce and/or further their education. Additional funding is included in the FY 2011-2012 Action Plan for this project.

Transportation Alternatives for Seniors

Another priority specified in the Consolidated Plan is the provision of low-cost transportation alternatives for seniors. This priority will continue to be supported in FY 2011-2012 through the City's Older Adult Services Division, which has assumed the role of the City's coordinating

agency for transportation services. The division chooses services (based on the community's needs) and maintains contracts with existing organizations and programs for low-cost transportation and assistance for a minimum of 350 older adults, including transportation to and from nutrition programs, medical appointments, shopping destinations and other vital destinations. These services prevent isolation and also prevent reliance on other more expensive forms of transportation.

In conjunction with senior transportation services, the senior nutrition program at Joslyn Senior Center (JSC) is included among the public service projects to receive continued funding in FY 2011-12. The JSC Nutrition Program serves hot lunch to seniors Monday through Friday. Attributed to the strained economic state, the JSC Nutrition Program has been experiencing a large and unexpected increase in the number of seniors ages 62+ dining in the program.

Lastly, in regard to the senior transportation priority, the City will continue to support meal delivery services for 130 homebound seniors and people with disabilities in FY 2011-2012 to reduce the need for reliance on transportation where possible.

Neighborhood Revitalization Activities

Neighborhood revitalization is identified as one of the City's key community development priorities in the FY 2010-2015 Consolidated Plan, and is intended to improve identified low-income areas, including the Mission Park area, the Westside area and other low-income neighborhoods. The City of Escondido's revitalization strategy focuses on efforts that are neighborhood-based with a high level of involvement by residents, businesses and human service agencies. The City's FY 2011-2012 One-Year Action Plan continues to place emphasis on completing comprehensive neighborhood street improvements in those targeted low-income areas.

Project NEAT (Neighborhood Enhancement, Awareness and Training) is a CDBG-funded activity approved mid-year by an amendment to the FY 2009-2010 Action Plan to address the neighborhood revitalization priority. The goal of Project NEAT is to improve the appearance and safety of neighborhoods through mediation, education and fostering relationships with neighbors. Project NEAT works with Escondido's organized neighborhood groups to resolve potential code compliance issues, mostly with regard to yard maintenance and other appearance-related issues, before they reach the level of code enforcement cases.

Project NEAT currently utilizes one Program Administrator working within the boundaries of Escondido's 14 organized neighborhood groups. To date, 240 Project NEAT cases have been opened and 171 have been resolved with just four of those necessitating Code Enforcement's involvement due to non-compliance. Additionally 13 cases have been referred directly to Code Enforcement which were obvious health and safety concerns and beyond the scope of Project NEAT.

Currently, Project NEAT is effectively resolving neighborhood appearance issues and continues to address the Consolidated Plan's neighborhood revitalization priority and the proposed Council Action Plan Image and Appearance priority. As a result, the proposed FY 2011-2012 Action Plan includes an expansion of Project NEAT in two phases over the course of the fiscal year.

For Phase 1, the work area of the current Project NEAT Program Administrator would expand beyond the boundaries of Escondido's organized neighborhood groups into all CDBG-eligible residential areas. A previously approved part-time Department Specialist would assist with data entry, translation and other administrative duties related to Project NEAT. After a six-month assessment period, Phase 2 would be implemented depending on the number of cases, demand and workload as measured in Phase 1. Phase 2 would add an additional part-time Project NEAT field staff person to address property maintenance issues in CDBG-eligible residential areas.

In addition to an enhanced Project NEAT approach, CDBG-funded neighborhood revitalization efforts would include funding two part-time Code Enforcement Officers to work in commercial areas of CDBG-eligible census tracts. The officers would address code issues relating to business licensing, illegal signage and other appearance and compliance issues generally associated with commercial areas.

A capital improvement project to revitalize the Escondido Creek Trail is included in the FY 2011-2012 Action Plan to continue the momentum started with the Escondido Creek Trail Vision Plan (completed in March 2011). For FY 2011-2012 it is recommended that CDBG funds be used for a "demonstration project" along the Escondido Creek Trail from Juniper to Broadway. The project will include landscaping, lighting and other improvements along the trail as inspired by the Escondido Creek Trail Vision Plan and the future Escondido Creek Master Plan which will leverage \$75,000 in SANDAG grant funds, providing adjacent neighborhoods with safer, more attractive bicycle and pedestrian access.

To date, the City of Escondido has allocated approximately \$4 million in CDBG funds to the multi-phase Tulip Street Improvement Project in Census Tract 205.00. The first phase of this project, which included comprehensive street improvements on Tulip Street from 9th to 7th Avenues, was completed in June 2008. The second phase, which included comprehensive street improvements on Tulip Street from 7th to 5th Avenues, was completed in November 2009. Phase three will provide new curbs, gutters, retaining walls, sidewalks with ADA-accessible ramps, street lights, street surfaces and right-of-way improvements on Tulip Street from 5th to 3rd Avenues and is currently under construction, slated to be complete in May of this year. Funding for Phase 4 of construction is included in the FY 2011-2012 Action Plan allocations, which will be combined with future CDBG funding to complete the entire project from 9th to 2nd Avenues.

ADA Improvements to Public Facilities

In FY 2011-2012, the City will use general funds to continue to make improvements to public facilities as they are prioritized in the City's ADA Transition Plan, in addition to including ADA improvements in the design and construction of all capital improvement projects using CDBG funds.

Specific CDBG funding allocations for FY 2011-2012 are listed in “Appendix B – CDBG Allocations Table.”

