

Council Meeting Agenda

May 23, 2012

CITY COUNCIL CHAMBERS

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

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

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

May 23, 2012
3:30 p.m. Meeting

Escondido City Council

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/CDC/RRB)

- I. **CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**
 - a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Police Officers' Association
 - b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Administrative/Clerical Engineering (ACE) Bargaining Unit
 - c. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Supervisory (SUP) Bargaining Unit
 - d. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Non-Sworn Police Bargaining Unit
 - e. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Maintenance & Operations, Teamsters Local 911
- II. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:**
 - a. Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): One Case

ADJOURNMENT



Council Meeting Agenda

May 23, 2012
4:30 p.m. Meeting

Escondido City Council
Mobile Home 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

PRESENTATIONS: Historic Preservation Presentation and Awards

PROCLAMATIONS: National Public Works Week
Pedestrian Safety Month

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) *NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.*

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:** Regular Meeting of April 18, 2012
Regular Meeting of April 25, 2012
4. **UTILITIES DEPARTMENT CAPITAL IMPROVEMENT PROGRAM BUDGET ADJUSTMENT** – Request Council approve a budget adjustment in the amount of \$375,000 within the Utilities Department CIP Water budget.

Staff Recommendation: Approval **(Utilities: Christopher McKinney)**

5. **DETERMINATION TO CONTINUE WORK UNDER EMERGENCY CONTRACTS ISSUED FOR SODIUM HYDROXIDE CLEANUP AND TANK REPAIRS AT THE WATER TREATMENT PLANT** – Request Council reaffirm the persistence of the public emergency contracts with Daniel Mechanical for tank repair and with NRC Environmental for chemical cleanup.

Staff Recommendation: Approval **(Utilities: Christopher McKinney)**

RESOLUTION NO. 2012-82

6. **AUTHORIZE THE FIRE DEPARTMENT TO PURCHASE PORTABLE AND MOBILE RADIOS DIRECTLY FROM MOTOROLA INC. BY UTILIZING A REGIONAL COMMUNICATIONS SYSTEM (“RCS”) COOPERATIVE PURCHASE CONTRACT WITH THE COUNTY OF SAN DIEGO** – Request Council authorize the Fire Department to purchase thirty-seven (37) portable and thirty-five (35) mobile project 25 (“P25”) compliant radios from Motorola Inc. by utilizing a RCS cooperative purchasing contract with the County of San Diego.

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

RESOLUTION NO. 2012-73

7. **FISCAL YEAR 2011 STATE HOMELAND SECURITY GRANT ACCEPTANCE (SHSGP) AND BUDGET ADJUSTMENT** – Request Council accept \$215,462 in funding from the Department of Homeland Security (DHS) for the FY 2011 State Homeland Security Grant Program (SHSGP); authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant; and approve the necessary budget adjustment to establish new projects for the tracking of these grant funds.

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

CONSENT CALENDAR CONTINUED

8. **RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA AMENDING THE LIST OF POSITIONS SUBJECT TO THE CITY'S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT AND REPEALING THE CONFLICT OF INTEREST CODE FOR THE COMMUNITY DEVELOPMENT COMMISSION (CDC)** - Request Council amend the list of positions subject to the City's Conflict of Interest Code pursuant to the Political Reform Act, and repeal the CDC Conflict of Interest Code.

Staff Recommendation: Approval **(City Attorney's Office: Jennifer McCain)**

- a. RESOLUTION NO. 2012-76
- b. RESOLUTION NO: 2012-78

9. **TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2012** - Request Council receive and file the January through March 2012 Treasurer's Report.

Staff Recommendation: Receive and file **(Treasurer's Office: Kenneth Hugins)**

10. **VECTOR HABITAT REMEDIATION PROGRAM FUNDING GRANT** – Request Council authorize the City Manager or his designee to submit applications to the County of San Diego's Department of Environmental Health (DEH) for a Vector Habitat Remediation Program grant.

Staff Recommendation: Approval **(Utilities: Christopher McKinney)**

RESOLUTION NO. 2012-77

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.)

11. **REVISED FEATHER SIGN ORDINANCE, CASE NO. AZ 12-0001** – (APPROVED WITH A VOTE OF 5/0 ON MAY 9, 2012)

ORDINANCE NO. 2012-08 (Second Reading and Adoption)

12. **MODIFICATION TO THE MASTER AND PRECISE DEVELOPMENT PLAN FOR WESTFIELD NORTH COUNTY (PHG 12-0005)** – (APPROVED WITH A VOTE OF 5/0 ON MAY 9, 2012)

ORDINANCE NO. 2012-10 R (Second Reading and Adoption)

PUBLIC HEARINGS

13. **SHORT-FORM RENT INCREASE APPLICATION FOR WESTWINDS MOBILEHOME PARK** – Request Council consider the short-form rent increase application submitted by Westwinds Mobilehome Park and if approved, grant an increase of 75% of the change in the Consumer Price Index (an average of \$7.81), or 2.031% for the period of December 31, 2010, through December 31, 2011.

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

RESOLUTION NO. RRB 2012-04

14. **A COMPREHENSIVE GENERAL PLAN UPDATE (EXCLUDING THE HOUSING ELEMENT) AND FINAL ENVIRONMENTAL IMPACT REPORT (EIR) CASE NO. PHG 09-0020** –

Request Council: 1) Certify the Final EIR, Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; 2) Provide direction regarding the Urban V land use designation, Population build out policy, and Number and potential grouping of General Plan ballot amendments; 3) Approve the General Plan Update with noted modifications; and 4) Approve the General Plan amendments for voter consideration.

Staff Recommendation: Approve the final EIR and General Plan Update and Amendments; provide direction to staff regarding the Urban V land use designation, Population build out policy, and Number and potential grouping of General Plan ballot amendments **(Community Development/ Planning: Barbara Redlitz)**

- a. RESOLUTION NO. 2012-52
- b. RESOLUTION NO. 2012-53
- c. RESOLUTION NO. 2012-54

15. **PROPOSED CHARTER CITY** – Request Council hold a second public hearing on the proposed city charter for the City of Escondido including the method of elections and listen to public comments and suggestions and provide direction to staff to return to the City Council on June 13, 2012 to approve the submission of the proposal to adopt a charter to the voters of Escondido.

Staff Recommendation: Provide direction to staff **(City Attorney's Office: Jennifer McCain)**

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

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COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
May 30	-	-	No Meeting	-
June 6	-	-	No Meeting	-
June 13	Wednesday	3:30 & 4:30pm	Council Meeting	Council Chambers
June 20	Wednesday	3:30 & 4:30pm	Council Meeting	Council Chambers

TO ADDRESS THE COUNCIL

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

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

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

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

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

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

LIVE BROADCAST

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

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

**The City Council is scheduled to meet the first four Wednesdays
of the month at 3:30 in Closed Session and 4:30 in Open Session.
(Verify schedule with City Clerk's Office)**

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

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



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

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

CITY OF ESCONDIDO
April 18, 2012
3:30 p.m. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, April 18, 2012 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco, and Mayor Sam Abed. Deputy Mayor Marie Waldron absent. Quorum present.

Deputy Mayor Marie Waldron arrived at 3:35 pm

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/CDC/RRB)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to recess to Closed Session. Motion carried unanimously.

- I. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code §54956.9(a))**
SANCHEZ-CAMACHO, ET AL. V. JOHN PAUL RUSSO; CITY OF ESCONDIDO
CASE NO. 37-2011-00053506-CU-PA-NC

ADJOURNMENT

Mayor Abed adjourned the meeting at 3:45 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
April 18, 2012
4:30 p.m. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, April 18, 2012 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Engineering Services Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATIONS

Mayor Abed introduced Lisa Ruder, Escondido Charitable Foundation, who gave a presentation on the Escondido Charitable Foundation.

Mayor Abed introduced Esperanza's Tortillaria, Harborlite Corporation and SCP Distributors who accepted a Recognition Certificate for the Environmental Excellence Award.

PROCLAMATIONS

Mayor Abed introduced Nicole White, Recreation Supervisor, who accepted a Proclamation for Drowning Prevention Month – May 2012.

ORAL COMMUNICATIONS

Jack Bennett, Escondido, voiced support for Police Chief Maher.

Patricia Bennett, Escondido, distributed information and expressed support for Police Chief Maher.

Don Burgett, Escondido, indicated he supported the efforts of the Police Chief.

Mike Henderson, Escondido, expressed support for the Police Chief.

Eleanor Rector, San Diego, stated she supported the Police Chief.

Joan Gardner, Escondido, voiced support for Chief Maher removing impaired drivers from the streets.

Wayne Louth, Escondido, stated he did not agree with the recent pay raises given to top management.

Ann Bessinger, Sullivan Solar Power Company, reported on the opportunities her company could offer the city.

Lisa Prazeau, Escondido, indicated she opposed the pay raises given to the top management.

Sue Flannery, San Marcos, stated she supported law enforcement.

CONSENT CALENDAR

Councilmember Waldron removed items 9 and 10 and Councilmember Gallo removed item 4 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 4, 9 and 10. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES:** Special Meetings of March 7, 2012
Special Meeting of March 14, 2012
Regular Meeting of March 14, 2012
Regular Meeting of March 21, 2012
4. **GRANT DEED AND PURCHASE & SALE AGREEMENT: 2196 MONTEMAR AVENUE –**
Request Council authorize the Real Property Manager and City Clerk to execute a Grant Deed and Purchase & Sale Agreement effectuating the sale of residential property 2196 Montemar Avenue. (File No. 0690-20)

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

RESOLUTION NO. 2012-58

Councilmember Gallo asked what fund the proceeds would go into.

Debra Lundy, Real Property Manager, stated they would go back into the CDBG fund. Jerry Van Leeuwen, Community Services Director, indicated the funds could not be used for the Senior Rent Subsidy.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to authorize the Real Property Manager and City Clerk to execute a Grant Deed and Purchase & Sale Agreement effectuating the sale of residential property 2196 Montemar Avenue and adopt Resolution No. 2012-58. Motion carried unanimously.

5. **FISCAL YEAR 2012-13 COUNTY OF SAN DIEGO CAL-ID GRANT AND BUDGET ADJUSTMENT** – Request Council approve a Fiscal Year 2012-13 Cal-ID Grant from the County of San Diego, authorize the Chief of Police and Police Department staff to submit grant documents on behalf of the City; and approve budget adjustments needed to set up and spend grant funds which will not exceed \$86, 677 for July 1, 2012 through June 30, 2013. (File No. 0480-70)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

6. **ASSET FORFEITURE FUND BUDGET ADJUSTMENT** – Request Council authorize staff to establish a budget in the amount of \$56,825 with Asset Forfeiture Funds to pay for overtime and training costs. (File No. 0430-80)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

7. **FISCAL YEAR 2011 CALIFORNIA GANG REDUCTION, INTERVENTION, PREVENTION PROGRAM GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept FY 2011 CalGRIP Program Grant funds in the amount of \$250,000 from the California Emergency Management Agency, authorize the Chief of Police to submit grant documents on behalf of the City; and approve budget adjustments needed for part-time salaries and overtime expenses. (File No. 0430-80)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

8. **FISCAL YEAR 2012 UNITED STATES DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND BUDGET ADJUSTMENT** – Request Council approve a FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$45,844 from the U.S. Department of Justice, authorize the Chief of Police and Police Department staff to submit grant documents on behalf of the City; and approve budget adjustments needed to set up and spend grant funds to support front-line law enforcement. (File No. 0430-80)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

9. **ENERGY EFFICIENCY - CONSERVATION BLOCK UPDATE, MUSCO LIGHTING SOLE SOURCE PUBLIC SERVICE AGREEMENT** – Update regarding expenditure of the Energy Efficiency - Conservation Block Grant (EE CBG) funds; and request Council authorize the Mayor and City Clerk to execute a Public Services Agreement with MUSCO Lighting to install energy efficient ball field lighting at Kit Carson Girls Softball fields as a part of the EE CBG. (File No. 0600-10 [A-2980])

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

RESOLUTION NO. 2012- 64

Councilmember Waldron asked for clarification.

Jerry Van Leeuwen, Community Services Director, answered the adult softball fields were finished and the girls softball field lights would be completed with this project.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to authorize the Mayor and City Clerk to execute a Public Services Agreement with MUSCO Lighting to install energy efficient ball field lighting at Kit Carson Girls Softball fields as a part of the EE CBG and adopt Resolution No. 2012-64. Motion carried unanimously.

- 10. REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP) FEE ADJUSTMENT** – Request Council authorize the RTCIP Traffic Impact Fee be increased from \$2,123 to \$2,165 beginning July 1, 2012. (File No. 0145-60)

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

RESOLUTION NO. 2012-42

Councilmember Waldron requested a separate vote.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to authorize the RTCIP Traffic Impact Fee be increased from \$2,123 to \$2,165 beginning July 1, 2012 and adopt Resolution No. 2012-42. Ayes: Abed, Diaz and Morasco. Noes: Gallo and Waldron. Absent: None. Motion carried.

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.)

- 11. AMENDMENT TO CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) CONTRACT TO PROVIDE SECTION 20475 (DIFFERENT LEVELS OF BENEFITS), SECTION 21362 (2% AT AGE 50) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION) FOR LOCAL FIRE SAFETY EMPLOYEES** - (APPROVED WITH A VOTE OF 5/0 ON MARCH 21, 2012) (File No. 0720-40)

ORDINANCE NO. 2012-06 (Adoption and Second Reading)

- 12. ZONING CODE AMENDMENT (AZ 11-0001)** - (APPROVED WITH A VOTE OF 5/0 ON MARCH 28, 2012) (File No. 0810-20)

ORDINANCE NO. 2012-07 (Adoption and Second Reading)

Barry Baker, Escondido, indicated he did not agree with the ordinance and asked the Council to do further research.

NO ACTION WAS TAKEN ON ITEM 12

PUBLIC HEARINGS

- 13. PROPOSED CHARTER CITY** – General background information regarding charter cities, a brief summary of issues raised at the September 28, 2011 public workshop and recent legal developments which affect both the content and the adoption requirements for a charter ballot measure. (File No. 0650-20)

Staff Recommendation: Provide direction to staff (**City Attorney's Office: Jennifer McCain**)

Jennifer McCain, Assistant City Attorney, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Don Greene, Escondido, indicated he was in favor of the City Charter and suggested putting district elections in the Charter.

Don Burgett, Escondido, stated he was in favor of a City Charter.

Patricia Borchmann, Escondido, indicated she did not agree with the previous budget cuts.

Rick Moore, Escondido, stated he did not agree with a City Charter or the proposed Voter ID.

Chris Nava, Escondido, voiced concern with the proposed Voter ID in the Charter and stated she was not in favor of a City Charter

Roy Garrett, Escondido, stated the Voter ID was impractical in elections due to mail-in voters and would be very costly for the city to implement.

Carmen Miranda, Escondido, indicated the Voter ID requirement proposed in the charter would harm the community and she was not in favor of a City Charter.

Margaret Liles, Escondido, stated she did not agree with a City Charter or the Voter ID requirement.

Jim Conway, Contractor Representative, urged Council to not cut local workers pay and to discontinue the Charter City process.

Cherie Cabal, California State Building Trades, requested Council discontinue the Charter proposal.

Tom Lemmon, Building and Contractors Representative, indicated he did not agree with the City Charter proposal.

Austin Miller, Escondido, indicated he was in favor of the City Charter.

Nova Morgan, Escondido, stated she was opposed to the City Charter proposal.

Mark Skok, Escondido, expressed concern with the proposed City Charter.

Lisa PrazEAU, Escondido, indicated she was not in favor of a City Charter.

Richard Bova, Escondido, stated he objected to the Voter ID requirement and the City Charter proposal.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

COUNCIL ACTION: Gave direction to staff to proceed with the Charter City proposal.

- 14. SIGN CODE AMENDMENT, CASE NO. AZ 2012-0001** – Request Council amend the Zoning Code Article 66 to address temporary portable signs and to establish a two year "sunset" clause. (File No. 0810-20)

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

ORDINANCE NO. 2012- 08

Rozanne Cherry, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Fred Baranowsky, Escondido Chamber of Commerce, urged Council to adopt the ordinance and allow signs for a longer period of time.