PROGRAMS TO REDUCE THE NUMBER OF POVERTY-LEVEL HOUSEHOLDS

Business Retention and Expansion Program (BREP)

The City restructured the Economic Development Division in 2008. This restructure resulted in the Escondido Chamber of Commerce taking the lead role in the BREP program. The visitation schedule is not as rigorous as it was, but visits are taking place. City officials participate in visits and problem-solving activities. An essential element of the BREP program is the concerted effort to facilitate the expansion and retention of existing Escondido businesses. This is important because they provide the majority of the City’s job growth, as well as stability for existing jobs in the community.

The program has been further enhanced by the Escondido Workforce Roundtable which has been meeting since early 2003. Roundtable members include government, education, business and workforce service providers, including a strong presence from the San Diego Workforce Partnership and the San Diego North Economic Development Council. The goal of the Roundtable is to tie education (K-12, adult education, colleges and universities) with preparing youth and adults with relevant training and skills that will allow them to find well paying jobs. A job readiness focus and relevant training will prepare low/mod income people for higher paying jobs, thereby increasing their ability to provide for themselves and their families.

Business Attraction

There continues to be a focus on attracting businesses to Escondido that provide high paying jobs. The Escondido Research & Technology Center (ERTC), home to the new Palomar Pomerado Hospital West (opening in 2012), is already attracting medical office users. Bio-med and life sciences businesses should also find ERTC a desirable location. A critical mass of these related and complementary businesses will bring high paying jobs to Escondido.

The City’s designated “targeted commercial areas” are often adjacent to residential areas that provide housing for low-income persons. Therefore, efforts to upgrade the business environment are paralleled by efforts to improve neighborhoods because their environments affect each other. The City has been actively revitalizing neighborhood infrastructure (curbs, sidewalks, better and more plentiful street lighting) with CDBG and Capital Improvement funds. As a result, there are safer and more pleasant neighborhoods where residents can walk to nearby shopping, work at nearby businesses and have the ability to influence positive change in their neighborhoods.

Small Business Services

The Escondido Chamber of Commerce partners with the Small Business Development Center (SBDC) at Mira Costa College to conduct several small business seminars each year. A business consultant from the SBDC continues to offer free counseling to interested parties and can be contacted directly at the SBDC office in Oceanside.

Business Enhancement Zone

Established in February 2000 and modified in 2006, the Escondido Business Enhancement Zone (BEZ) has been an economic development tool that has helped a number of businesses establish or expand in Escondido. The economic downturn has dramatically affected the number of businesses that qualify for incentives and development has almost stopped. There appears to be some renewed interest in development and new businesses wanting to locate in Escondido, but activity is still minimal. BEZ incentives are available to all commercial-use properties in Escondido, provided they meet the public benefit criteria. Incentives are granted on a case-by-case basis.

Mercado Business District

The Mercado Business District is located in the urban core of the City and within one of Escondido's low-income census tracts. The Mercado Business Association has seen positive changes to their business district. Properties in this area are being bought and sold, bringing in new businesses and property improvements. However, the economic downturn has left quite a bit of vacant space.

In mid-2010, construction began on a \$1.3 million project for Mercado-themed street improvements on Grand Avenue. Grant funds from SANDAG (San Diego Association of Governments) finance most of the project cost. The purpose of the project is to make the area pedestrian friendly and attractive to residents and visitors. The design includes new sidewalks, street and pedestrian lighting, landscaping and fountains. A new traffic signal is also planned. These improvements will be a catalyst for revitalization in the area and will benefit nearby businesses. The end result will make the area more economically viable.

Transit Oriented Development

The Escondido Transit Center provides full bus service and access to the Sprinter light rail line. The Sprinter provides an alternative mode of transportation from Oceanside to Escondido. Numerous stops along the Highway 78 corridor allow Escondido residents to get to places of employment and institutions of higher education.

Future plans for intensive development around the Escondido Transit Center are being analyzed, with partners including the North County Transit District, local government agencies and private developers.

Permit Processing Fee Incentives for Targeted Commercial Areas

The City of Escondido has a long-time policy that provides fee waivers of up to \$500 for minor processing of applications and permits, in targeted commercial areas. This incentive allows small business owners in three targeted revitalization areas to process minor expansion and encroachment permits, and to receive permits for new signs, awnings, and façade improvements without the burden of City fees. Many of the business owners are in the low- and moderate-income level and operate their own businesses with a minimal number of employees.

Recycling Market Development Zone

The Recycling Market Development Zone (RMDZ) provides incentives and loans to encourage new "added-value" recycling businesses to locate in Escondido.

Section 3

As required by Section 3 of the Housing and Urban Development Act of 1968 (Section 3), and as amended by Section 915 of the Housing and Community Development Act of 1992, the City will ensure that economic opportunities generated by HUD financial assistance for housing and community development (such as HOME and CDBG funding) will be targeted to low- and very low- income individuals. Pursuant to Section 3, economic opportunities will include, but are not limited to, job training, employment, contracting, and subcontracting, and will be monitored and documented in the Annual Performance Report for the upcoming fiscal year.

Childcare Programs

In 2010, the Escondido Community Child Development Center opened a new child care facility, the Betsy Jones Center, at 2269 E. Valley Parkway. This new childcare facility is licensed to provide subsidized childcare for 144 infants-toddlers and preschool age children.

Additionally, the Oak Hill Childcare Facility and street improvements project will expand childcare resources in Escondido as facilitated by North County Community Services, leveraging State of California grant funding.

Recreation and After-School Programs for Low-Income Youth

During FY 2011-2012, the Learn-to-Swim program will continue to provide classes accommodating approximately 400-500 participants, including youth ages six months – 16 years, in the Mission Park neighborhood. The program will be expanded to include water safety classes at James Stone Pool and open swim programs for families living in the Mission Park area.

Also during FY 2011-2012, the City will use State of California After School Education and Safety (ASES) funding through a contract with the school district for the provision of after-school care at several elementary schools in low-income census tracts and City general funds to support the provision of mobile recreation opportunities in low-income neighborhoods. The City will continue to encourage the provision of expanded recreation services at schools located in targeted geographic areas.

NON-HOMELESS SPECIAL NEEDS HOUSING

In order to foster and maintain affordable housing, the City will continue to implement and coordinate the objectives, programs and policies for producing and preserving affordable housing. The Housing Division will bring to City Council recommended uses for the available funds within the parameters of federal regulations and the priorities of the Consolidated Plan.

Housing Opportunities for Persons with AIDS (HOPWA)

HOPWA funds are not directly received by the City of Escondido; however, local eligible agencies receive HOPWA funds directly from the County's Department of Housing & Community Development (HCD). HOPWA funds provide housing assistance for people living with AIDS/HIV. Agencies administering HOPWA subsidies also provide supportive services to

subsidy recipients such as transportation, emergency food, legal assistance, benefits counseling and support groups.

Approximately \$381,955 is expected to be awarded in FY 2011-2012 to Fraternity House, Inc. for its residential care facilities in Escondido and Vista. Fraternity House, Inc. is San Diego County's only licensed provider of Residential Care Facilities for the Chronically Ill (RCF-CI) disabled by HIV/AIDS. The organization's programs meet basic needs and provide direct services including housing, 24-hour personal care, assistance adhering to complex medication regimens, nutritious home-cooked meals, access to medical care, clothing, transportation, organized activities and emotional support. Skilled staff is on-site 24 hours a day. The organization is currently caring for two Escondido residents.

Specific HOPWA Objectives

The City of Escondido does not receive HOPWA funds.

Appendix A

**HOME INVESTMENT PARTNERSHIPS PROGRAM
FY 2011-2012
SUMMARY OF HOME FUNDING CATEGORIES**

FUNDING CATEGORY	AMOUNT AVAILABLE
2011 Allocation Interest Loan Repayments	\$816,169 5,000 <u>240,831</u>
TOTAL AVAILABLE FUNDS	\$1,062,000
<i>10% of Allocation</i> <i>10% of Program Income*</i> City's Administrative Cost	\$ 81,617 <u>24,083</u> \$105,700
<u>Mandatory</u> CHDO Set-Aside <i>(15% of allocation)</i>	\$122,425
Housing Development	\$833,875
TOTAL EXPENDITURES	\$1,062,000

* Generated from Loan Repayments

Appendix B

Activity	Description	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
CDBG Administration	<p>Manage and administer CDBG program, including planning, regulatory compliance, contract administration, and fiscal management.</p> <p>HUD-mandated activity to affirmatively further fair housing. Provides accessible education and mediation services for Escondido tenants and landlords, ensuring equal opportunity in housing, and increasing awareness of fair housing laws. CDBG allocation is leveraged with \$16,000 provided by Housing Division.</p>	City of Escondido	\$364,345	\$328,354
Fair Housing Services		North County Lifeline	\$10,000	\$10,000
		TOTAL	\$374,345	\$338,354

Appendix B

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
In-Home Meal Delivery	Daily meal delivery for homebound seniors to reduce the need for transportation services. (Priority: Senior Transportation)	Meals on Wheels	\$14,300	\$14,300
Learn to Swim	Aquatics program at Washington Pool promoting water safety within an ethnically diverse, low income neighborhood. (Priority: Youth)	City of Escondido Recreation	\$18,900	\$28,900
Exceptional Promise Scholarship Program	Scholarship fund for low-and moderate-income individuals for whom participation in recreation activities might normally be economically unfeasible (Priority: Youth)	City of Escondido Recreation	\$10,000	\$43,435

Appendix B

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
Workforce Assistance Computer Lab	Workforce-oriented computer access at the library for individuals seeking job information, filling out online job applications, writing résumés, applying online for unemployment benefits, locating housing and finding out about other workforce-related community resources, (Priority: Economic Development)	Escondido Public Library	\$16,800	\$16,800
Senior Transportation Program	A coordinated transportation system, including door-to-door assisted transportation for low-income older adults to shop for groceries and prescriptions, visit health care providers and attend other vital appointments. Priority: Senior Transportation	City of Escondido Older Adult Services	\$28,300	\$28,300
Senior Nutrition Program	Provide nutritionally balanced hot meals to seniors at the Joselyn Senior Center. (Priority: Senior Transportation)	City of Escondido Older Adult Services	\$60,000	\$54,000

Appendix B

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
Senior CARE Program	Case management services to low-income seniors to reduce transportation needs to meet daily living requirements and to prevent or delay the need for institutionalization. (Priority: Senior Transportation)	City of Escondido Older Adult Services	\$0	\$6,000
Bilingual Computer Training	Bilingual computer classes focused on job-readiness targeted to Mission Park Area and Neighborhood Group residents (Priority: Economic Development)	City of Escondido Recreation	\$10,000	\$10,000
SAFEWALK	Through a partnership with the Escondido Union School district, this parent volunteer effort works to ensure students in low-income neighborhoods can walk safely to and from school. (Priority: Youth)	Escondido Unified School District	\$5,000	\$5,000
Food 4 Kids Backpack Program	Provides discrete backpacks filled with healthy, easy to prepare meals to very low income students at Lincoln Elementary. (Priority: Youth)	San Diego Food Bank	\$10,000	\$13,000