Kevin Niems, Escondido, requested Council allow the flags for longer than the proposed six month period.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

COUNCIL ACTION: NO ACTION WAS TAKEN ON THIS ITEM

- 15. SPECIFIC ALIGNMENT PLAN AND FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITRACADO PARKWAY EXTENSION PROJECT (ER 2006-10, ENG 12-0011)** – Request Council approve the Specific Alignment Plan; certify and approve the Final Environmental Report, CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Citracado Parkway Extension Project. (File No. 0800-40 ER-2006-10)

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

RESOLUTION NO. 2012- 40

Bill Martin, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Ron Laurabee, Escondido, voiced concern with increased traffic and indicated he did not support the project.

Donald Uribe, Escondido, expressed concern with the expansion project.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve the Specific Alignment Plan; certify and approve the Final Environmental Report, CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Citracado Parkway Extension Project and adopt Resolution No. 2012-40. Motion carried unanimously.

CURRENT BUSINESS

- 16. SENIOR RENTAL SUBSIDY PROGRAMS** – Request Council review the plan regarding the continuation of the Senior Rental Subsidy Programs and direct staff regarding the future of these programs. (File No. 0875-14)

Staff Recommendation: Provide direction to staff (**Community Services/ Housing: Jerry Van Leeuwen**)

Jerry Van Leeuwen, Community Services Director, introduced Karen Youel, Housing Department, who gave the staff report and presented a series of slides.

Don Greene, Escondido, urged Council to continue the rent subsidy program.

Wayne Louth, Escondido, requested that the senior rent subsidy be continued.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve continuation of the Senior Rental Subsidy Programs and direct staff to use the First Time Homebuyer HOME funds to continue the senior rent subsidy. Motion carried unanimously.

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

(Continued from March 28, 2012 Council Meeting) (File No. 0600-10 [A-3041])

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

RESOLUTION NO. 2012-33

Barbara Redlitz, Community Development Director, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to accept the status report; approve a budget adjustment totaling \$725,550 for the road rehabilitation project and other Daley Ranch improvements; and authorize the Mayor and the City Clerk to execute an agreement with Asphalt and Concrete Enterprises, Inc. in the amount of \$165,868 for the Daley Ranch Access Road Rehabilitation Project and adopt Resolution No. 2012-33. Ayes: Abed, Gallo, Morasco and Waldron. Noes: Diaz. Absent: None. Motion carried.

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

Robroy Fawcett, Escondido, distributed information and gave information on voting districts.

COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

Councilmember Gallo indicated the Regional Planning Committee discussed safe routes to school; the FORE Escondido Golf Tournament would be held on May 8, 2012 and the CCAE was auditioning for a new chorale.

Councilmember Diaz stated she was attending RYLC (Rotary Youth Leadership Camp) in Idyllwild over the weekend.

Mayor Abed indicated that SANDAG was defending a lawsuit and one third of Transnet 2 monies would be used for local roads, one third for highways and one third for local transportation.

ADJOURNMENT

Mayor Abed adjourned the meeting at 10:35 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
April 25, 2012
3:30 p.m. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, April 25, 2012 in the Council chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/CDC/RRB)

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to recess to Closed Session. Motion carried unanimously.

ITEMS Ia, b, c, AND d WERE NOT DISCUSSED

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

- a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Police Officers' Association
- b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Administrative/Clerical Engineering (ACE) Bargaining Unit
- c. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Supervisory (SUP) Bargaining Unit
- d. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Non-Sworn Police Bargaining Unit

II. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code 54956.9(a))

- a. Rincon Band of Mission Indians, et al. v Escondido Mutual Water Company, et al., Civil Action Nos. 69-217S and 72-271S

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:25 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
April 25, 2012
4:30 p.m. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, April 25, 2012 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Engineering Services Director; Diane Halverson, City Clerk; and Bob Zornado, Assistant City Clerk.

PRESENTATIONS

Mayor Abed introduced Robin Bettin, CPRS District 12 Representative who presented awards to the Escondido Aquatics Club and to Officer Al Owens, Police Department, for the PAL/Escondido Recreation Youth Basketball league.

Mayor Abed introduced Councilmember Waldron and Councilmember Morasco who voiced support for Coach Tom Winter to receive a wheelchair accessible van.

PROCLAMATIONS

Mayor Abed introduced Kathy Winn, Recycling, who accepted the Earth Day proclamation. Rick Mercurio, Escondido Citizens Ecology Committee, announced the Earth Day Poster Contest winners and Elisa Marrone, Utilities Department, announced the Water Awareness Poster Contest winners.

ORAL COMMUNICATIONS

Mike O'Connor, Valley Center, stated he was upset at Council's direction for the city.

Nancy Burian, Escondido, indicated she was disappointed in the appearance of the city.

Mike Hunsaker, San Marcos, requested information on development approval processes in the city.

Joe McCoy, Escondido, voiced concern with the city's funds.

Emilio Miranda, Escondido, stated the Latino Community was being repressed.

CONSENT CALENDAR

Mayor Abed removed items 7 and 10; Councilmember Gallo removed items 4 and 9 and Councilmember Waldron removed item 5 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 4, 5, 7, 9 and 10. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of March 28, 2012**

4. **PARK DEVELOPMENT OPPORTUNITIES** – Request Council authorize the Director of Community Services to submit an application to the California Department of Housing and Community Development (HCD) for a Housing-Related Parks Program Grant in the amount of \$219,650. These funds can be used for park development, anywhere in the city without future obligation. The city is eligible to apply because of prior affordable housing units. (File No. 0915-07)

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

RESOLUTION NO. 2012-57

Councilmember Gallo suggested the funds be used for renovation of the Sports Center Skate Park in Kit Carson Park, to have batting cages installed behind Fire Station No. 4; or renovation of the Escondido Creek area in Washington Park.

Councilmember Waldron suggested putting lights at one of the Jesmond Dene ball parks.

Councilmember Diaz suggested renovations of both of the pools.

Karen Youel, Community Services, gave the qualifications for use of the funds.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to authorize the Director of Community Services to submit an application to the California Department of Housing and Community Development (HCD) for a Housing-Related Parks Program Grant in the amount of \$219,650 and adopt Resolution No. 2012-57. Motion carried unanimously.

5. **AWARD REQUEST FOR PROPOSAL FOR A CALL CENTER AND INTEGRATED VOICE RESPONSE SOLUTION FOR UTILITY BILLING DIVISION** – Request Council approve the award of Request for Proposal to Advanced Call Processing Inc. of Carlsbad, California in the amount of \$125,262. (File No. 0470-35)

Staff Recommendation: Approval (**Finance: Gil Rojas**)

RESOLUTION NO. 2012-60

Councilmember Waldron asked if there were cost savings with the new equipment.

Gil Rojas, Finance Director, indicated the current equipment caused a lot of maintenance problems and the new equipment would provide faster service to customers.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to approve the award of Request for Proposal to Advanced Call Processing Inc. of Carlsbad, California in the amount of \$125, 262 and adopt Resolution No. 2012-60. Motion carried unanimously.

- 6. GRANT DEED AND PURCHASE & SALE AGREEMENT: 2165 VILLAGE ROAD (OLD FIRE STATION #3)** – Request Council authorize the Real Property Manager and City Clerk to execute a Grant Deed and Purchase & Sale Agreement effectuating the sale of real property at 2165 Village Road. (File No. 0690-20)

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

RESOLUTION NO. 2012-66

- 7. ESCONDIDO CITY EMPLOYEES ASSOCIATION'S ADMINISTRATIVE, CLERICAL & ENGINEERING BARGAINING UNIT SEVERANCE PACKAGE FOR AFFECTED EMPLOYEES IN THE HOUSING DIVISION OF THE COMMUNITY SERVICES DEPARTMENT DUE TO LAYOFF** – Request Council approve the severance package for the affected ECEA Administrative, Clerical and Engineering group members in the Housing Division of the Community Services Department. (File No. 0740-30)

Staff Recommendation: Approval (**Human Resources: Sheryl Bennett**)

RESOLUTION NO. 2012-61

Miranda Griffith, Escondido, indicated she did not support the city laying off employees after giving raises to top management.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to approve the severance package for the affected ECEA Administrative, Clerical and Engineering group members in the Housing Division of the Community Services Department and adopt Resolution No. 2012-61. Motion carried unanimously.

- 8. UNCLASSIFIED EMPLOYEE GROUP SEVERANCE PACKAGE FOR AFFECTED EMPLOYEES IN THE HOUSING DIVISION OF THE COMMUNITY SERVICES DEPARTMENT DUE TO LAYOFF** – Request Council approve the severance package for the affected Unclassified Employee group members in the Housing Division of the Community Services Department. (File No. 0740-30)

Staff Recommendation: Approval (**Human Resources: Sheryl Bennett**)

RESOLUTION NO. 2012-62

- 9. SENIOR NUTRITION PROGRAM BUDGET ADJUSTMENT** – Request Council approve a transfer of \$25,000 from the Joslyn Trust into the General Fund to offset increased costs to the Senior Nutrition Program; and request Council authorize the City Manager and Director of Finance to make the necessary adjustments to the Nutrition and the Senior Center Budget. (File No. 0430-80)

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

Councilmember Gallo asked why the cost had gone up.

Jerry Van Leeuwen, Community Services Director, indicated that more people were taking advantage of the program and that was raising the cost of the food.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve a transfer of \$25,000 from the Joslyn Trust into the General Fund to offset increased costs to the Senior Nutrition Program; and request Council authorize the City Manager and Director of Finance to make the necessary adjustments to the Nutrition and the Senior Center Budget. *Motion carried unanimously*

- 10. AWARD AN EMERGENCY CONTRACT TO NRC ENVIRONMENTAL FOR CLEANUP ACTIVITIES RELATED TO THE RECENT SODIUM HYDROXIDE SPILL** – Request Council award an emergency contract to NRC Environmental for cleanup activities at and near the Water Treatment Plant for an amount not to exceed \$2,000,000. (File No. 0600-10 [A-3047])

Staff Recommendation: Approval (**Utilities: Christopher McKinney**)

RESOLUTION NO. 2012-69

Christopher McKinney, Utilities Director, gave the report and presented a series of slides.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to award an emergency contract to NRC Environmental for cleanup activities at and near the Water Treatment Plant for an amount not to exceed \$2,000,000 and adopt Resolution No. 2012-69. Motion carried unanimously.

PUBLIC HEARINGS

- 11. FISCAL YEAR 2012-2013 ONE-YEAR ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) FUNDS** – Request Council solicit and consider citizen input on the FY 2012-2013 Action Plan for use of CDBG and Home funds; approve the HOME Budget; authorize the Director of Community Services and the City Clerk to execute contracts as appropriate; and approve the submittal of the FY 2012-2013 Action Plan to the U.S. Department of Housing and Urban Development (HUD). In the alternative, Council may choose to modify the recommended FY 2012-2013 Action Plan for the allocation of CDBG and HOME funds. (File No. 0870-11)

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

RESOLUTION NO. 2012-70

Rich Buquet, Neighborhood Services, Danielle Lopez, Neighborhood Services, and Karen Youel, Housing Division, gave the staff report and presented a series of slides.

Pam O'Leary, Center of Community Solutions, requested Council fund their roof repairs.

Melinda Brady, Meals on Wheels, urged Council to continue funding the program.

Alta Farley, Angels Depot, requested Council fund their program.

Kelly Matthews, North County Lifeline, urged Council to continue funding their program.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to solicit and consider citizen input on the FY 2012-2013 Action Plan for use of CDBG and Home funds; approve the HOME Budget; authorize the Director of Community Services and the City Clerk to execute contracts as appropriate; and approve the submittal of the FY 2012-2013 Action Plan to the U.S. Department of Housing and Urban Development (HUD) and adopt Resolution No. 2012-70. Motion carried unanimously.

- 12. AMENDMENT TO THE MUNICIPAL CODE (AZ 12-0002)** – Request Council provide direction to amend the Municipal Code Section 20-2 regarding residency requirements for Planning Commissioners to increase the number of Planning Commissioners permitted to live outside the city limits but within the Escondido General Plan boundary from one to three, or take action to remove the recently appointed commissioner who resides outside city limits. (File No. 0680-50)

Staff Recommendation: Provide direction to staff (**Community Development/ Planning: Barbara Redlitz**)

Barbara Redlitz, Community Development Director, gave the staff report.

COUNCIL ACTION: Directed staff to maintain the current municipal code to allow one Planning Commissioner to reside within the Escondido General Plan boundary and upholding a previous Council decision to keep Commissioners McQuead and Weber grandfathered in the Planning Commission.

CURRENT BUSINESS

- 13. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND FISCAL YEAR 2012-2013 CIP BUDGET UPDATE** – Request Council direct staff to move forward on preparing the Capital Improvement Program. (File No. 0430-30)

Staff Recommendation: Receive direction (**Finance: Gil Rojas**)

Gil Rojas, Finance Director, introduced Michelle Lefever, Finance Department, who gave the staff report and presented a series of slides.

Jack Anderson, Escondido, urged Council to include funds for the Technology Center in the Capital Improvement budget.

COUNCIL ACTION: Directed staff to move forward on preparing the Five Year Capital Improvement Program and 2012-2013 CIP Budget with the removal of the Sports Center Community Room Expansion Project.

- 14. FISCAL YEAR 2012-13 BUDGET UPDATE** (File No. 0430-30)

Staff Recommendation: None (**Finance: Gil Rojas**)

Gil Rojas, Finance Director, and Joan Ryan, Finance Manager, gave the staff report and presented a series of slides.

Julius Turner, Escondido, thanked the City Manager for listening to the Teamsters concerns.

Ben Holden, Escondido, asked Council to restore City employees furlough time and step increases.

Chester Mordasini, Teamsters 911 Representative, thanked the City Manager for taking time to speak to the Teamsters and listening to their concerns.

Yvonne Brett, Escondido Public Library Representative, voiced concern with the decline in Library and Literacy Services funds.

Don Greene, Escondido, expressed concern that funds might exist in other accounts that the City is not aware of.

COUNCIL ACTION: Directed staff to move forward on preparing the 2012-13 budget giving priority to restoring City employee concessions.

15. PLOT PLAN TO MODIFY THE TALK OF THE TOWN CARWASH/ RESTAURANT PROJECT (ADM 12-0007) – Request Council deny without prejudice the proposed modification to add a second driveway to the previously approved Talk of the Town project. (File No. 0800-40)

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

ITEM 15 WAS CONTINUED TO A FUTURE AGENDA

16. DESIGNATION OF ENFORCEMENT AUTHORITY FOR THE ESCONDIDO CAMPAIGN CONTROL ORDINANCE – Request Council designate George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2012 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5 (c). (File No. 0680-10)

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

RESOLUTION NO. 2012-67

Jeffrey Epp, City Attorney, gave the staff report.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to designate George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2012 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5 (c) and adopt Resolution No. 2012-67. Motion carried unanimously.

FUTURE AGENDA

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

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

Councilmember Diaz proposed thanking the members of Grace Lutheran Church for their fundraising and support of Friends and Family Community Church in their effort to package and ship meals to Tanzania and Haiti.

ORAL COMMUNICATIONS

None

COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

Councilmember Gallo thanked Calvin Christian School for their maintenance project at the Kit Carson Park Sports Center; named several community projects taking place on Saturday, April 28, 2012, Homeland Security awarded North County Transit District a safety award, and mentioned the passing of Norm Siler, Historical Society President.

Councilmember Morasco indicated the Mormon Helping Hands were meeting at Kit Carson Park Amphitheatre for work service and Dia de los Ninos were scheduled to meet in Grape Day Park on Saturday, April 26, 2012. A DOVE gathering was scheduled for April 26, 2012 at 311 S. Kalmia at 5:30 p.m. to 6:00 p.m. and Rotary workday was scheduled on Thursday, April 26, 2012.

Mayor Abed stated the next Town Hall meeting was scheduled for Wednesday, May 2, 2012 at 4:30 p.m. in the Council Chambers at City Hall.

Councilmember Waldron gave information on district elections, term limits and the proposed City Charter.