Appendix B

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
Winter Shelter	coordinated Regional Winter Shelter providing shelter and case management services for homeless persons in Escondido. (Priority: Homelessness)	North County Community Services	\$33,300	\$33,300
Infant/Toddler/Preschool Counseling and Parent Training Program	Counseling and parent training for infants, toddlers and pre-school children and their families at the Lincoln Avenue child care site. (Priority: Youth)	Escondido Community Child Development Center (ECCDC)	\$25,000	\$0
Family Counseling and Assessment Services	Screening/ observation and assessment/counseling for low-income school-age youth and their families in the Mission Park area. (Priority: Youth)	Palomar Family Counseling, Inc.	\$28,300	\$0
Healthcare Career Pipeline	Case management and training for low income students to prepare them for healthcare careers. (Priority: Economic Development)	Escondido Education COMPACT	\$10,000	\$0

Appendix B

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
Supplemental Elementary Education Program	Provides hands-on learning opportunities for low-income elementary students to supplement school curriculum. (Priority: Youth)	San Diego Children's Discovery Museum	\$10,000	\$0
TOTAL			\$279,900	\$253,035

Appendix B

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
Project NEAT	Comprehensive strategy to improve the appearance and safety of neighborhoods through mediation, education and fostering relationships with neighbors; working with Escondido's organized neighborhood groups to resolve potential code compliance issues, mostly with regard to yard maintenance and other appearance-related issues, before they reach the level of code enforcement cases. (Priority: Neighborhood Revitalization)	City of Escondido Neighborhood Services Division	\$68,115	\$110,000
Code Enforcement	Code enforcement in commercial areas of CDBG-eligible census tracts to address code issues relating to business licensing, illegal signage and other appearance and compliance issues generally associated with commercial areas.	City of Escondido Code Enforcement Division	\$0	\$60,000

Appendix B

UNCAPPED FUNDS
NO MAX

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
Escondido Creek Trail improvements	<p>Demonstration project along the Escondido Creek Trail from Juniper to Broadway to include landscaping, lighting and other improvements along the trail as inspired by the Escondido Creek Trail Vision Plan and the future Escondido Creek Master Plan, providing adjacent neighborhoods with safer, more attractive bicycle and pedestrian access. (Priority: Neighborhood Revitalization)</p>	City of Escondido Neighborhood Services Division	\$0	\$200,000
Elm St/Habitat for Humanity	<p>consisting of new curbs, gutters, retaining walls, sidewalks, street lights and new surfacing of streets in public rights of way on Elm Street between Washington and the Escondido Creek Trail done in conjunction with the Habitat for Humanity townhome project in the same location, incorporating elements to facilitate future revitalization of the Escondido Creek Trail. (Priority: Neighborhood Revitalization)</p>	City of Escondido Neighborhood Services Division	\$0	\$300,000

Appendix B

UNCAPPED FUNDS
NO MAX

Activity	Description & Consolidated Plan Priority Addressed	Provider	FY 2010-2011 Allocation	Proposed FY 2011-2012 Allocation
Tulip Street Improvements (Phase 4)	First of two funding phases to finish the final phase of the multi-year Tulip Street Improvement project. (Priority: Neighborhood Revitalization)	City of Escondido Neighborhood Services Division	\$851,975	\$350,512
Oak Hill Child Care Facility Improvements	Additional funding for child care facility improvements approved in FY 2010-2011 to provide additional child care slots to low-income families in Escondido. (Priority: Economic Development)	City of Escondido Neighborhood Services Division	\$300,000	\$75,000
		TOTAL		\$1,095,512

Appendix B Summary

City of Escondido Proposed FY 2011-2012 CDBG Allocations
Estimated Allocation: \$1,686,901


Administration - 20% cap (\$338,354 max.)	
CDBG Administration	\$328,354
Fair Housing	\$10,000
Total	\$338,354
Public Service - 15% cap (\$253,035 max.)	
In-Home Meal Delivery	\$14,300
Learn to Swim	\$28,900
Exceptional Promise Scholarship	\$43,435
Workforce Assistance Computer Lab	\$16,800
Senior Transportation	\$28,300
Senior Nutrition	\$54,000
Senior CARE	\$6,000
Bilingual Computer Training	\$10,000
SAFEWALK	\$5,000
Food 4 Kids Backpack Program	\$13,000
Winter Shelter	\$33,300
Total	\$253,035
Uncapped Capital Improvement & Other Neighborhood Revitalization Activities - (No max.)	
Project NEAT	\$110,000
Code Enforcement	\$60,000
Escondido Creek Trail Improvements	\$200,000
Elm St/Habitat for Humanity	\$300,000
Tulip Street Improvements (Phase 4)	\$350,512
Oak Hill Child Care Facility Improvements	\$75,000
Total	\$1,095,512


Total CDBG Allocations

\$1,686,901

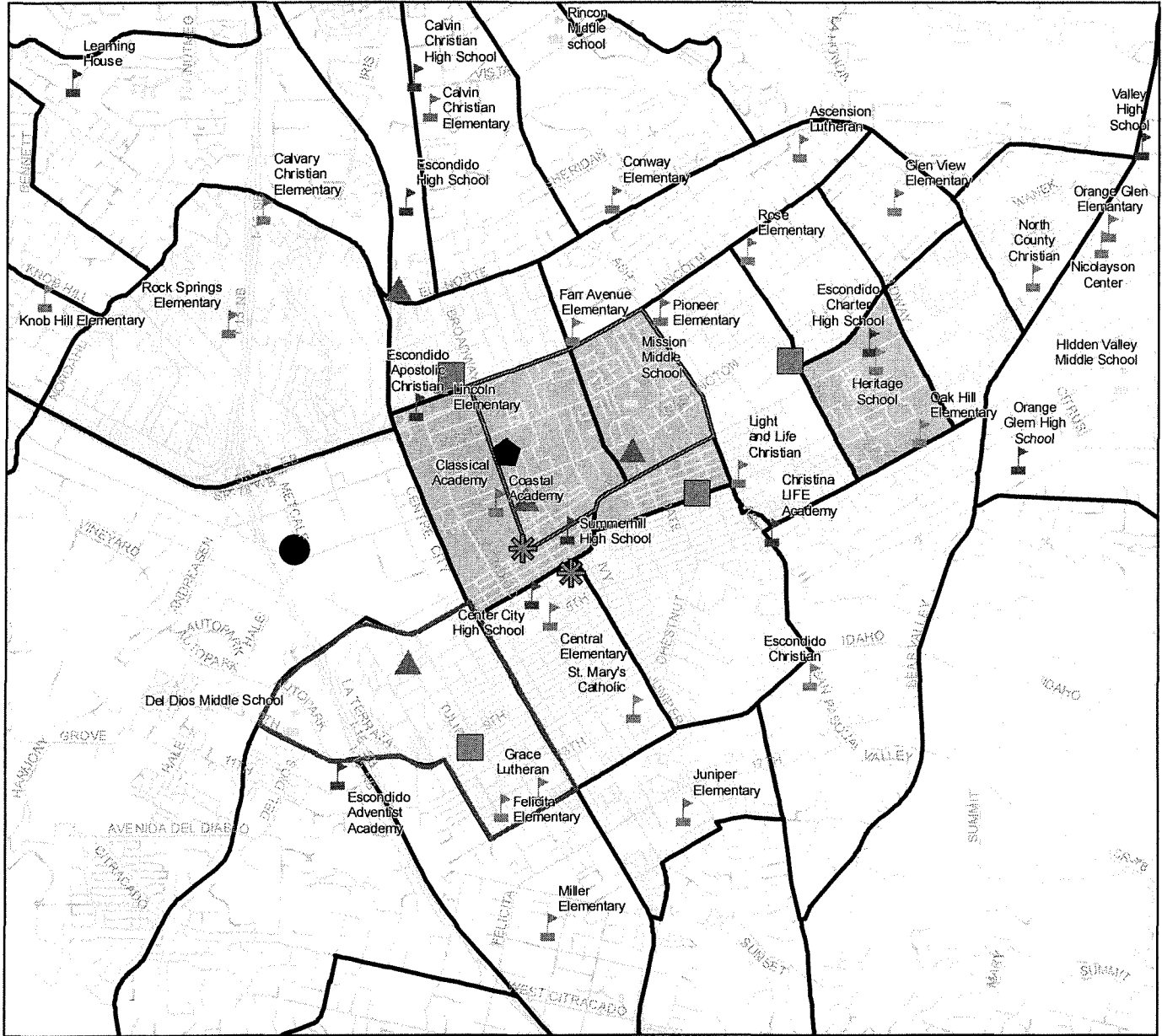
City of Escondido Census Tracts Concentrations of Low and Moderate Income Persons Based on 2000 Census Data








 = 51-70% Low/Mod









 = 71-100% Low/Mod

CITY OF ESCONDIDO DISTRIBUTION OF CDBG-FUNDED PROJECTS BY LOCAL PRIORITY



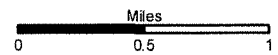
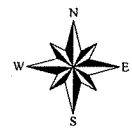
Projects

-  Neighborhood Revitalization
-  Senior Services
-  Youth, Children, and Families
-  Homelessness
-  Economic Development

-  51-69% Low/Mod Census Tracts
-  70-100% Low/Mod Census Tracts
-  Mission Park Census Tract
-  Westside Census Tract
-  Census Tracts
-  Elementary
-  Middle School
-  High School

DISCLAIMER: Every reasonable effort has been made to ensure the accuracy of this map. However, by accepting the material, you agree that the City of Escondido assumes no liability of any kind arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to time, accuracy or gradual arising from the use, operation or modification of the map.

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3/23/11

* Several projects have community-wide benefit and are not shown in specific locations on this map

RESOLUTION NO. 2011-14

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING THE HOME BUDGET FOR
FISCAL YEAR 2011-12 AND AUTHORIZING
THE COMMUNITY SERVICES DIRECTOR
AND CITY CLERK TO EXECUTE
AGREEMENTS FOR USE OF COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City is a recipient of HOME Investment Partnerships Program and Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development; and

WHEREAS, a total of 15% of HOME funds received by the City must be used for the provision of affordable housing by eligible Community Housing Development Organizations (CHDOs); and

WHEREAS, a total of 10% of the HOME funds received by the City may be used for administration; and

WHEREAS, the remaining HOME funds (75%) received by the City may be used for Housing Development; and

WHEREAS, the City Council desires at this time, and deems it to be in the best public interest, to adopt the HOME budget for FY 2011-12, attached as Exhibit "A" and incorporated by this reference.

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 HOME budget and administration of its programs for the period of July 1, 2011, through June 30, 2012 inclusive, contained in the FY 2011-12 Home Investment Partnership Program Budget Document, attached as Exhibit "A," is adopted as the final budget for the 2011-12 fiscal year.

3. That non-substantial changes to the HOME budget within twenty-five percent, whether above or below the projected allocation, will be proportionally dispersed to current distributions.

4. That the budget includes proposed expenditures of the City for the provision of affordable housing and proposed expenditures of CHDOs for the provision of affordable housing.

5. That the budget also reflects the work program for the coming year based on the City's Action Plan for FY 2011-12 which identifies Housing goals and priorities, established in the 2010-2015 Consolidated Plan, and which examines the City's achievements in the previous year's work program.