Councilmember Diaz asked if staff could review district elections to see if they were a possibility for the city.

ADJOURNMENT

Mayor Abed adjourned the meeting at 10:10 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4
Date: **May 23, 2012**

TO: Honorable Mayor and Members of the City Council
FROM: Christopher McKinney, Director of Utilities
SUBJECT: Utilities Department CIP Budget Adjustment

RECOMMENDATION:

It is requested that the City Council approve a budget adjustment in the amount of \$375,000 within the Utilities Department CIP Water budget.

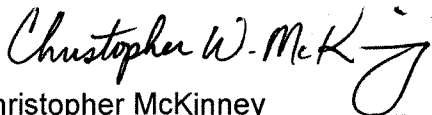
FISCAL ANALYSIS:

The requested adjustment is in the amount of \$375,000 from the Utilities Department CIP Water budget 556-704606 Rincon Power Plant Modifications & Penstock Replacement to fund a new CIP, A-11 Reservoir. This internal transfer has a net zero impact on the Water CIP budget.

BACKGROUND:

The A-11 reservoir built in 1984 is a rectangular in ground concrete tank with a center wall that enables each half to be operated independently. Each half has a capacity of 4 MG and currently only one half is in operation. A recent inspection of the dry half determined it is in need of structural repairs and a liner installation due to corrosion of the concrete reinforcement. Work will be performed on one 4MG half of the 8MG double reservoir. The second half of the reservoir will be inspected and evaluated after the first half has been repaired and returned to service. It is estimated the project will be completed in 2013.

Respectfully submitted,



Christopher McKinney
Director of Utilities

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Christopher W. McKinney, Director of Utilities

SUBJECT: Determination to Continue Work Under Emergency Contracts Issued for Sodium Hydroxide Cleanup and Tank Repairs

RECOMMENDATION:

The Utilities Department requests that the City Council adopt Resolution No. 2012-82 reaffirming the persistence of the public emergency resulting from the sodium hydroxide release at the Water Treatment Plant on March 26, 2012. Prompt tank repair and chemical cleanup are necessary to continue protecting lives, safety, and property. This protection would be undermined by the time necessary to complete a bid process. Two contracts – one with Daniel Mechanical for tank repair and one with NRC Environmental for chemical cleanup – were awarded as result of the emergency and should be continued to completion.

FISCAL ANALYSIS:

No additional fiscal impacts from this resolution beyond that of the two contracts already awarded. The Daniel Mechanical contract was awarded for an amount not to exceed \$350,000. The NRC Environmental contract was awarded for an amount not to exceed \$2,000,000.

PREVIOUS ACTION:

The Daniel Mechanical contract was awarded by the City Manager pursuant to Escondido Municipal Code Section 10-131 on April 16, 2012; the NRC Environmental contract was awarded by City Council on April 25, 2012. Work under both contracts began immediately following the event on March 26, 2012 due to emergency condition. The Council, via adoption of Resolution No. 2012-74 on May 9, 2012, affirmed the persistence of the public emergency as of that date.

BACKGROUND:

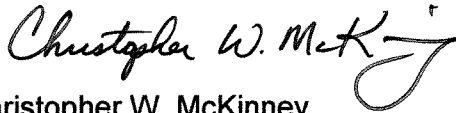
The failure of a sodium hydroxide tank at the Water Treatment Plant on March 26, 2012 created a public emergency that required awarding two contracts without a bid process under provisions of PCC Section 22050.

The first contract was awarded by the City Manager on April 16, 2012, to Daniel Mechanical for repair of the failed tank and containment area. These tanks supply the chemical scrubber system, a critical safety

system at the plant. Restoring this system quickly is critical to employee safety, thus time is not available for a bid process. The second contract was awarded to NRC Environmental on April 25, 2012, by the City Council for cleanup and environmental mitigation of the spill. This work is extremely time sensitive to protect adjacent property, critical habitat, wildlife, and human safety.

PCC Section 22050 requires periodic review by the City Council to determine, by four-fifths vote, that there is a need to continue work under these emergency contracts. Resolution No. 2012-82 makes that determination, if approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christopher W. McKinney". The signature is written in black ink and is positioned above the printed name and title.

Christopher W. McKinney
Director of Utilities

RESOLUTION NO. 2012-82

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING CONTINUED ACTION
UNDER THE EMERGENCY CONTRACTS
AWARDED TO NRC ENVIRONMENTAL AND
DANIEL MECHANICAL FOR WORK
RELATED TO THE SODIUM HYDROXIDE
CHEMICAL SPILL

WHEREAS, a storage tank for sodium hydroxide at the Water Treatment Plant suddenly and catastrophically failed on March 26, 2012; and

WHEREAS, this failure led to the uncontrolled release of sodium hydroxide and contamination of the area surrounding the tank, a portion of the plant access road, a hillside to the north of the plant access road, and a dry creek bed; and

WHEREAS, the City Manager, pursuant to Escondido Municipal Code Section 10-131, appropriately used his authority to award emergency contracts to NRC Environmental and Daniel Mechanical for environmental mitigation of the uncontrolled release and to repair the failed tank and return it to service, respectively; and

WHEREAS, California Public Contract Code ("PCC") Section 22050 authorizes awarding contracts without bids in the case of a public emergency; and

WHEREAS, PCC Section 22050 requires the City Council's periodic review of the emergency action to determine that there is an ongoing need to continue such action initially authorized by the City Manager or City Council; and

WHEREAS, the City Council, pursuant to Resolution No. 2012-69, awarded an emergency contract to NRC Environmental and determined there was a need for

continued emergency action under said contract; and

WHEREAS, the City Council, pursuant to Resolution No. 2012-74 and as required by PCC Section 22050, determined on May 9, 2012, that work should continue under the emergency contracts with NRC Environmental and Daniel Mechanical.

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

1. That the above recitations are true.
2. That the Mayor and the City Council determine that continued work under the emergency contracts with NRC Environmental and Daniel Mechanical, previously authorized by the City Manager, is necessary to avoid unacceptable risk to life, safety, and property.
3. That the Mayor and the City Council hereby authorize the continuation of such emergency work in accordance with PCC Section 22050.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6

Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Michael Lowry, Fire Chief

SUBJECT: Authorize the Fire Department to Purchase Portable and Mobile Radios Directly from Motorola Inc. by Utilizing a Regional Communications System ("RCS") Cooperative Purchase Contract with the County of San Diego

RECOMMENDATION:

It is requested that City Council adopt Resolution No. 2012-73 authorizing the Fire Department to purchase thirty-seven (37) portable and thirty-five (35) mobile Project 25 ("P25") compliant radios from Motorola, Inc. by utilizing a RCS cooperative purchasing contract with the County of San Diego.

The City is purchasing these radios directly from Motorola, Inc. because they are specialized equipment required by P25 for cross-agency communication. Therefore, regular bidding procedures are dispensable pursuant to Escondido Municipal Code Section 10-103(d).

PREVIOUS ACTION:

On March 28, 2012, the City Council authorized the Fire Chief to accept and execute grant documents on behalf of the City for the grant award of \$330,353 from the Federal FY2011 Assistance to Firefighter Grant Program ("Grant"), made through the United States Department of Homeland Security ("DHS").

FISCAL ANALYSIS:

The City has been awarded \$330,353 from the Grant, which is a reimbursable, matching funds grant. The federal share (80%) will be \$264,282, while the City's share (20%) will be \$66,071.

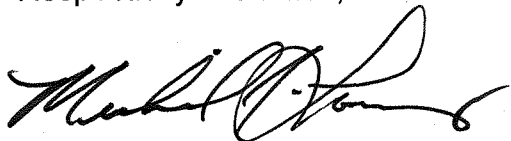
The total combined cost for the portable and mobile radios will be \$262,007.33. The City will pay this amount up front and will be reimbursed by the Grant for eighty percent (80%) of the expenditure, or \$209,605.86. The City will pay the remaining twenty percent (20%) of the purchase cost, \$52,401.47, out of the Fire Department's Operating Budget.

BACKGROUND:

Recognizing the need for common communication standards for first responders, DHS formed a nationwide committee to develop common system standards for digital public safety radio communications. Representatives from the Association of Public Safety Communications Officials International, the National Association of State Telecommunications Directors, selected federal agencies and the National Communications System met to establish P25. P25 refers to the standards for digital radio communications for use by federal, state/province, and local public safety agencies in North America to enable them to communicate with other agencies and mutual aid response teams during emergencies. The San Diego County RCS is transitioning to the new P25 system standard for radios; thus, the Escondido Fire Department will need to as well.

Since the Escondido Fire Department is an integral part of the County's RCS, the City must upgrade its radio capabilities to P25 compliant radios throughout the Department because all communication devices must be compliant with the P25 standard to allow for effective communication with other agencies. By utilizing the Grant funds, the Fire Department will be able to purchase thirty-seven (37) P25 portable radios and thirty-five (35) P25 mobile radios while saving the City eighty percent (80%) of the purchasing cost.

Respectfully submitted,

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

Michael Lowry
Fire Chief

RESOLUTION NO. 2012-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE PURCHASE OF PORTABLE AND MOBILE RADIOS FROM MOTOROLA, INC. THROUGH A REGIONAL COMMUNICATIONS SYSTEM COOPERATIVE PURCHASING CONTRACT WITH THE COUNTY OF SAN DIEGO

WHEREAS, the Escondido Fire Department ("EFD") is an integral part of San Diego County's Regional Communication System ("RCS"), which allows EFD to communicate with other agencies and mutual aid response teams during emergencies; and

WHEREAS, the nationwide committee Project 25 ("P25") establishes standards for digital radio communications for use by federal, state/province and local public safety agencies in North America, including RCS; and

WHEREAS, P25 is in the process of upgrading its standardized portable and mobile radio devices; and

WHEREAS, EFD will need to upgrade its portable and mobile radio devices in accordance with the P25 standard in order to communicate effectively with other agencies, including RCS; and

WHEREAS, in March of 2012, pursuant to authorizing Resolution No. 2012-50, City Council authorized the Fire Chief to accept a grant award from the Federal FY2011 Assistance to Firefighter Grant Program ("Grant") for \$330,353, which requires the City to match twenty percent (20%) of the Grant; and

WHEREAS, applying part of the Grant, the United States Department of Homeland Security will pay eighty percent (80%) of the purchase cost for thirty-seven (37) portable and thirty-five (35) mobile radios, in an amount of \$209,605.86, and the City will pay the remaining twenty percent (20%), \$52,401.47, for a total expenditure of \$262,007.33; and

WHEREAS, pursuant to Escondido Municipal Code Section 10-103(d), the City may dispense with regularly required public bidding procedures when a specialized piece of equipment is required to meet quality and performance criteria.

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

1. That the above recitations are true.
2. That the City Council hereby authorizes the expenditure of \$209,605.86 of Grant funds and \$52,401.47 out of the Fire Department's Operating Budget for the purchase of thirty-seven (37) portable and thirty-five (35) mobile P25 compliant radios from Motorola, Inc.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Michael Lowry, Fire Chief
SUBJECT: FY11 State Homeland Security Grant Program (SHSGP) Grant Acceptance

RECOMMENDATION:

It is requested that Council accept \$215,462 in funding from the Department of Homeland Security (DHS) for the FY11 State Homeland Security Grant Program (SHSGP). It is also requested that Council authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant and that Council approve the necessary budget adjustment to establish new projects for tracking of these grant funds.

FISCAL ANALYSIS:

The SHSGP is 100% federally funded. No matching funds are required and the City will be reimbursed for all expenditures. With Council approval, the City will receive a total of \$215,462 and funds will be used for the following items:

- \$138,246 – Strengthen Communications Capabilities: Funds in this category will be used to purchase wireless communication devices and portable radios for Police and Fire first responders.
- \$57,216 – Strengthen Information Sharing, Collaboration Capabilities and Law Enforcement Investigations: These funds will be used to purchase helmets, binoculars, a ballistic shield, a key fob video/audio recorder, a night vision scope and lens, a surveillance camera, and costs for part-time personnel to develop maps and to update pre-incident maps.
- \$20,000 – Strengthen Citizen Preparedness & Participation: Funds will be used to continue support for Emergency Management activities and the Escondido CERT program.

PREVIOUS ACTION:

On May 14, 2003, Council authorized the Fire Chief to participate in the DHS Homeland Security Grant Program. Council has approved several previous items relating to the SHSGP. Under this multi-year grant program, Council has accepted funds from FY02 through FY10. The most recent Council action was taken on March 9, 2011, when Council authorized the acceptance of the FY10 SHSGP grant.

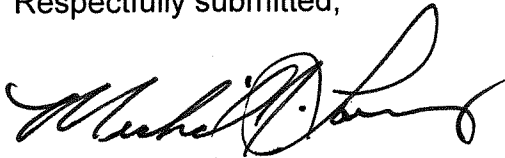
BACKGROUND:

The SHSGP is multi-year grant program. The City began receiving DHS grant funding in 2003 and funding has continued each subsequent year at varying levels. The FY11 SHSGP is a continuation of Federal funding from the DHS. An example of some items purchased from previous DHS funding for Police and Fire first responders are: Personal Protective Equipment (PPE), breathing apparatus, Hazardous Material bags, boots, gloves, suits, an explosive detection K-9, thermal imagers, chemical and radiological detection equipment, portable and mobile radios (for Police, Fire and Public Works), surveillance equipment for City Hall, and the Police/Fire Mobile Command Vehicle. In addition, funds have also been used for Emergency Operations Center (EOC) exercises and Emergency Management training and planning.

SUMMARY:

The SHSGP funds are intended to enhance first responder safety and readiness when responding to acts of terrorism as well as other natural or man-made disasters. Equipment and training provided with these grant funds are invaluable and will improve our ability to respond to numerous types of incidents, whether it be an act of terrorism, a major wildland fire or a building collapse caused by a major earthquake. Without these grants a significant amount of funding from the City's General Fund would be required to meet the needs of these unique types of incidents. The FY11 SHSGP funds will be used to continue strengthening and sustaining the City's preparedness capabilities.

Respectfully submitted,

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

Michael Lowry
Fire Chief



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8

Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jennifer K. McCain, Assistant City Attorney

SUBJECT: Adoption of Amendments to the Conflict of Interest Code for the City of Escondido and Repeal of the Conflict of Interest Code for the Community Development Commission

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2012-76 amending the Conflict of Interest Code for the City pursuant to the Political Reform Act to update the list of designated public employees and public officials who are required to file a statement of economic interest and disclosure categories. It is also recommended that the City Council adopt Resolution No. 2012-78 repealing Resolution No. CDC 94-12, the Conflict of Interest Code for the Community Development Commission of the City of Escondido (CDC).

FISCAL ANALYSIS:

None.

GENERAL PLAN ANALYSIS:

N/A.

PREVIOUS ACTION:

The City, the CDC and the Escondido Joint Powers Financing Authority (EJPFA) have previously adopted Conflict of Interest Codes pursuant to the requirements of the Political Reform Act. Under an earlier organizational structure, the California Center for the Arts-Escondido had also adopted the standard Code.

BACKGROUND:

The City of Escondido and its agencies are subject to the requirements of the Political Reform Act (California Government Code § 81000, *et seq.*) and its regulations governing conflicts of interest. Government Code § 87200 specifically lists officials who are statutorily required to file a statement of economic interest. These officials include Councilmembers, City Manager, City Attorney, City Treasurer, Planning Commissioners, and City Officials and Employees Who Manage Public Investments. In addition to these statutory filing requirements, the Political Reform Act requires the City of Escondido and its agencies to adopt and promulgate a Conflict of Interest Code which

Honorable Mayor and Members of the City Council
May 23, 2012
Page 2

includes disclosure categories and a list of designated public employees and elected and appointed officials who must comply with the requirements of the Conflict of Interest Code.

The City, CDC and EJPFA have previously adopted Conflict of Interest Codes pursuant to the requirements of the Political Reform Act. The Political Reform Act requires each local government agency to review its Conflict of Interest Codes biennially to determine whether the Codes must be amended.

Due to the recent passage of Assembly Bill 1X 26 (AB 1X 26) which dissolved redevelopment agencies and required the transfer of redevelopment agency assets to a successor agency with oversight by an oversight board, the City's biennial review of the respective Conflict of Interest Codes was expedited to ensure conformance with the Political Reform Act. On January 25, 2012, the City Council approved Resolution No. 2012-16 dissolving the CDC and electing to serve as the Successor Agency to the CDC. The City Council also made Mayoral appointments to the statutorily created seven member Oversight Board on March 28, 2012. Pursuant to State law, Oversight Board members serve without compensation or reimbursement for expenses and are subject to the Political Reform Act. The Fair Political Practices Commission (FPPC), enforcing agency for the Political Reform Act, recently provided informal advice to the League of California Cities that the City is the appropriate reviewing body for the Conflict of Interest Codes for both the Successor Agency and the Oversight Board. Further, the FPPC advised that it is appropriate to include employees of the Successor Agency and Oversight Board members to the City's Conflict of Interest Code and to repeal the CDC Conflict of Interest Code.

Upon conducting the biennial review, it is now necessary to amend and update the list of designated positions subject to the City's Conflict of Interest Code as set forth in Resolution No. 2012-76. The amendments are necessary to reflect the most current listing of positions for the City subject to the disclosure requirements of the City's Conflict of Interest Code and to add the members of the newly created Oversight Board to the list of designated positions. The employees of the Successor Agency, namely the City Manager and the Finance Director, are statutory filers so no additional changes are necessary regarding the Successor Agency. A red-lined version showing the recommended changes is attached for your review. In addition, due to the dissolution of the CDC pursuant to AB 1X 26, the CDC's Conflict of Interest Code should be repealed by adopting Resolution No. 2012-78. No changes are necessary at this time to the Conflict of Interest Codes for the EJPFA.

Based on the above, it is recommended that the City Council approve Resolution Nos. 2012-76 and 2012-78.

Respectfully submitted,



JENNIFER K. MCCAIN
Assistant City Attorney

Attachment: Red-lined List of Designated Positions Required to File Form 700

**CITY OF ESCONDIDO
CONFLICT OF INTEREST CODE
EXHIBIT "A"**

List of Designated Positions Required to File Form 700

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
CITY ATTORNEY'S OFFICE	
Assistant City Attorney	2, 4, 6
Assistant City Attorney/Litigation	2, 4, 6
Senior Deputy City Attorney	2, 4, 6
Deputy City Attorney	2, 4, 6
CITY CLERK	
City Clerk	2, 4, 6
Assistant City Clerk	2, 4, 6
CITY MANAGER'S OFFICE	
Assistant City Manager	2, 4, 6
Deputy City Manager	2, 4, 6
Assistant to the City Manager	2, 4, 6
Management Analyst	6
COMMUNITY DEVELOPMENT	
Director of Community Development	2, 3, 4, 6
Assistant Planning Director	2, 3, 4, 6
Senior Planner	2, 3, 4, 6
Associate Planner	2, 3, 4, 6
Principal Planner	2, 3, 4, 6
Building Official	2, 3, 4, 6
Deputy Building Official	2, 3, 4, 6
Code Enforcement Manager	2, 3, 4, 6
Economic Development Manager	6
Business License Supervisor	3, 6

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
Management Analyst	6
HOUSING AND NEIGHBORHOOD SERVICES	
Neighborhood Services Manager	2, 3, 4, 6
Housing Manager	2, 3, 4, 6
Management Analyst	6
COMMUNITY SERVICES	
Director of Community Services	2, 3, 4, 6
Assistant Director of Community Services	2, 3, 4, 6
Deputy Director of Maintenance and Operations	2, 3, 4, 6
Streets and Parks Maintenance Superintendent	3, 6
Building Maintenance Superintendent	3, 6
Fleet Maintenance Superintendent	3, 6
Recreation Superintendent	2, 3, 4, 6
City Librarian	3, 6
Deputy City Librarian	3, 6
Public Art	3, 6
Older Adult Services Manager	7
Program Administrator	7
ENGINEERING	
Director of Engineering Services	2, 3, 4, 6
Deputy Director of Engineering Services	2, 3, 4, 6
Assistant City Engineer	2, 3, 4, 6
Design and Construction Project Manager	2, 3, 4, 6
Principal Engineer	3, 4, 7
Real Property Manager	2, 3, 4, 6
Parks and Open Space Administrator	3, 6

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
UTILITIES	
Director of Utilities	2, 3, 4, 6
Deputy Utilities Manager/Utilities Construction & Maintenance Director of Utilities/Construction & Maintenance	2, 3, 4, 6
Deputy Utilities Manager/Wastewater Director of Utilities/Wastewater	2, 3, 4, 6
Deputy Utilities Manager/Water Director of Utilities/Water	2, 3, 4, 6
Utilities Construction Project Manager	2, 3, 4, 6
Canal Superintendent	3, 6
Wastewater Collections Superintendent	3, 6
Wastewater Treatment Plant Superintendent	3, 6
Water Distribution Superintendent	3, 6
Water Treatment Plant Superintendent	3, 6
Utilities Maintenance Superintendent	3, 6
Lakes and Open Space Superintendent	3, 6
Laboratory Superintendent	3, 6
Environmental Programs Manager	3, 6
Utilities Analyst	6
Environmental Program Manager/Utilities	6
Parks and Open Space Administrator	3, 6
FINANCE*	
Finance Manager	6
Investment Officer	6
Revenue Manager	6

* Officials Who Manage Public Investment:

It has been determined that the following positions manage public investments and will file a statement of economic interests pursuant to Government Code §87000: Investment Officer, Director of Financial & Administrative Services, Finance Director.

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
Collections Officer	6
Purchasing Supervisor	6
FIRE DEPARTMENT	
Fire Chief	2, 3, 4, 6
Deputy Fire Chief	2, 3, 4, 6
Fire Division Chief	3, 7
Fire Battalion Chief	3, 7
Assistant Fire Chief	3, 7
Fire Marshall	3, 7
Deputy Fire Marshall	3, 7
Fire Administrative Services Manager	6
Emergency Medical Services Coordinator	6
HUMAN RESOURCES	
Human Resources Director	6, 7
Human Resources Manager	6, 7
Benefits and Workers' Compensation Manager	6, 7
Risk and Safety Manager	6, 7
Safety Administrator	6, 7
Senior Human Resources Analyst	6, 7
INFORMATION SYSTEMS	
Director of Information Systems	6
Applications Development Manager	6
Network/Office Automation Manager	6
Geographic Information Systems Manager	6
Public Safety Systems Manager	6
POLICE DEPARTMENT	
Chief of Police	2, 3, 6
Assistant Chief of Police	2, 3, 6

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
Police Captain	2, 3, 6
Police Services Bureau Manager	2,3, 6
Senior Crime Analyst	6
Police Services Analyst	6
Tow Coordinator	6
BOARDS AND COMMISSIONS	
Building Advisory and Appeals Board	3, 7
Design Review Board	3, 7
Environmental Advisory Commission	3, 7
Historic Preservation Commission	3, 7
Investment Committee	2, 4, 6
Library Board of Trustees	3, 7
Personnel Board of Review	3, 7
Public Art Commission	3, 7
Community and Older Adult Services Commission	3, 7
Transportation and Community Safety Commission	3, 7
Oversight Board to the Successor Agency to the Escondido Redevelopment Agency	3, 6
CONSULTANTS	
Consultants	1

Designated Employees are those positions within this city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local government agency:

(A) makes a governmental decision whether to

- (1) approve a rate, rule or regulation;
- (2) adopt or enforce a law;

- (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
- (4) authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
- (5) grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- (6) grant agency approval to a plan, design, report, study, or similar item;
- (7) adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or his designee's determination is a public record and shall be retained for public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories

General Provisions – The Political Reform Act, Govt. Code §81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the above list in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Escondido.

Pursuant to §4 of the standard code, designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the City of Escondido, the agency shall make and retain a copy and forward the original of these statements to the Escondido City Clerk. Statements for all other designated employees will be retained by the agency.

Disclosure Categories –

Category 1: All investments and sources of income;

Category 2: All investments in real property;

Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the City of Escondido;

Category 4: Investments in business entities and source of income which engage of land development, construction or the acquisition or sale of real property;

Category 5: All interests in real property located within two miles of any land owned or used by the City of Escondido.

Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the City of Escondido to provide services, supplies, materials, machinery, or equipment.

Category 7: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the designated employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.

RESOLUTION NO. 2012-76

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE LIST OF POSITIONS
SUBJECT TO THE CITY'S CONFLICT OF
INTEREST CODE PURSUANT TO THE
POLITICAL REFORM ACT

WHEREAS, the City of Escondido is a local government agency subject to the requirements of the Political Reform Act (California Government Code § 81000, *et seq.*) and its regulations governing conflicts of interest; and

WHEREAS, the Political Reform Act requires every agency, including the City of Escondido, to adopt and promulgate a Conflict of Interest Code, adopt disclosure categories, and designate those public employees and elected and appointed officials who must comply with the requirements of the Code; and

WHEREAS, on July 9, 1980, the City originally adopted the Fair Political Practices Commission's standard model Conflict of Interest Code by Resolution No. 80-141, and has continued to maintain such a Code in effect, together with disclosure categories and a list of those positions subject to the requirements of the Conflict of Interest Code; and

WHEREAS, on September 28, 1994, the City Council readopted a Conflict of Interest Code as required by the Political Reform Act, and amended and updated the disclosure categories and list of positions subject to the requirements of the Code; and

WHEREAS, the Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine whether the Code must be amended; and

WHEREAS, upon its biennial review, the City now desires to amend and update the list of positions subject to the requirements of the Conflict of Interest Code;

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 designation of employees and elected and appointed officials subject to the requirements of this Conflict of Interest Code are attached and incorporated by this reference as Exhibit "A."
3. That this resolution supersedes all previous resolutions of the City of Escondido, which amend and update the list of employees and elected and appointed officials who are subject to a Conflict of Interest Code.

**CITY OF ESCONDIDO
 CONFLICT OF INTEREST CODE
 EXHIBIT "A"**

List of Designated Positions Required to File Form 700

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
CITY ATTORNEY'S OFFICE	
Assistant City Attorney	2, 4, 6
Assistant City Attorney/Litigation	2, 4, 6
Senior Deputy City Attorney	2, 4, 6
Deputy City Attorney	2, 4, 6
CITY CLERK	
City Clerk	2, 4, 6
Assistant City Clerk	2, 4, 6
CITY MANAGER'S OFFICE	
Assistant City Manager	2, 4, 6
Deputy City Manager	2, 4, 6
Assistant to the City Manager	2, 4, 6
Management Analyst	6
COMMUNITY DEVELOPMENT	
Director of Community Development	2, 3, 4, 6
Assistant Planning Director	2, 3, 4, 6
Senior Planner	2, 3, 4, 6
Associate Planner	2, 3, 4, 6
Principal Planner	2, 3, 4, 6
Building Official	2, 3, 4, 6
Deputy Building Official	2, 3, 4, 6
Code Enforcement Manager	2, 3, 4, 6
Economic Development Manager	6
Management Analyst	6

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
HOUSING AND NEIGHBORHOOD SERVICES	
Neighborhood Services Manager	2, 3, 4, 6
Management Analyst	6
COMMUNITY SERVICES	
Director of Community Services	2, 3, 4, 6
Assistant Director of Community Services	2, 3, 4, 6
Deputy Director of Maintenance and Operations	2, 3, 4, 6
Streets and Parks Maintenance Superintendent	3, 6
Building Maintenance Superintendent	3, 6
Fleet Maintenance Superintendent	3, 6
Recreation Superintendent	2, 3, 4, 6
City Librarian	3, 6
Deputy City Librarian	3, 6
Older Adult Services Manager	7
Program Administrator	7
ENGINEERING	
Director of Engineering Services	2, 3, 4, 6
Deputy Director of Engineering Services	2, 3, 4, 6
Assistant City Engineer	2, 3, 4, 6
Design and Construction Project Manager	2, 3, 4, 6
Principal Engineer	3, 4, 7
Real Property Manager	2, 3, 4, 6
Parks and Open Space Administrator	3, 6
UTILITIES	
Director of Utilities	2, 3, 4, 6
Deputy Director of Utilities/Construction & Maintenance	2, 3, 4, 6

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
Deputy Director of Utilities/Wastewater	2, 3, 4, 6
Deputy Director of Utilities/Water	2, 3, 4, 6
Utilities Construction Project Manager	2, 3, 4, 6
Canal Superintendent	3, 6
Wastewater Treatment Plant Superintendent	3, 6
Water Distribution Superintendent	3, 6
Water Treatment Plant Superintendent	3, 6
Utilities Maintenance Superintendent	3, 6
Lakes and Open Space Superintendent	3, 6
Laboratory Superintendent	3, 6
Environmental Programs Manager	3, 6
Utilities Analyst	6
Environmental Program Manager/Utilities	6
FINANCE*	
Finance Manager	6
Investment Officer	6
Revenue Manager	6
Collections Officer	6
Purchasing Supervisor	6
FIRE DEPARTMENT	
Fire Chief	2, 3, 4, 6
Deputy Fire Chief	2, 3, 4, 6
Fire Division Chief	3, 7
Fire Battalion Chief	3, 7
Assistant Fire Chief	3, 7

* Officials Who Manage Public Investment:

It has been determined that the following positions manage public investments and will file a statement of economic interests pursuant to Government Code §87000: Investment Officer, Director of Financial & Administrative Services, Finance Director.

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
Fire Marshall	3, 7
Deputy Fire Marshall	3, 7
Fire Administrative Services Manager	6
Emergency Medical Services Coordinator	6
HUMAN RESOURCES	
Human Resources Director	6, 7
Human Resources Manager	6, 7
Benefits and Workers' Compensation Manager	6, 7
Risk and Safety Manager	6, 7
Safety Administrator	6, 7
Senior Human Resources Analyst	6, 7
INFORMATION SYSTEMS	
Director of Information Systems	6
Applications Development Manager	6
Network/Office Automation Manager	6
Geographic Information Systems Manager	6
Public Safety Systems Manager	6
POLICE DEPARTMENT	
Chief of Police	2, 3, 6
Assistant Chief of Police	2, 3, 6
Police Captain	2, 3, 6
Police Services Bureau Manager	2,3, 6
Senior Crime Analyst	6
Police Services Analyst	6
BOARDS AND COMMISSIONS	
Building Advisory and Appeals Board	3, 7
Environmental Advisory Commission	3, 7
Historic Preservation Commission	3, 7

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
Investment Committee	2, 4, 6
Library Board of Trustees	3, 7
Personnel Board of Review	3, 7
Public Art Commission	3, 7
Community and Older Adult Services Commission	3, 7
Transportation and Community Safety Commission	3, 7
Oversight Board to the Successor Agency to the Escondido Redevelopment Agency	3, 6
CONSULTANTS	
Consultants	1

Designated Employees are those positions within this city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local government agency:

- (A) makes a governmental decision whether to
 - (1) approve a rate, rule or regulation;
 - (2) adopt or enforce a law;
 - (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 - (4) authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (5) grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - (6) grant agency approval to a plan, design, report, study, or similar item;
 - (7) adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (B) serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or his designee's determination is a public record and shall be retained for public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories

General Provisions – The Political Reform Act, Govt. Code §81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the above list in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Escondido.

Pursuant to §4 of the standard code, designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the City of Escondido, the agency shall make and retain a copy and forward the original of these statements to the Escondido City Clerk. Statements for all other designated employees will be retained by the agency.

Disclosure Categories –

Category 1: All investments and sources of income;

Category 2: All investments in real property;

Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the City of Escondido;

Category 4: Investments in business entities and source of income which engage of land development, construction or the acquisition or sale of real property;

Category 5: All interests in real property located within two miles of any land owned or used by the City of Escondido.

Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the City of Escondido to provide services, supplies, materials, machinery, or equipment.

Category 7: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the designated employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.