6. That the Director of Community Services and the City Clerk are hereby authorized to execute contracts with the following providers for use of CDBG funds in the following amounts, attached as Exhibit "B" to this resolution and incorporated by this reference, using the general form of contract, attached as Exhibit "C", and incorporated by this reference, subject to minor adjustments as may be approved by the Director and subject to final approval as to form by the City Attorney.

HOME INVESTMENT PARTNERSHIPS PROGRAM FY 2011-2012

SUMMARY OF HOME FUNDING CATEGORIES

FUNDING CATEGORY	AMOUNT AVAILABLE
2011 Allocation	\$816,169
Interest	5,000
Loan Repayments	<u>240,831</u>
TOTAL AVAILABLE FUNDS	\$1,062,000
<i>10% of Allocation</i>	\$ 81,617
<i>10% of Program Income*</i>	<u>24,083</u>
City's Administrative Cost	\$105,700
<u>Mandatory</u> CHDO Set-Aside <i>(15% of allocation)</i>	\$122,425
Housing Development	\$833,875
TOTAL EXPENDITURES	\$1,062,000

* Generated from Loan Repayments

**Proposed Service Providers
 CDBG and HOME-Funded Activities
 FY 2011-2012**

NORTH COUNTY LIFELINE <u>Fair Housing Services</u>	This HUD-mandated project will provide accessible education and mediation services for Escondido tenants and landlords, ensuring equal opportunity in housing, and increasing awareness of fair housing laws.	\$26,000 (\$10,000 CDBG, \$16,000 HOME)
MEALS ON WHEELS GREATER SAN DIEGO <u>Meals on Wheels Escondido</u>	This project will provide daily meal delivery for 130 housebound Escondido seniors to reduce the need for transportation services.	\$14,300 CDBG
NORTH COUNTY COMMUNITY SERVICES <u>Regional Winter Shelter Project</u>	This project will provide operational support for a coordinated Regional Winter Shelter providing 100 nights of shelter and case management services for a minimum of 80 homeless persons. 40 beds will be provided in Escondido.	\$33,300 CDBG
SAN DIEGO FOOD BANK <u>Backpack Program</u>	This project will provide weekend supplies of nutritious food to very low income elementary school students in the Mission Park Area.	\$13,000 CDBG



CITY OF ESCONDIDO
PUBLIC SERVICES AGREEMENT

This Agreement is made this [redacted] day of [redacted], 20[redacted].

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Rich Buquet, Neighborhood Services Manager
(760) 839-4517
("CITY")

And: [Name]
[Street address]
[City, state, zip code]
[Attn: (name of contact)]
[Insert telephone number]
("CONTRACTOR")

WHEREAS, the CITY and CONTRACTOR desire to enter into this Agreement for the performance of services;

NOW, THEREFORE, it is mutually agreed as follows:

1. Description of Services. CONTRACTOR will furnish all of the services described in "Attachment A," which is attached and incorporated by this reference. CONTRACTOR agrees to diligently perform such services to their completion, with professional quality and technical accuracy.
2. Compensation. The CITY will pay and CONTRACTOR will accept in full payment for the above work, the sum of \$[redacted]. Any breach of this Agreement will relieve CITY from the obligation to pay CONTRACTOR, if CONTRACTOR has not corrected the breach after CITY provides notice and a reasonable time to correct it.
3. Term and Time of Performance. CONTRACTOR must start working within one (1) week from City's notice to begin. CONTRACTOR must diligently perform and complete the work by [redacted]. Extension of terms or time of performance may be made only upon the City's written consent.
4. Scope of Compensation. CONTRACTOR will be responsible for performance of the tasks specified in the Description of Services in "Attachment A." No compensation will be provided for any other tasks without specific prior written consent from the CITY.
5. Performance. CONTRACTOR must faithfully perform in a proficient manner, to the satisfaction of the CITY, all the work or services described in the Description of Services, above.

6. City Property. All original documents, drawings, electronic media, and other material prepared by CONTRACTOR under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONTRACTOR for any other purpose without prior written consent of the CITY.

7. Insurance Requirements.

- a. The CONTRACTOR 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 7(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. CONTRACTOR acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of CONTRACTOR. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONTRACTOR _____

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 policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The endorsement must be ISO Form CG2010 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 CONTRACTOR'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.

d. In executing this Agreement, CONTRACTOR 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.

8. Indemnification. CONTRACTOR (which in this paragraph 8 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 CONTRACTOR in the performance of this Agreement;
- b. Any personal injuries, property damage or death that CONTRACTOR 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 CONTRACTOR.

Stormwater Indemnification. CONTRACTOR shall further indemnify, defend, and hold harmless CITY and its officers, employees, and agents from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceeds, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. R9-2007-0001), as amended or renewed, of the California Regional Water Quality Control Board Region 9, San Diego, which CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction of the Project or the Improvements.

9. Anti-Assignment Clause. Since the CITY has relied on the particular skills of CONTRACTOR in entering this Agreement, CONTRACTOR may not assign, delegate, or sublet any duty or right under this Agreement, or any portion of the Description of Services. Any such purported assignment, delegation, or subletting will void this entire Agreement, unless the CITY has previously approved such action in writing.

10. 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.

11. Independent Contractor. CONTRACTOR is an independent contractor and no agency or employment relationship is created by the execution of this Agreement.

12. 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.

13. 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 because any other provision has been waived by CITY, in whole or in part.

14. 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.