RESOLUTION NO. 2012-78

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
REPEALING RESOLUTION NO. CDC 94-12,
THE CONFLICT OF INTEREST CODE
PURSUANT TO THE POLITICAL REFORM
ACT FOR THE COMMUNITY DEVELOPMENT
COMMISSION OF THE CITY OF
ESCONDIDO

WHEREAS, the City of Escondido ("City") has created the Escondido Community Development Commission ("CDC") on January 8, 1985, by Ordinance No. 85-2 for the purpose of considering and pursuing redevelopment and housing activities in the City of Escondido pursuant to California Health and Safety Code § 34100 et seq.; and

WHEREAS, Ordinance No. 85-2 has taken effect and all other requirements of law have been met such that the CDC is now authorized to function in the City of Escondido and is permitted to transact any business and exercise any powers conferred on the CDC by the provision of California Health and Safety Code § 34100; and

WHEREAS, on April 23, 1986, the CDC originally adopted the Fair Political Practices Commission's standard model Conflict of Interest Code by Resolution No. CDC 86-10, and has continued to maintain such a Code in effect, together with disclosure categories and a list of those positions subject to the requirements of the Conflict of Interest Code; and

WHEREAS, on September 28, 1994, the CDC readopted a Conflict of Interest Code as required by the Political Reform Act by Resolution No. CDC 94-12, and

amended and updated the disclosure categories and list of positions subject to the requirements of the Code; and

WHEREAS, the Political Reform Act requires every local government agency to review its Conflict Code biennially to determine whether the Code must be amended; and

WHEREAS, pursuant to AB IX 26, on January 25, 2012, the CDC was dissolved and the City elected to serve as the successor agency to the CDC pursuant to City Council Resolution No. 2012-16 with oversight by an Oversight Board appointed thereafter on March 28, 2012; and

WHEREAS, upon review and based on the dissolution of the CDC, the City Council now desires to repeal the Conflict of Interest Code for the CDC and to make appropriate amendments to the City's Conflict of Interest Code to cover designated employees of the Successor Agency and the Oversight Board;

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 Conflict of Interest Code for the Community Development Commission set forth in Resolution No. CDC 94-12 is hereby repealed.



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9

Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Kenneth C. Hugins, City Treasurer

SUBJECT: Treasurer's Investment Report for the Quarter Ended March 31, 2012

RECOMMENDATION:

It is requested that Council receive and file the Quarterly Investment Report

PREVIOUS ACTION:

The Investment Report for the quarter ended December 31, 2011, was filed with the City Clerk's Office on March 5, 2012 and presented to the City Council on March 21, 2012.

BACKGROUND:

From January 1, 2012, to March 31, 2012, the City's investment portfolio increased from \$125.9 million to \$128.9 million. The adjusted average yield decreased from 1.69 % to 1.56 %. An excess of cash receipt inflows over cash payment outflows for the quarter resulted in an increase of \$3.0 million in the book value of the investment portfolio. Major components of the net \$3.0 million increase are:

	<u>IN MILLIONS</u>
County Property Tax Allocation	\$ 4.3
County Property Tax Increment Allocation	2.7
County Property Tax In Lieu Payments	8.3
Sales Tax Allocations	5.5
County Water Authority Payments	(4.7)
Debt Service Payments	(5.4)
CALPERS Contributions	(3.5)
Employee Health Payments	(1.6)
Workers Compensation Expenses	(.6)
Funding for El Norte Project	(.5)
Funding to California Center for the Arts	(.2)
Net Increase in Operational Account	<u>(1.3)</u>
 Net Increase to Investment Portfolio	 \$ <u>3.0</u>

Treasurer's Investment Report

May 23, 2012

Page 2

Details of the City's investment portfolio are included in the attached reports that are listed below:

- Summary of Investment Allocation Graph as of March 31, 2012
- Summary of General Obligation Bond Proceeds Balance as of March 31, 2012
- Summary of Investment Portfolio Yield for the last 12 months
- Summary and Detailed Reports of Investment Portfolio – January 2012 through March 2012
- Schedule of Investments Matured and Sold – January 2012 through March 2012
- Schedule of Funds Managed by Outside Parties as of March 31, 2012

The General Obligation bond proceeds are invested in a separate LAIF account as authorized by Council on August 9, 2006. This is a permitted investment pursuant to the bond's Official Statement and also meets the City's investment objectives of safety, liquidity, and risk.

There are adequate funds to meet the next six month's expected expenditures. The Bank of New York Mellon Trust's monthly statement is the source for the market valuation. Investment transactions are executed in compliance with the City of Escondido's Investment Policy. Investment purchases have been made in accordance with the City's prioritized Investment Policy objectives of safety of principal, sufficiency of liquidity and maximization of yield. The City's investment portfolio has therefore historically been comprised of United States Treasury Notes, obligations issued by United States Government Agencies, Money Market funds and investments in the Local Agency Investment fund (LAIF) established by the State Treasurer. Over the past four years, a greater than 50% decline in the City's investment portfolio yield has been realized, decreasing from 3.7% at December, 2008 to 1.6% at March 2012. This decline is representative of the continuous decline in investment interest rates and the portfolio's maturing, higher yielding investments being replaced with newer, lower yielding investments.

The City's investment committee recently met to discuss the portfolio investments and current yields. The investment committee will continue to monitor the City's portfolio trends and will investigate the feasibility of other allowable investment options that are consistent with the City's investment strategy and objectives. During the remaining half of fiscal year 2012, additional information on these options and recommendations will be communicated to council by the investment committee.

Respectfully submitted,

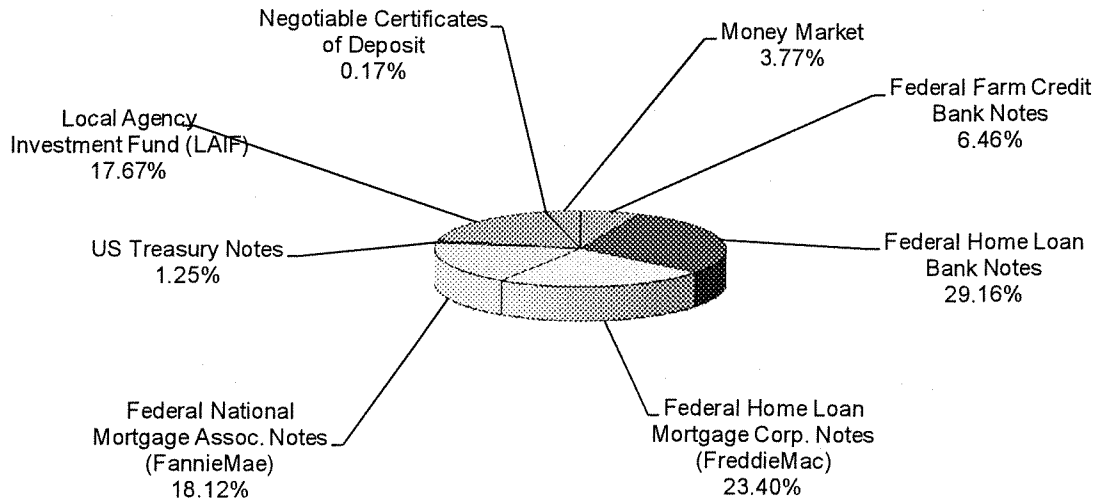


Kenneth C. Hugins
City Treasurer

**City of Escondido
Summary of Investment Allocation
as of March 31, 2012**

Investment Type	Book Value	Market Value	Percent of Portfolio at Market
Federal Farm Credit Bank Notes	\$ 8,248,058.39	\$ 8,438,200.00	6.46%
Federal Home Loan Bank Notes	37,257,438.87	38,066,767.25	29.16%
Federal Home Loan Mortgage Corp. Notes (FreddieMac)	29,903,984.54	30,545,885.00	23.40%
Federal National Mortgage Assoc. Notes (FannieMae)	23,293,685.77	23,664,228.12	18.12%
US Treasury Notes	1,579,802.38	1,633,327.00	1.25%
Local Agency Investment Fund (LAIF)	23,068,434.97	23,068,434.97	17.67%
Negotiable Certificates of Deposit	225,000.00	223,908.37	0.17%
Money Market	4,925,058.32	4,925,058.32	3.77%
Total Investment Portfolio - March 2012	\$128,501,463.24	\$130,565,809.03	100%
2004 Election General Obligation Bond Proceeds held separately in LAIF	\$ 415,703.58	\$ 415,703.58	
Reported Total Investments- March 2012	\$128,917,166.82	\$130,981,512.61	
Total Investment Portfolio - December 2011	\$125,492,560.74	\$127,730,627.57	
2004 Election General Obligation LAIF- December 2011	\$ 414,907.26	\$ 414,907.26	
Reported Total Investments- December 2011	\$125,907,468.00	\$128,145,534.83	
Change from Prior Quarter	\$ 3,009,698.82	\$ 2,835,977.78	
Portfolio Effective Duration	1.850		
Portfolio Effective Duration - (Excluding LAIF and Money Market)	2.390		

**Summary of Investment Allocation as of March 31, 2012
(Excluding General Obligation Bond Proceeds)**



City of Escondido
 General Obligation Bonds, Election of 2004, Series A
 Public Safety Facilities Project
 Calculation of Bond Proceeds Balance
 As of March 31, 2012

Description	other Interest Earnings	(*) LAIF Interest Earnings	Project Cost Reimbursement to the City	Balance
Par Value				\$ 84,350,000.00
Add:				
Original Issue Bond Premium				914,861.55
Less:				
Underwriter's Discount				(292,829.00)
Cost of Issuance Expense				(220,000.00)
Credit Enhancement				(275,000.00)
Net Bond Proceeds				84,477,032.55
Monthly Activities:				
August to September 2006	\$ 48.33	\$ -	\$ (3,190,032.55)	81,287,000.00
September 2006 - Interest withdrawn	(48.33)	-		
October to December 2006		445,726.90	(3,300,000.00)	78,432,726.90
January to March 2007		1,033,671.72	(1,880,000.00)	77,586,398.62
April to June 2007		996,045.58	(200,000.00)	78,382,444.20
July to September 2007		1,022,452.03	(1,670,000.00)	77,734,896.23
October to December 2007		1,033,456.91	(1,980,000.00)	76,788,353.14
January to March 2008		970,394.61	(6,250,000.00)	71,508,747.75
April to June 2008		774,021.46	(8,300,000.00)	63,982,769.21
June 2008 - Interest Drawdown		(1,513,000.00)		62,469,769.21
July - September 2008		530,295.74	(14,000,000.00)	49,000,064.95
October to December 2008		386,163.16	(10,700,000.00)	38,686,228.11
January to March 2009		284,700.95	(7,500,000.00)	31,470,929.06
April to June 2009		169,983.58	(10,533,000.00)	21,107,912.64
July to September 2009		101,934.35	(7,300,000.00)	13,909,846.99
October to December 2009		42,769.87	(6,600,000.00)	7,352,616.86
January to March 2010		17,670.57	(1,074,000.00)	6,296,287.43
Feb 2010 - Interest Drawdown		(626,000.00)		5,670,287.43
April to June 2010		9,059.54		5,679,346.97
April 2010 - Interest Drawdown		(1,300,000.00)		4,379,346.97
June 2010 - Interest Drawdown		(1,825,000.00)		2,554,346.97
July to September 2010		6,114.18		2,560,461.15
August 2010 - Interest Drawdown		(1,300,000.00)		1,260,461.15
October 2010		2,484.95		1,262,946.10
November 2010 - Interest Drawdown		(850,000.00)		412,946.10
October to December 2010		951.61		413,897.71
January to March 2011		517.72		414,415.43
April to June 2011		491.83		414,907.26
July to September 2011		397.80		415,305.06
October to December 2011		398.52		415,703.58
Ending Balance, 3/31/2012	\$ -	\$ 415,703.58	\$ (84,477,032.55)	\$ 415,703.58

(*) LAIF Interest is paid quarterly in the month following quarter end.

**CITY OF ESCONDIDO
SUMMARY OF INVESTMENT PORTFOLIO YIELDS
FOR THE LAST 12 MONTHS
As of March 31, 2012**

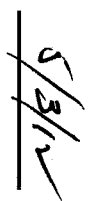
Date	Book Value	Yield
Mar-12	128,917,166.82	1.5666%
Feb-12	131,994,350.32	1.6294%
Jan-12	\$137,622,704.02	1.5780%
Dec-11	\$125,907,865.80	1.6850%
Nov-11	\$117,689,596.45	1.8520%
Oct-11	\$115,251,419.20	1.9420%
Sep-11	\$118,389,894.47	1.9810%
Aug-11	\$121,316,911.31	2.0010%
Jul-11	\$134,853,312.17	2.0280%
Jun-11	\$137,936,173.75	2.1110%
May-11	\$147,129,978.08	2.0310%
Apr-11	\$140,119,784.16	2.0780%

Average Annual Investment Portfolio Yield 1.8736%

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class, Summary
 As of 3/31/2012

Description	CUSIP/Ticker	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund		23,068,434.97	23,068,434.97	23,068,434.97	23,068,434.97	1	0.383
Federal Agency Coupon Securities		96,441,000.00	100,289,578.19	100,715,080.37	98,703,167.57	913	1.90696
LAIF - Public Safety Facility Bonds		415,703.58	415,703.58	415,703.58	415,703.58	1	0.383
Money Market Account		4,925,058.32	4,925,058.32	4,925,058.32	4,925,058.32	1	0.2
Negotiable Certificate of Deposit		225,000.00	225,000.00	223,908.37	225,000.00	502	0.55
Treasury Coupon Securities		1,575,000.00	1,587,459.96	1,633,327.00	1,579,802.38	790	2.79115
Total / Average		126,650,196.87	130,511,235.02	130,981,512.61	128,917,166.82	706	1.56658

Kenneth C. Huggins, City Treasurer


5/3/12


Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
As of 3/31/2012

Description	CUSIP/Ticker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
* California Local Agency Investment Fund									
LAIF LGIP	LGIP282	1000	LAIF	5/31/2011	23,068,434.97	23,068,434.97	23,068,434.97	1	0.383
Sub Total / Average					23,068,434.97	23,068,434.97	23,068,434.97	1	0.383
Federal Agency Coupon Securities									
FCCB 2.25 4/24/2012	31331GNQ8	3291	FCCB	5/28/2009	2,000,000.00	2,002,520.00	2,000,675.71	24	1.71992
FCCB 2.4 3/15/2016	31331EK2	10019	FCCB	3/24/2011	1,000,000.00	1,047,600.00	1,005,018.55	1445	2.26504
FCCB 4.25 7/8/2013	31331Y2Q2	3308	FCCB	3/23/2010	2,000,000.00	2,098,940.00	2,059,089.61	464	1.84031
FCCB 4.55 3/4/2015	31331SNP4	3323	FCCB	6/18/2010	1,000,000.00	1,109,110.00	1,063,192.07	1068	2.25989
FCCB 4.75 9/30/2015	31331GCR8	10010	FCCB	9/30/2010	1,000,000.00	1,132,140.00	1,108,441.03	1278	1.52021
FCCB 5.2 3/20/2013	31331VTY2	3277	FCCB	5/14/2008	1,000,000.00	1,047,890.00	1,011,641.42	354	3.87026
FHLB 1.25 8/27/2012	3133XXF91	3318	FHLB	5/10/2010	2,000,000.00	2,009,260.00	1,999,918.40	149	1.26042
FHLB 1.35 8/28/2012	3133XX4Z7	3310	FHLB	3/23/2010	2,000,000.00	2,009,720.00	2,000,398.20	150	1.30311
FHLB 1.375 10/26/2012	3133XX4X3	3312	FHLB	3/23/2010	2,000,000.00	2,013,460.00	1,999,431.20	209	1.42605
FHLB 1.375 12/11/2015	313371NW2	10015	FHLB	12/29/2010	1,000,000.00	1,023,900.00	965,809.46	1350	2.3602
FHLB 1.625 12/11/2015	313371VFO	10014	FHLB	12/29/2010	1,000,000.00	1,032,990.00	974,657.63	1350	2.35492
FHLB 1.625 12/9/2016	313371PV2	10009	FHLB	12/29/2011	1,500,000.00	1,539,915.00	1,531,698.57	1714	1.16001
FHLB 1.625 9/28/2015	3133716Z4	10018	FHLB	9/30/2010	1,000,000.00	1,026,980.00	1,002,812.24	1276	1.54109
FHLB 1.63 8/20/2015	313370NE4	10018	FHLB	3/24/2011	1,000,000.00	1,029,670.00	989,658.37	1237	1.95019
FHLB 1.75 12/14/2012	3133XVNT4	3304	FHLB	3/24/2010	1,000,000.00	1,010,450.00	1,001,419.52	258	1.54314
FHLB 1.75 9/11/2015	313370BS	10012	FHLB	9/30/2010	1,000,000.00	1,031,430.00	1,007,434.16	1259	1.52461
FHLB 1.875 8/30/2013	3133XX121	3311	FHLB	3/23/2010	3,000,000.00	3,065,460.00	2,998,975.06	517	1.9002
FHLB 2.10/28/2013	3133XXDK8	3319	FHLB	5/7/2010	1,000,000.00	1,025,830.00	1,001,746.14	576	1.88512
FHLB 2.7/13/2012	3133XTHE9	3295	FHLB	8/5/2009	1,000,000.00	1,005,190.00	1,000,179.31	104	1.93476
FHLB 2.9/14/2012	3133XUK93	3316	FHLB	5/5/2010	3,000,000.00	3,024,870.00	3,008,725.41	167	1.35008
FHLB 2.3 12/8/2016	313371ZU3	3302	FHLB	12/29/2011	500,000.00	528,700.00	524,721.83	1713	1.21006
FHLB 2.625 9/13/2013	3133XUPZ0	3302	FHLB	3/24/2010	3,000,000.00	3,099,270.00	3,028,520.85	531	1.94456
FHLB 2.625 9/13/2013	3133XUPZ0	3314	FHLB	5/5/2010	1,050,000.00	1,084,744.50	1,061,250.97	531	1.86009
FHLB 3.125 3/11/2016	3133XXP43	10017	FHLB	3/24/2011	3,000,000.00	3,252,150.00	3,092,751.47	1441	2.29093
FHLB 3.125 3/8/2013	3133XPBB9	3293	FHLB	6/17/2009	1,535,000.00	1,576,368.25	1,544,491.92	342	2.42989
FHLB 3.25 9/12/2014	3133XUNR1	3322	FHLB	6/18/2010	1,000,000.00	1,065,340.00	1,027,769.88	895	2.0597
FHLB 4.6/16/2015	3133XTYD2	10011	FHLB	9/30/2010	1,000,000.00	1,103,200.00	1,077,679.07	1172	1.48519
FHLB 4.625 10/10/2012	3133XNML6	3279	FHLB	10/29/2008	2,000,000.00	2,047,120.00	2,004,577.39	193	4.15029
FHLB 4.875 12/13/2013	3133XHW57	3303	FHLB	3/24/2010	1,350,000.00	1,452,829.50	1,410,788.72	622	2.10804
FHLB 4.875 6/8/2012	3133XKSK2	3276	FHLB	5/14/2008	1,000,000.00	1,007,920.00	1,002,023.10	69	3.71021
FHLMC 1.75 6/15/2012	3137EAC1	3292	FHLMC	5/28/2009	2,000,000.00	2,006,520.00	1,999,795.33	76	1.80054
FHLMC 2.8/25/2016	3137EAC7	10030	FHLMC	8/31/2011	3,000,000.00	3,118,770.00	3,102,606.56	1608	1.13702
FHLMC 2.5 5/27/2016	3137EACT4	10029	FHLMC	6/1/2011	2,500,000.00	2,655,375.00	2,559,147.43	1518	1.90005
FHLMC 2.5 5/27/2016	3137EACT4	10028	FHLMC	5/25/2011	5,000,000.00	5,310,750.00	5,087,272.68	1518	2.05495

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
As of 3/31/2012

Description	CUSIP/Ticker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
LAI - Public Safety Facility Bonds									
LAI LGIP	LGIP7018	10002	LAI	6/30/2011	415,703.58	415,703.58	415,703.58	1	0.383
Sub Total / Average					415,703.58	415,703.58	415,703.58	1	0.383
Money Market Account									
Bank of America MM	MM0555	2001	Bank of America	5/31/2011	4,925,058.32	4,925,058.32	4,925,058.32	1	0.2
Sub Total / Average					4,925,058.32	4,925,058.32	4,925,058.32	1	0.2
Negotiable Certificate of Deposit									
Goldmansachs 0.55 8/15/2013	38143AV2	2012_2	Goldmansachs	2/15/2012	225,000.00	223,908.37	225,000.00	502	0.55
Sub Total / Average					225,000.00	223,908.37	225,000.00	502	0.55
Treasury Coupon Securities									
T-Note 2.125 5/31/2015	912828NF3	4027	Treasury	6/18/2010	1,000,000.00	1,048,200.00	1,004,395.74	1156	1.97833
T-Note 4.25 9/30/2012	912828HE3	4024	Treasury	10/5/2007	300,000.00	306,057.00	300,063.56	183	4.20254
T-Note 4.625 7/31/2012	912828GZ7	4023	Treasury	10/5/2007	275,000.00	279,070.00	275,343.08	122	4.20714
Sub Total / Average					1,575,000.00	1,633,327.00	1,579,802.38	790	2.79115
Total / Average					126,650,196.87	130,981,512.61	128,917,166.82	706	1.56658

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class, Summary
 As of 1/31/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investm	23,068,434.97	23,068,434.97	23,068,434.97	23,068,434.97	1	0.38
Federal Agency Coupon Securiti	95,941,000.00	98,814,986.69	99,845,590.48	97,385,677.93	883	2.09656
LAIF - Public Safety Facility Bonu	415,703.58	415,703.58	415,703.58	415,703.58	1	0.38
Money Market Account	15,172,040.31	15,172,040.31	15,172,040.31	15,172,040.31	1	0.2
Treasury Coupon Securities	1,575,000.00	1,587,459.96	1,648,116.50	1,580,220.10	850	2.79115
Total / Average	136,172,178.86	139,058,625.51	140,149,885.84	137,622,076.89	632	1.59725

Kenneth C. Hugins
 Kenneth C. Hugins, City Treasurer

5/3/12

Description	CUSIP/Tracker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
Federal Agency Coupon Securities									
LAIF LGIP	LGIP7282	1000	LAIF	5/31/2011	23,068,434.97	23,068,434.97	23,068,434.97	1	0.38
Sub Total / Average					23,068,434.97	23,068,434.97	23,068,434.97	1	0.38
FCB 2.25 4/24/2012	31331GNQ8	3291	FCB	5/28/2009	2,000,000.00	2,009,760.00	2,002,364.97	84	1.71992
FCB 2.4 3/15/2016	31331KEK2	10019	FCB	3/24/2011	1,000,000.00	1,054,730.00	1,005,226.94	1505	2.26504
FCB 4.25 7/8/2013	31331Y2Q2	3308	FCB	3/23/2010	2,000,000.00	2,112,880.00	2,066,730.51	524	1.84031
FCB 4.55 3/4/2015	313315NP4	3323	FCB	6/18/2010	1,000,000.00	1,121,790.00	1,066,742.19	1128	2.25989
FCB 4.75 9/30/2015	31331GCR8	10010	FCB	9/30/2010	1,000,000.00	1,144,570.00	1,113,532.16	1338	1.52021
FCB 5.2 3/20/2013	31331VTY2	3277	FCB	5/14/2008	1,000,000.00	1,056,070.00	1,013,614.55	414	3.87026
FHLB 1.25 8/27/2012	3133XYF91	3318	FHLB	5/10/2010	2,000,000.00	2,012,860.00	1,999,885.55	209	1.26042
FHLB 1.35 8/28/2012	3133XX4Z7	3310	FHLB	3/23/2010	2,000,000.00	2,013,480.00	2,000,557.48	210	1.30311
FHLB 1.375 10/26/2012	3133XXIX3	3312	FHLB	3/23/2010	2,000,000.00	2,017,580.00	1,999,267.91	269	1.42605
FHLB 1.375 12/1/2015	313371NW2	10015	FHLB	12/29/2010	1,000,000.00	1,022,350.00	964,289.88	1410	2.3602
FHLB 1.625 12/1/2015	313371VFO	10014	FHLB	12/29/2010	1,000,000.00	1,025,290.00	973,531.31	1410	2.35492
FHLB 1.625 12/9/2016	313371PV2	10009	FHLB	12/29/2011	1,500,000.00	1,542,885.00	1,532,808.20	1774	1.16001
FHLB 1.625 9/28/2015	3133716Z4	10018	FHLB	9/30/2010	1,000,000.00	1,031,670.00	1,002,944.47	1336	1.54109
FHLB 1.63 8/20/2015	313370NE4	10018	FHLB	3/24/2011	1,000,000.00	1,033,460.00	989,156.76	1297	1.95019
FHLB 1.75 12/1/2012	3133XVNT4	3304	FHLB	3/24/2010	1,000,000.00	1,013,190.00	1,001,749.64	318	1.54314
FHLB 1.75 9/11/2015	3133XUIB5	10012	FHLB	9/30/2010	1,000,000.00	1,035,880.00	1,007,788.45	1319	1.52461
FHLB 1.875 8/30/2013	3133XXL21	3311	FHLB	3/23/2010	3,000,000.00	3,072,540.00	2,998,856.11	577	1.9002
FHLB 2.10/28/2013	3133XXDK8	3319	FHLB	5/7/2010	1,000,000.00	1,028,460.00	1,001,928.03	636	1.88512
FHLB 2.7/13/2012	3133XTHE9	3295	FHLB	8/5/2009	1,000,000.00	1,008,490.00	1,000,282.76	164	1.93476
FHLB 2.9/14/2012	3133XUK93	3316	FHLB	5/5/2010	3,000,000.00	3,033,780.00	3,011,860.29	227	1.35008
FHLB 2.3 12/8/2016	313371ZU3	3302	FHLB	12/29/2011	500,000.00	529,025.00	525,587.75	1773	1.21006
FHLB 2.625 9/13/2013	3133XUPZ0	3314	FHLB	3/24/2010	3,000,000.00	3,110,220.00	3,031,743.55	591	1.94456
FHLB 2.625 9/13/2013	3133XUPZ0	3314	FHLB	5/5/2010	1,050,000.00	1,088,577.00	1,062,522.26	591	1.86009
FHLB 3.125 3/11/2016	3133XXP43	10017	FHLB	3/24/2011	3,000,000.00	3,280,140.00	3,096,613.43	1501	2.29093
FHLB 3.125 3/8/2013	3133XPBB9	3293	FHLB	6/17/2009	1,535,000.00	1,584,120.00	1,546,157.17	402	2.42989
FHLB 3.25 9/12/2014	3133XUMR1	3322	FHLB	6/18/2010	1,000,000.00	1,072,530.00	1,029,631.54	955	2.0597
FHLB 4.6/16/2015	3133XTYD2	10011	FHLB	9/30/2010	2,000,000.00	1,110,520.00	1,081,655.81	1232	1.48519
FHLB 4.625 10/10/2012	3133XMM66	3279	FHLB	10/29/2008	2,000,000.00	2,062,280.00	2,006,000.42	253	4.15029
FHLB 4.875 12/13/2013	3133XHW57	3303	FHLB	3/24/2010	1,350,000.00	1,462,117.50	1,416,652.59	682	2.10804
FHLB 4.875 6/8/2012	3133XKS2	3276	FHLB	5/14/2008	1,000,000.00	1,015,470.00	1,003,782.32	129	3.71021
FHLB 5.3/9/2012	3133XUI73	3242	FHLB	3/19/2007	1,000,000.00	1,005,180.00	1,000,171.35	38	4.81006
FHLMC 1.75 6/15/2012	3137EACC1	3292	FHLMC	5/28/2009	2,000,000.00	2,012,420.00	1,999,633.75	136	1.80054
FHLMC 2.8/25/2016	3137EACW7	10030	FHLMC	8/31/2011	3,000,000.00	3,138,660.00	3,106,435.16	1668	1.19702

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
As of 1/31/2012

Description	CUSIP/Tricker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLMC 2.5 5/27/2016	3137EACT4	10021	FHLMC	5/25/2011	3,000,000.00	3,214,050.00	3,054,587.24	1578	2.0538
FHLMC 2.5 5/27/2016	3137EACT4	10028	FHLMC	5/25/2011	5,000,000.00	5,356,750.00	5,090,722.19	1578	2.05495
FHLMC 2.5 5/27/2016	3137EACT4	10029	FHLMC	6/1/2011	2,500,000.00	2,678,375.00	2,561,485.27	1578	1.90005
FHLMC 3 7/28/2014	3137EACD9	3321	FHLMC	6/18/2010	5,000,000.00	5,301,750.00	5,133,503.70	909	1.88017
FHLMC 4.75 3/5/2012	3137EAAO	3250	FHLMC	5/22/2007	1,000,000.00	1,004,400.00	999,777.61	34	5.02005
FHLMC 4.75 3/5/2012	3137EAAO	3260	FHLMC	6/18/2007	500,000.00	502,200.00	499,705.52	34	5.47452
FHLMC 5.5 8/20/2012	3137EAAV1	3290	FHLMC	5/28/2009	3,000,000.00	3,088,650.00	3,058,283.85	202	1.86004
FNMA 1.25 1/30/2017	3135GOCG3	2012_1	FNMA	1/24/2012	3,000,000.00	3,036,510.00	3,004,721.90	1826	1.21711
FNMA 1.25 9/28/2016	3135GOCM3	10031	FNMA	9/29/2011	5,000,000.00	5,056,500.00	4,989,882.14	1702	1.29503
FNMA 1.375 11/15/2016	3135GOCES8	10031	FNMA	12/29/2011	2,000,000.00	2,042,820.00	2,016,685.36	1750	1.19502
FNMA 2.375 7/28/2015	31398AU34	10013	FNMA	9/30/2010	1,000,000.00	1,058,860.00	1,030,035.16	1274	1.48004
FNMA 2.375 7/28/2015	31398AU34	10016	FNMA	3/24/2011	2,000,000.00	2,117,720.00	2,028,204.61	1274	1.95104
FNMA 4.375 7/17/2013	31359MSL8	3317	FNMA	5/5/2010	1,000,000.00	1,058,880.00	1,037,077.47	533	1.75013
FNMA 4.625 10/15/2014	31359MW18	3320	FNMA	6/18/2010	1,000,000.00	1,109,720.00	1,068,444.64	988	1.97173
FNMA 4.75 2/21/2013	31359MQ8	3294	FNMA	7/23/2009	2,000,000.00	2,094,760.00	2,054,688.51	387	2.05495
FNMA 4.75 2/21/2013	31359MQ8	3273	FNMA	4/25/2008	2,000,000.00	2,094,760.00	2,017,982.44	387	3.81096
FNMA 5 2/16/2012	31359M5H2	3248	FNMA	4/18/2007	2,000,000.00	2,004,060.00	2,000,033.36	16	4.95501
FNMA 5 8/2/2012	31359MYQ0	3270	FNMA	4/22/2008	2,000,000.00	2,049,020.00	2,012,374.97	184	3.66001
FNMA 5 8/2/2012	31359MYQ0	3272	FNMA	4/25/2008	1,000,000.00	1,024,510.00	1,005,997.69	184	3.70002
FNMA 5.38 10/2/2013	31364GBF5	3315	FNMA	5/5/2010	1,006,000.00	1,088,320.98	1,061,779.04	610	1.92976
Sub Total / Average					95,941,000.00	99,845,590.48	97,385,677.93	883	2.09656
LAIF - Public Safety Facility Bonds									
LAIF LGIP	LGIP7018	10002	LAIF	6/30/2011	415,703.58	415,703.58	415,703.58	1	0.38
Sub Total / Average					415,703.58	415,703.58	415,703.58	1	0.38
Money Market Account									
Bank of America MM	MM0555	2001	Bank of America	5/31/2011	15,172,040.31	15,172,040.31	15,172,040.31	1	0.2
Sub Total / Average					15,172,040.31	15,172,040.31	15,172,040.31	1	0.2
Treasury Coupon Securities									
T-Note 2.125 5/31/2015	912828NF3	4027	Treasury	6/18/2010	1,000,000.00	1,058,750.00	1,004,623.89	1216	1.97833
T-Note 4.25 9/30/2012	912828HE3	4024	Treasury	10/5/2007	300,000.00	308,190.00	300,084.40	243	4.20254
T-Note 4.625 7/31/2012	912828GZ7	4023	Treasury	10/5/2007	275,000.00	281,176.50	275,511.81	182	4.20714
Sub Total / Average					1,575,000.00	1,648,116.50	1,580,220.10	850	2.79115