15. 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.
16. 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. However, the parties agree that the Agreement on file in the office of the Escondido City Clerk is the copy of the Agreement that shall take precedence should any differences exist among copies or counterparts of the document.
17. 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.
18. 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.
19. Business License. The CONTRACTOR is required to obtain a City of Escondido Business License prior to execution of this Agreement.
20. Compliance with Applicable Laws, Permits and Licenses. CONTRACTOR 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. This shall include, but not limited to, all California Labor Code laws regarding payment of prevailing wages and all OSHA regulations. CONTRACTOR shall obtain any and all licenses, permits, and authorizations necessary to perform the 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 CONTRACTOR to comply with this section.
21. Prevailing Wages. If applicable, pursuant to Section 1770 et seq. of the Labor Code, CONTRACTOR agrees that a prevailing rate and scale of wages, in accordance with applicable State and Federal Law, will be paid in the carrying out of this Agreement. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules pertaining to the payment of prevailing wages. The prevailing rate and scale to be paid shall be the same as the 'General Prevailing Wage Rates' approved by the Department of Industrial Relations as of the date of the execution of this Agreement. Said rates and scales are herein referred to and adopted in this Agreement as though fully and completely set forth herein, and said scale as adopted by the Department is made a part of this Agreement by reference. Copies of the prevailing rate of per diem wages are available on the Intranet at (<http://www.dir.ca.gov/DLSR>). 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 CONTRACTOR to comply with this section.
22. Immigration Reform and Control Act of 1986. CONTRACTOR shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONTRACTOR affirms that as a licensed Contractor and employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on this public project. CONTRACTOR agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

23. E-Verify Participation: Consultant agrees to enroll in and begin use of the United States Department of Homeland Security's ("DHS") E-Verify program ("E-Verify") within thirty (30) days of the execution of this Agreement to confirm employment eligibility of all of Consultant's potential new hires. Consultant agrees and understands that E-Verify enrollment requires Consultant to sign a Memorandum of Understanding ("MOU") with DHS which provides the E-Verify terms of use. Any violation of the MOU by Consultant is grounds for DHS' termination of Consultant's participation in the E-Verify program. Any such termination by DHS shall constitute grounds for City's immediate termination 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: _____

Signature

Jerry VanLeeuwen, Director of Community Services

(Contractor name)

Date: _____

(Contractor signature)

Title

(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.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9

Date: April 6, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Joyce Masterson, Assistant to the City Manager

SUBJECT: Preliminary City Council Action Plan

RECOMMENDATION:

It is requested that Council provide direction to staff on the proposed format and schedule for the preparation of the final City Council Action Plan.

FISCAL ANALYSIS:

None

PREVIOUS ACTION:

The City Council held a workshop for the development of the 2011-2012 Council Action Plan on February 2, 2011.

BACKGROUND:

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

At its February 2, 2011, workshop the City Council identified four key categories: Financial Stability, Economic Development, Image and Appearance, and Embrace Diversity and Community Outreach (See Attachment 1). The Council directed that the new plan should be a true reflection of their goals and should have measurable outcomes.

A draft format has been created for the Council's consideration (See Attachment 2). This format includes goals, current realities that provide baseline information, strategies for achieving goals, and measurable outcomes. To give the Council a better idea of the proposed format, a partially completed sample page was created for the Financial Stability section (See Attachment 3). A true draft of the Financial Stability category will be presented at a later date.

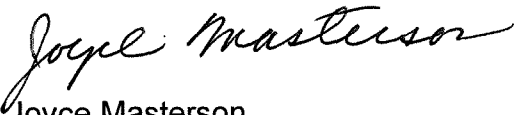
Staff recommends that a review of a draft of each priority area be scheduled individually to provide Council adequate time to discuss each section and to provide feedback to ensure the action plan truly reflects the Council's desires. If Council concurs, staff would bring back the section on Financial Stability to the May 11 Council meeting. The Economic Development Section would be discussed on

Preliminary Council Action Plan
April 6, 2011
Page 2

June 8, the Image and Appearance section would be discussed on June 15 and the Embrace Diversity and Community Outreach section would be discussed on June 22. Staff will incorporate any revisions into a final draft to be presented on July 13.

Once the Council Action Plan is adopted, the City Council will receive periodic updates of the progress being made. A follow up workshop will be scheduled for February 2012 for a more in depth review of the plan.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Masterson".

Joyce Masterson
Assistant to the City Manager

**Council Action Plan Workshop
2011-2012
Goals**

Financial Stability

- Balanced budget
- Pension reform
- Focus on core services (police, fire, water, sewer public works, infrastructure)
- Outsourcing and efficiency
- Reserve policy

Economic Development

- Create business/employment land
 - Job creation (baseline and measurement of new jobs)
 - Reduce poverty
- Streamline regulations
 - Business Friendly Policy (e.g. parking)
- Create incentives
- Image/outreach/marketing
 - Proactive business recruitment by City Council

Image and Appearance

- Proactive code enforcement
 - Residential
 - Implement existing codes
 - Public education on violations
 - Business
 - Abandoned projects, other agencies properties
- Urban renewal (overlay zone and standards of colors, materials, fencing)

Embrace Diversity and Community Outreach

- Community events downtown
- Making things easier for residents to communicate with government
- Communication & Listen
 - Absorb suggestions
 - Watch tone
 - Disagree with respect

City Council Action Plan 2011-2012

Financial Stability

Goal	Current Reality	Strategy	Outcome
Adopt balanced budget without using reserves			
Reform pension benefits to ensure they are fair and affordable			
Focus on Core Services			
Outsource city services where appropriate for cost savings and efficiency			
Maintain \$15-20 million in reserve			

City Council Action Plan 2011-2012

Economic Development

Goal	Current Reality	Strategy	Outcome
Create business/employment land to stimulate the creation of jobs and ultimately reduce poverty			
Streamline regulations			
Create incentives			
Focus on Image/Outreach/marketing including proactive business recruitment by the City Council			