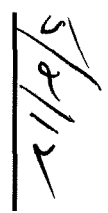
Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class
 As of 1/31/2012

Description	CUSIP/Ticker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
Total / Average					136,172,178.86	140,149,885.84	137,622,076.89	632	1.59725

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class, Summary
 As of 2/29/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund	23,068,434.97	23,068,434.97	23,068,434.97	23,068,434.97	1	0.389
Federal Agency Coupon Securities	98,941,000.00	102,771,416.69	103,572,545.50	101,281,324.86	920	1.98579
LAI - Public Safety Facility Bonds	415,703.58	415,703.58	415,703.58	415,703.58	1	0.389
Money Market Account	5,423,868.71	5,423,868.71	5,423,868.71	5,423,868.71	1	0.2
Negotiable Certificate of Deposit	225,000.00	225,000.00	224,257.50	225,000.00	533	0.55
Treasury Coupon Securities	1,575,000.00	1,587,459.96	1,639,540.25	1,580,018.20	821	2.79115
Total / Average	129,649,007.26	133,491,883.91	134,344,350.51	131,994,350.32	713	1.62914


 Kenneth C. Huggins, City Treasurer


 5/2/12

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
As of 2/29/2012

Description	CUSIP/Tricker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
Federal Agency Coupon Securities									
California Local Agency Investment Fund									
LAI F LGIP	LGIP7282	1000	LAI F	5/31/2011	23,068,434.97	23,068,434.97	23,068,434.97	1	0.389
Sub Total / Average					23,068,434.97	23,068,434.97	23,068,434.97	1	0.389
FCCB 2.25 4/24/2012	31331GNQ8	3291	FCCB	5/28/2009	2,000,000.00	2,006,180.00	2,001,548.49	55	1.71992
FCCB 2.4 3/15/2016	31331KEK2	10019	FCCB	3/24/2011	1,000,000.00	1,044,020.00	1,005,126.22	1476	2.26504
FCCB 4.25 7/8/2013	31331Y2Q2	3308	FCCB	3/23/2010	2,000,000.00	2,106,540.00	2,063,037.41	495	1.84031
FCCB 4.55 3/4/2015	31331SNP4	3323	FCCB	6/18/2010	1,000,000.00	1,114,630.00	1,065,026.30	1099	2.25989
FCCB 4.75 9/30/2015	31331GCR8	10010	FCCB	9/30/2010	1,000,000.00	1,135,210.00	1,111,071.45	1309	1.52021
FCCB 5.2 3/20/2013	31331VTV2	3277	FCCB	5/14/2008	1,000,000.00	1,052,110.00	1,012,660.87	385	3.87026
FHLB 1.25 8/27/2012	3133XYF91	3318	FHLB	5/10/2010	2,000,000.00	2,011,360.00	1,999,901.43	180	1.26042
FHLB 1.35 8/28/2012	3133XX4Z7	3310	FHLB	3/23/2010	2,000,000.00	2,011,900.00	2,000,480.50	181	1.30311
FHLB 1.375 10/26/2012	3133XXLK3	3312	FHLB	3/23/2010	2,000,000.00	2,015,460.00	1,999,346.84	240	1.42605
FHLB 1.375 12/11/2015	313371NW2	10015	FHLB	12/29/2010	1,000,000.00	1,023,750.00	965,024.34	1381	2.3602
FHLB 1.625 12/11/2015	313371PV2	10009	FHLB	12/29/2011	1,500,000.00	1,540,200.00	1,532,271.88	1745	1.16001
FHLB 1.625 9/28/2015	3133716Z4	10018	FHLB	9/30/2010	1,000,000.00	1,026,670.00	1,002,880.56	1307	1.54109
FHLB 1.63 8/20/2015	313370NE4	10018	FHLB	3/24/2011	1,000,000.00	1,029,070.00	989,399.20	1268	1.95019
FHLB 1.75 12/14/2012	3133XVNT4	3304	FHLB	3/24/2010	1,000,000.00	1,011,730.00	1,001,590.08	289	1.54314
FHLB 1.75 9/11/2015	313370IB5	10012	FHLB	9/30/2010	1,000,000.00	1,030,990.00	1,007,617.21	1290	1.52461
FHLB 1.875 8/30/2013	3133XX121	3311	FHLB	3/23/2010	3,000,000.00	3,069,150.00	2,998,913.60	548	1.9002
FHLB 2 10/28/2013	3133XYDK8	3319	FHLB	5/7/2010	1,000,000.00	1,027,160.00	1,001,840.12	607	1.88512
FHLB 2 7/13/2012	3133XTHE9	3295	FHLB	8/5/2009	1,000,000.00	1,006,890.00	1,000,232.76	135	1.93476
FHLB 2 9/14/2012	3133XUK93	3316	FHLB	5/5/2010	3,000,000.00	3,029,550.00	3,010,345.10	198	1.35008
FHLB 2.3 12/8/2016	313371UV3	3314	FHLB	12/29/2011	500,000.00	525,015.00	525,169.22	1744	1.21006
FHLB 2.625 9/13/2013	3133XUP20	3302	FHLB	5/5/2010	1,050,000.00	1,086,718.50	1,061,907.80	562	1.86009
FHLB 2.625 9/13/2013	3133XUP20	3302	FHLB	3/24/2010	3,000,000.00	3,104,910.00	3,030,185.91	562	1.94456
FHLB 3.125 3/11/2016	3133XXP43	10017	FHLB	3/24/2011	3,000,000.00	3,271,110.00	3,094,746.81	1472	2.29093
FHLB 3.125 3/8/2013	3133XPBB9	3293	FHLB	6/17/2009	1,535,000.00	1,580,159.70	1,545,352.30	373	2.42989
FHLB 3.25 9/12/2014	3133XUMR1	3322	FHLB	9/18/2010	1,000,000.00	1,068,530.00	1,028,731.74	926	2.0597
FHLB 4 6/16/2015	3133XTVD2	10011	FHLB	6/30/2010	1,000,000.00	1,104,720.00	1,079,733.72	1203	1.48519
FHLB 4.625 10/10/2012	3133XML66	3279	FHLB	10/29/2008	2,000,000.00	2,054,720.00	2,005,312.62	224	4.15029
FHLB 4.875 12/13/2013	3133XHW57	3303	FHLB	3/24/2010	1,350,000.00	1,457,082.00	1,413,818.39	653	2.10804
FHLB 4.875 6/8/2012	3133XKS2	3276	FHLB	5/14/2008	1,000,000.00	1,011,730.00	1,002,932.03	100	3.71021
FHLB 5 3/9/2012	3133XUT3	3242	FHLB	3/19/2007	1,000,000.00	1,001,080.00	1,000,040.58	9	4.81006
FHLMC 1.75 6/15/2012	3137EACC1	3292	FHLMC	5/28/2009	2,000,000.00	2,009,460.00	1,999,711.85	107	1.80054
FHLMC 2 8/25/2016	3137EACW7	10030	FHLMC	8/31/2011	3,000,000.00	3,141,780.00	3,104,584.67	1639	1.19702
FHLMC 2.5 5/27/2016	3137EACT4	10021	FHLMC	5/25/2011	3,000,000.00	3,201,120.00	3,053,584.05	1549	2.0538

Tracker
City of Esccondido
Portfolio Holdings
Investment Portfolio - By Asset Class
As of 2/29/2012

Description	CUSIP/Ticker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLMC 2.5 5/27/2016	3137EACT4	10029	FHLMC	6/1/2011	2,500,000.00	2,667,600.00	2,560,355.31	1549	1.90005
FHLMC 2.5 5/27/2016	3137EACT4	10028	FHLMC	5/25/2011	5,000,000.00	5,335,700.00	5,089,054.92	1549	2.05495
FHLMC 3 7/28/2014	3137EACD9	3321	FHLMC	6/18/2010	5,000,000.00	5,323,700.00	5,129,244.50	880	1.88017
FHLMC 4.75 3/5/2012	3137EAA00	3260	FHLMC	6/18/2007	500,000.00	500,255.00	499,956.69	5	5.47452
FHLMC 4.75 3/5/2012	3137EAA00	3250	FHLMC	5/22/2007	1,000,000.00	1,000,510.00	999,967.30	5	5.02005
FHLMC 5 2/16/2017	3137EAAM1	2012_3	FHLMC	2/16/2012	5,000,000.00	5,919,600.00	5,953,278.35	1814	1.04801
FHLMC 5.5 8/20/2012	3137EAAV1	3290	FHLMC	5/28/2009	3,000,000.00	3,075,510.00	3,049,916.36	173	1.86004
FNMA 1.25 1/30/2017	3135GOCY3	2012_1	FNMA	1/24/2012	3,000,000.00	3,036,690.00	3,004,646.91	1797	1.21711
FNMA 1.25 9/28/2016	3135GOCM3	10031	FNMA	9/29/2011	5,000,000.00	5,072,450.00	4,990,054.54	1673	1.29503
FNMA 1.375 11/15/2016	3135GOCES8		FNMA	12/29/2011	2,000,000.00	2,038,300.00	2,016,408.86	1721	1.19502
FNMA 2.375 7/28/2015	31398AU34	10016	FNMA	3/24/2011	2,000,000.00	2,119,200.00	2,027,562.59	1245	1.95104
FNMA 2.375 7/28/2015	31398AU34	10013	FNMA	9/30/2010	1,000,000.00	1,059,600.00	1,029,351.48	1245	1.48004
FNMA 4.375 7/17/2013	31359MSL8	3317	FNMA	5/5/2010	1,000,000.00	1,055,330.00	1,035,060.12	504	1.75013
FNMA 4.625 10/15/2014	31359MWJ8	3320	FNMA	6/18/2010	1,000,000.00	1,105,520.00	1,066,435.64	959	1.97173
FNMA 4.75 2/21/2013	31359MQV8	3273	FNMA	4/25/2008	2,000,000.00	2,086,980.00	2,016,634.92	358	3.81096
FNMA 4.75 2/21/2013	31359MQV8	3294	FNMA	7/23/2009	2,000,000.00	2,086,980.00	2,050,590.40	358	2.05495
FNMA 5 8/2/2012	31359WYQ0	3270	FNMA	4/22/2008	2,000,000.00	2,040,900.00	2,010,424.57	155	3.66001
FNMA 5 8/2/2012	31359WYQ0	3272	FNMA	4/25/2008	1,000,000.00	1,020,450.00	1,005,052.40	155	3.70002
FNMA 5.38 10/2/2013	31364GBF5	3315	FNMA	5/5/2010	1,006,000.00	1,084,015.30	1,059,127.25	581	1.92976
Sub Total / Average					98,941,000.00	103,572,545.50	101,281,324.86	920	1.98579
LAI F - Public Safety Facility Bonds									
LAI F LGIP	LGIP7018	10002	LAI F	6/30/2011	415,703.58	415,703.58	415,703.58	1	0.389
Sub Total / Average					415,703.58	415,703.58	415,703.58	1	0.389
Money Market Account									
Bank of America MM	MM0555	2001	Bank of America	5/31/2011	5,423,868.71	5,423,868.71	5,423,868.71	1	0.2
Sub Total / Average					5,423,868.71	5,423,868.71	5,423,868.71	1	0.2
Negotiable Certificate of Deposit									
Goldmansachs 0.55 8/15/2013	38143AVZ	2012_2	Goldmansachs	2/15/2012	225,000.00	224,257.50	225,000.00	533	0.55
Sub Total / Average					225,000.00	224,257.50	225,000.00	533	0.55
Treasury Coupon Securities									
T-Note 2.125 5/31/2015	912828NF3	4027	Treasury	6/18/2010	1,000,000.00	1,052,270.00	1,004,513.62	1187	1.97833
T-Note 4.25 9/30/2012	912828HE3	4024	Treasury	10/5/2007	300,000.00	307,125.00	300,074.33	214	4.20254
T-Note 4.625 7/31/2012	912828GZ7	4023	Treasury	10/5/2007	275,000.00	280,145.25	275,430.25	153	4.20714
Sub Total / Average					1,575,000.00	1,639,540.25	1,580,018.20	821	2.79115

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class
 As of 2/29/2012

Description	CUSIP/Tracker	Transaction ID	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
Total / Average					129,649,007.26	134,344,350.51	131,994,350.32	713	1.62914

Tracker
 City of Escondido
 Transactions Summary
 Transaction Summary Report - Maturities
 From 1/1/2012 To 3/31/2012

Description	CUSIP/Ticker	Settlement Date	Face Amount/Shares	Principal	Total	Action	Custodian
FHLB 5 3/9/2012	3133XUT3	3/9/2012	1,000,000.00	1,000,000.00	1,000,000.00	Matured	Union Bank
FHLMC 4.75 3/5/2012	3137EAAR0	3/5/2012	500,000.00	500,000.00	500,000.00	Matured	Union Bank
FHLMC 4.75 3/5/2012	3137EAAR0	3/5/2012	1,000,000.00	1,000,000.00	1,000,000.00	Matured	Union Bank
FNMA 5 2/16/2012	31359M5H2	2/16/2012	2,000,000.00	2,000,000.00	2,000,000.00	Matured	Union Bank
TOTAL			4,500,000.00	4,500,000.00	4,500,000.00		

CITY OF ESCONCIDO
FUNDS MANAGED BY OUTSIDE PARTIES
March 31, 2012

Type of Funds / Institution	Market Value	Interest Rate	Reserve Fund Type of Investment
BOND FUNDS			
BANK OF NEW YORK MELLON TRUST:			
1993 Vineyard Golf Course Certificates of Participation	\$ 703,476.43	0.169%	Money Market/ FHLB Discount Note
2001 Reidy Creek Golf Course Lease Revenue Bonds (issued April 2001)	543,800.69	0.169%	Money Market/ FHLB Discount Note
1992 Community Development Commission Revenue Bond	348,074.51	0.142%	Money Market/ FHLB Discount Note
2000A COP - Water Project (Certificates issued March 2000)	1,002,449.55	0.010%	Money Market/ FNMA Discount Note
2002A COP - Water Project (Certificates issued August 2002)	846,076.75	0.010%	Money Market/ FHLB Discount Note
2007 COP - Water Project (Certificates issued September 2007)	11,371,009.91	0.010%	Money Market
2004A Wastewater Bond (1996 Wastewater Refunding)	2,026,149.58	0.170%	Money Market/ FHLB Discount Note
2004B Wastewater Bond - Brine Project	3,586,941.83	0.050%	Money Market/ FHLB Discount Note
2001 Community Facility District (Hidden Trails)	230,487.17	0.499%	Money Market/ Certificate of Deposit
2006 Community Facility District (Eureka Ranch)	1,925,700.01	0.111%	Money Market/ FHLB Discount Note
1986-1R/98 Auto Parkway Assessment District	331,924.07	0.170%	Money Market/ FHLB Discount Note
1998-1 Rancho San Pasqual Assessment District	342,480.00	0.167%	Money Market/ FHLB Discount Note

TOTAL FUNDS MANAGED BY OUTSIDE PARTIES

\$ 23,258,570.50

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10

Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Christopher W. McKinney, Director of Utilities
SUBJECT: Vector Habitat Remediation Program Funding Grant

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-77, authorizing the City Manager or his designee to submit applications to the County of San Diego's Department of Environmental Health (DEH) for a Vector Habitat Remediation Program grant.

FISCAL ANALYSIS:

To support dredging and vegetation removal costs of approximately \$275,000 for Sand Lake in Kit Carson Park, staff recommends the City apply for a \$250,000 to \$275,000 grant award from the County's Vector Remediation Grant Program. In addition, staff recommends applying for a grant award in the amount of \$150,000 to \$250,000 to design a full scope of work in order to address drainage issues of a section of the Flood Control Channel at 3rd Avenue to West Valley Parkway (Mission Pools site). In both cases, the City will provide a 20 percent match that is not expected to aggregately exceed \$105,000. This amount will be funded by the Utilities stormwater budget.