City Council Action Plan 2011-2012

Image and Appearance

Goal	Current Reality	Strategy	Outcome
Proactive code enforcement including residential and businesses			
Urban renewal			

City Council Action Plan 2011-2012

Embrace Diversity and Community Outreach

Goal	Current Reality	Strategy	Outcome
Community events downtown			
Making things easier for residents to communicate with government			
Communication and Listening			

City Council Action Plan 2011-2012

Financial Stability

Goal	Current Reality	Strategy	Outcome
<p>Adopt balanced budget without using reserves</p>	<p>For the past few years, the budget has been balanced by relying on city reserves.</p>	<ol style="list-style-type: none"> 1. 2. 	<p>Balanced budget adopted without using reserves on (date)</p>
<p>Reform pension benefits to ensure they are fair and affordable</p>	<p>The City's pension obligation is 22% of the General Fund. The present pension system is no longer affordable or sustainable, but we must honor the pension promises made to current employees.</p>	<ol style="list-style-type: none"> 1. Reduce the pension obligation by negotiating with labor associations/unions to increase employee contributions to their own pensions. 2. Implement a two tiered pension system for all new employees hired after (date) 	<p>___ labor association increased their contribution on (date); ___ union increased their contribution on (date). Etc.</p> <p>Revised pension system implemented for new employees on (date)</p>
<p>Focus on Core Services</p>		<ol style="list-style-type: none"> 1. 2. 	
<p>Outsource city services where appropriate for cost savings and efficiency</p>	<p>Some city services are currently being outsourced (median landscaping, etc.)</p>	<ol style="list-style-type: none"> 1. Investigate outsourcing of Fleet Services, Custodial services, etc. 	<p>___ has been determined to be appropriate for outsourcing effective (date)</p>
<p>Maintain \$15-20 million in reserve</p>	<p>Reserves are now at approximately \$15 million. The city does not have a written policy defining a minimum amount to be kept in reserves, as well as potential uses for it.</p>	<ol style="list-style-type: none"> 1. Develop a Reserve Policy 	<p>Policy Adopted on (date)</p>



Agenda Item No. 10
Date: April 6, 2011

(X) There is no material for this agenda item.

THE FOLLOWING ITEM(S) WILL BE DISTRIBUTED WHEN AVAILABLE:

- Staff Report**
- Resolution No.**
- Ordinance No.**
- Exhibits/Attachments**

DUE TO THE SIZE OF THIS AGENDA ITEM:

- COUNCIL MEMBERS:** **A copy is in the council Reading File**
- Staff & Others:** **A copy is available in the City Clerk's Office for viewing**

FUTURE CITY COUNCIL AGENDA ITEMS
March 31, 2011

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, 3/28/11
Staff Reports/Resos due by Noon on Tuesday 4/5/11

APRIL 13, 2011

CONSENT CALENDAR	
1	<p>Bid Award for Sports Center Office Expansion (R. Zaino)</p> <p><i>This project will expand the existing Sports Center office area to house current Community Services employees who manage the Sports Center complex. The project was bid with an additive alternate for a patio area with sail cloth structures for additional improved outdoor space at the Sports Center Complex. The a bid by MW Construction for the additive alternate was \$173,538. city staff recommends awarding the base bid, \$176,973 office expansion only.</i></p>
2	<p>Fiscal Year 2010 Urban Area Security Initiative (UASI) Grant (J. Maher)</p> <p><i>The Escondido Police Department has received a \$246,000 Urban Area Security Initiative (UASI) Grant from the Department of Homeland Security through the County of San Diego. Grant funds will be used to enhance regional homeland security efforts by purchasing an armored vehicle capable of responding to critical incidents involving high powered weapons.</i></p>
3	<p>Fiscal Year 2009 Project Safe Neighborhood Gun Violence (J. Maher)</p> <p><i>The Escondido Police Department has received a \$20,000 Project Safe Neighborhood Gun Suppression Grant from the Bureau of Justice Assistance through the San Diego Association of Governments (SANDAG). Grant funds will be used to pay police officer overtime and overtime benefits for gun suppression operations.</i></p>
4	<p>Fiscal Year 2010 Assistance to Firefighters Grant (M. Lowry)</p> <p><i>The Fire Department has been awarded funding to purchase personal protection equipment (structural) and SCBA cylinders. The Federal funding share for this grant will be \$60,640 and the City's matching fund share will be \$15,160 for a total award of \$75,800. Matching funds are available in the Fire Department's Operating Budget.</i></p>

April 13, 2011, Continued

	PUBLIC HEARINGS:
5	Short Form Rent Review Board Hearing for Lake Bernardo Mobile Estates (R. Keiser) <i>The application meets all the eligibility criteria for submittal of a short-form rent increase application. The amount requested covers a 12-month period of consideration from June 30, 2009 to June 30, 2010. Seventy five percent of the change in the Consumer Price Index for the 12-month period is 1.045%. The Owner is requesting an increase for 73 of the 162 spaces in the Park. Spaces not listed on the application request are on long-term leases. The average space rent for the 73 spaces subject to rent control is \$517.74. The average increase per space is approximately \$5.41.</i>
	CURRENT BUSINESS
6	Charter City - Discussion regarding the details relating to changing Escondido from a general law city to a charter city (Marie Waldron, Sam Abed)
	WORKSHOP
7	Outsourcing of Public Services (J. VanLeeuwen) <i>This workshop is designed to provide input to staff on opportunities to outsource a variety of public services.</i>
8	Future Agenda Items (M. Whalen)

Green Sheet Due by Noon on Monday, 4/4/11
Staff Reports/Resos due by Noon on Tuesday 4/12/11

APRIL 20, 2011 – No Meeting (Spring Break)