PREVIOUS ACTION:

On July 13, 2012, the City Council adopted Resolution No. 2011-97, which authorized the Director of Utilities to pursue a Regional General Permit (RGP) through the U.S. Army Corps of Engineers to regularly maintain Escondido's natural and modified drainages (i.e., remove sediment and vegetation that impedes flow and supports as well as spawns mosquitos and vectors).

BACKGROUND:

The County of San Diego Department of Environmental Health (DEH) is seeking proposals for projects to be funded under the Competitive Grant Funding Program of the Vector Habitat Remediation Program. Projects funded by this grant program will focus on comprehensive, long-term solutions for source reduction of mosquito-breeding habitat by physically modifying the sites that support them. Addressing the sources that support mosquitos will include removing vegetation in natural and modified waterways and/or drainages. This vegetation removal program is intended to offer long-term solutions for controlling mosquito and vector-breeding habitat, thereby better protecting the public's health and safety.

For the past year, the City has been developing comprehensive permit applications (Regional General Permit [RGP]) to obtain long-term approval from environmental regulators to remove vegetation from the City's natural

and modified drainages, such as Escondido and Kit Carson Creeks. The intent of this effort is to enable the City to regularly maintain its drainages to sustain flow and to prevent the growth of vegetation that supports mosquitos and vectors that pose public health and safety risks. Because of Escondido's extensive drainage system that includes over 60 maintenance sites, the initial vegetation removal effort will be expensive, especially for natural waterways that are impacted with more vegetation. To offset these anticipated costs, the City's Utilities Department (Environmental/Stormwater) recommends pursuing two grant opportunities for two sites under the County's Vector Habitat Remediation Program: (1) Sand Lake in Kit Carson Park, which will involve the removal of sediment and vegetation; and (2) the Mission Pools site adjacent to West Valley Parkway, which will involve developing plans for a complex, two-phased (1 - Planning and Design and 2 - Implementation) habitat remediation project.

Because of their significant vegetation issues and proximity to residents and businesses, and because the two sites have been regularly treated by the County's Vector Department as known nuisance breeding sites, the City believes they are excellent candidates for the County's competitive grant program. Moreover, Sand Lake, which is located in Kit Carson Park, features significant sediment and vegetation issues due to heavy sediment and nutrient pollution loads that are transported via surface water runoff through the city's stormwater conveyance system. The second site, the Mission Pools project, is a large and complex area located near the heart of downtown Escondido. Because of its complexity and projected expense, this site will be broken into two phases and three physical segments that include natural and concrete structures that traverse West Valley Parkway. Due to its size and different types of drainages, planning for this project is key to developing a successful permit application that will eventually allow for the regular removal of the sediment and vegetation that impedes water flow at this site.

CONCLUSIONS:

Staff recommends pursuing the County's grant opportunities to offset anticipated costs. Project costs could aggregately exceed \$500,000 for the Sand Lake and Mission Pools sites. Moreover, the County is particularly interested in Escondido as a prospective grant applicant because the City is already pursuing a long-term solution to its maintenance issues through the Regional General Permit application process. Overall, staff believes the County's Vector Remediation Program grant award will financially benefit both agencies, as well as the public's health and safety

Respectfully submitted,



Christopher W. McKinney
Director of Utilities

RESOLUTION NO. 2012-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING CITY MANAGER OR HIS DESIGNEE TO APPLY TO THE COUNTY OF SAN DIEGO DEPARTMENT OF ENVIRONMENTAL HEALTH FOR TWO VECTOR HABITAT REMEDIATION GRANTS FOR AN ESTIMATED TOTAL OF \$500,000 TO SUPPORT PLANNING AND DESIGN AS WELL AS SEDIMENT AND VEGETATION REMOVAL AT TWO IMPACTED MAINTENANCE SITES IN ESCONDIDO

WHEREAS, on January 25, 2012, the The County of San Diego's Board of Supervisors authorized the Director of the Department of Environmental Health ("DEH") to issue grant notices, and enter into agreements with grant recipients to address acute breeding habitat problems identified by County Vector Surveillance and Control Program staff; and

WHEREAS, on July 13, 2011, the City Council adopted Resolution No. 2011-97 authorizing the Director of Utilities to pursue a Regional General Permit ("RGP") to regularly maintain Escondido's natural and modified drainages to remove sediment and vegetation that impedes flow and supports as well as spawns mosquitos and vectors; and

WHEREAS, Sand Lake and Mission Pools project sites are prime candidates for the Vector Habitat Remediation Grant Program due to poor drainage; and

WHEREAS, both the Sand Lake and Mission Pools locations ("Proposed Sites") have been maintained by the County's Vector Department and have several sensitive

receptors (e.g., schools) in the immediate areas surrounding each of the project sites;
and

WHEREAS, the Proposed Sites require significant costs to remediate them.

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

1. That the above recitations are true.
2. That the City Council authorizes the City Manager or his designee to apply to the County of San Diego Department of Environmental Health ("DEH") for two Vector Habitat Remediation Program grants for an estimated total of \$500,000.

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AN AMENDMENT TO THE
ESCONDIDO ZONING CODE ARTICLE 66
REGARDING FEATHER FLAGS AND OTHER
TEMPORARY PORTABLE SIGNS

Case No. AZ 12-0001

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 Planning Commission and City Council on this issue.

SECTION 2. That the City council has reviewed and considered the Notice of Exemption prepared on February 23, 2012, for this project in conformance with CEQA Section 15061 (b) (3), "General Rule" and has determined that all environmental issues have been addressed and no significant environmental impacts will result from approving this code amendment.

SECTION 3. That upon consideration of the staff report; Planning Commission recommendation; Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated by this reference; and all public testimony presented at the hearings held on this project, this City council finds the Zoning Code Amendments to be 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.

ORDINANCE NO. 2012-10(R)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO THE MASTER AND PRECISE DEVELOPMENT PLAN FOR WESTFIELD NORTH COUNTY TO IMPLEMENT AN EXTERIOR REVITALIZATION PROGRAM, ADD RESTAURANT AND RETAIL FLOOR AREA, CONSTRUCT A NEW PARKING AREA, MODIFY THE LIST OF PERMITTED USES, REDUCE THE PARKING RATIO AND INITIATE A NEW SIGN PROGRAM

PLANNING CASE NO. PHG 12-0005

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

SECTION 1. That proper notice of a public hearing has been given and a public hearing has been held before the City Council on this issue and that the City Council has considered the proposal, the staff report, the Notice of Exemption, and any public testimony presented at the hearing.

SECTION 2. That pursuant to the provisions of the Business Enhancement Zone, Article 69 of the Escondido Zoning Code, the City Council Economic Development Subcommittee approved a request for expedited processing of the proposed modification to a Master and Precise Development Plan on March 28, 2012.

SECTION 3. That the City Council has reviewed the Statement of Exemption prepared for the project in conformance with the California Environmental Quality Act ("CEQA") Section 15301, Class 1, "Existing Facilities," 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 Master and Precise Development Plan.

SECTION 4. That upon consideration of the staff report and all public testimony presented at the hearing held to consider the proposed modification, this City Council finds that the proposed modification to the Master and Precise Development Plan is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the Findings of Fact, attached as Exhibit "A" and incorporated by this reference, were adopted by the City Council.

SECTION 6. That the City Council desires at this time and deems it to be in the best public interest to approve the requested modification to the Master and Precise Development Plan to for Westfield North County to implement an exterior revitalization program, add restaurant and retail floor area, demolish three freestanding buildings in the former "duck pond" area and convert to additional parking, and modify the list of permitted uses, parking ratio and the sign program, subject to the conditions of approval set forth in Exhibit "B," attached to this Ordinance and incorporated by this reference. The subject 83-acre site is located on the northern side of Via Rancho Parkway, east of Interstate 15, and addressed as 200 E. Via Rancho Parkway.

SECTION 7. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions.

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

SECTION 9. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

**FINDINGS OF FACT
PHG 12-0005
EXHIBIT "A"**

Modification to a Master and Precise Development Plan

1. The proposed modification to the Master and Precise Development Plan to implement an exterior revitalization program, add restaurant and retail floor area, demolish three freestanding buildings in the former "duck pond" area and convert to additional parking, and modify the list of permitted uses, parking ratio and the sign program would be in conformance with General Plan Policy B4.1(b)(11) which identifies the project site as an 83-acre shopping mall anchored by large department stores and other diverse general commercial uses, including restaurants. Development of new floor area and the revision to the list of permitted uses, sign standards, parking ratio is consistent with the Planned Development zoning on the site that was established for the regional shopping center. The proposed project would be in conformance with General Plan Economic Policies (page II-23) which encourage economic activities to expand or locate in Escondido that are clean and nonpolluting, provide additional employment opportunities, reduce the need for Escondido resident to commute out of the area, will maintain the City's fiscal stability, and are aesthetically superior. The proposed building additions would introduce new features into the center that are aesthetically pleasing and consistent with the existing mall architecture. The proposed project 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 or public facilities, create excessive noise, and adequate parking, circulation and public services can be provided to the site as discussed in the staff report.
2. The approval of the proposed modification to the Master and Precise Development Plan would be based on sound principles of land use since adequate parking, circulation, utilities and access would be provided for the development. The proposed building additions would not conflict with the design of the existing shopping center due to their low profile designs and compatible architectural features. The proposed revision to the list of permitted uses adds additional business opportunities to create a lifestyle center that meets the commercial needs of local residents. The reduction in the parking ratio to 4.0 parking spaces per 1,000 SF of gross leasable area will still ensure adequate parking on the site except for approximately eight days during the Christmas holiday season when an appropriate amount of off-site parking will be provided for employees. The proposed modification to the Master Sign Program provides clarity on sign allowances and ensures an appropriate amount of exterior signage is available for tenant needs.
3. The proposed modification to the Master and Precise Development Plan would not cause deterioration of bordering land uses since the site is zoned for commercial development and is developed with an approximately 1.2 million SF (GLA) regional shopping mall. The proposed project area is adjacent to Interstate 15 to the west, Via Rancho Parkway and commercial development on the south, and is buffered from Kit Carson Park to the north by a large earthen berm. The proposed building additions will add less than 10,000 SF of net floor area to the mall and will be designed to be consistent with the existing architecture. The new parking lot addition will eliminate three vacant commercial buildings on the site and improve the appearance of the

northern side of the shopping center. The exterior renovation program will enhance the appearance of the mall property by adding new entry elements to the building, painting the entire exterior of the building and resurfacing the entire parking lot.

4. The proposed development is well-integrated with the surrounding properties since the site will continue to function as a regional shopping center and the new architectural elements and additions are relatively minor considering the scale of the mall and would be consistent with existing commercial structures. Additional on-site landscaping would be provided in the new parking lot area on the north side of the property.
5. The overall design of the proposed planned development would produce an attractive commercial facility due to its location, the architectural features provided, and landscape design.
6. The development will not require excessive grading since the site has been previously developed and is relatively level.

**CONDITIONS OF APPROVAL
PHG 12-0005
EXHIBIT "B"**

Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. All new exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
7. Parking shall be provided at a ratio of 4.0 parking spaces per 1,000 SF of gross leasable area. The proposed project would result in 1,279,485 SF of gross leasable area and a minimum requirement of 5,118 parking spaces. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards
8. The applicant shall be required to implement an off-site parking program for employees during peak shopping days and hours between Thanksgiving and the end of December. The number of off-site spaces secured by the applicant shall correspond to the need established by the Shared Parking Analysis submitted as part of this project.
9. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code,

including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.

10. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
11. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
12. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the City Council on May 9, 2012, and the exhibits and details in the staff report to the satisfaction of the Planning Division.
13. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the shopping center must comply with the Master Sign Program approved as part of this project.
14. Signs designated for advertising will be used to advertise an establishment, business or service located on the site or is a sponsor of any portion of the site, a product or any goods displayed, produced or available for purchase on the site, or an event that will occur on the site. To the extent property owner wishes to have exterior advertising different from, or beyond the criteria set forth above, approval may be obtained on a case by case basis from the Director of Community Development following an application in writing. The Director shall promptly act on any such requests, but such approval or disapproval shall not exceed 10 business days after a request is submitted (or such request is otherwise deemed approved), and property owner may appeal the decision as provided by the Escondido Zoning Code. Off-premise advertising is prohibited. Developer acknowledges that City reserves the right to reject any exterior signs that do not meet the criteria set forth herein that it considers to be inconsistent with the operation of a first class regional mall and the image of the shopping center and its retailers, and shall not include matters any violent, sexually explicit or obscene matters, or any matters which promote or encourage activity which is in violation of law.
15. Individual sign panels located below the Westfield logo on the freeway pylon shall be limited to on-site tenant names only.

16. All new utilities shall be underground.
17. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
18. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.
19. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
20. All vegetation (including existing vegetation required as part of previous project approvals) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
21. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading permit for the new parking lot in the former "duck pond" area. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of a licensed landscape architect
22. Street trees shall be maintained along each of the site's street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. New trees within five feet of the pavement shall be provided with root barriers.
23. Permitted businesses, land uses and tenants on the mall site shall be regulated by the Master Plan List of Permitted Uses approved as part of this project.
24. Temporary parking lot events/uses shall be regulated by the Master Plan List of Permitted Temporary Uses approved as part of this project and shall be subject to the guidelines for Temporary Use Permits described therein. No temporary parking lot events (except Christmas tree sales) shall be permitted between Thanksgiving and Christmas.

25. The maximum size of the freestanding restaurant pad building approved as part of this project shall be limited to 7,000 SF. Architectural and grading plans for the restaurant building shall be consistent with this Master Plan approval and shall be subject to an administrative review process (Plot Plan) by the Director of Community Development prior to issuance of grading or building permits.
26. The new 207-space parking lot in the vicinity of the Onami building and former "duck pond" area shall be completed prior to issuance of a Certificate of Occupancy for the mall exterior renovation program (Building Permit B12-0245).
27. All conditions of previous Master and Precise Development Plans approved on the site shall remain in full force and effect unless expressly modified herein.

Engineering Division Conditions

STREET IMPROVEMENTS AND TRAFFIC

1. All improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the Director of Engineering Services.
2. The developer's engineer shall prepare a complete signing and striping plan for the proposed parking lot improvements. Developer's contractor shall complete any necessary removal of existing striping and shall install all new signing and striping.
3. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. A site grading and erosion control plan prepared by a Registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The site grading and erosion control plan will not be forwarded from the Building Department, but shall be submitted separately to the Engineering Department.
2. The proposed parking lot shall be paved with a minimum of 4" AC over 6" of AB or 6" PCC over 6" AB or an alternative approved by the Director of Engineering Services. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC. Parking areas with slopes between 0.5% and 3% may be paved with decomposed granite with the review and approval of the City Engineer.
3. Erosion control, including riprap, interim sloping planting, gravel bags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be

responsible for maintaining all erosion control facilities throughout the development of the project.

4. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Director of Engineering Services.
6. A General Construction Activity Storm Water Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of 1 or more acres.
7. After the approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer will be required to sign a Storm Water Management Plan form, and then obtain a Grading Permit and Encroachment Permit from the Engineering Field Office.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted and approved as part of the grading plan check.
3. A Final Water Quality Technical Report together with Hydro-Modification Calculations in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval by the City Engineer together with the grading plans. The Water Quality Technical Report shall include post construction storm water treatment and HMP measures and maintenance requirements.
4. All on-site storm drains, detention basins, and all other post-construction BMP facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. Fire hydrants and detector checks shall be installed at locations approved by the Fire Marshal. All water improvements shall be designed and constructed to the satisfaction of the Utilities Director.
2. No deep rooted plants or trees shall be planted within 15 feet of any existing or proposed public water lines.
3. A portion of the proposed stairway is being built on top of the existing 12 inch public water line. The project engineer shall propose relocation of the 12 inch water line or propose a special design for the stairways to avoid impact to the 12 inch water line, subject to review and approval by the Utilities Director.

SEWER

1. All sewer improvements shall be subject to design and construction to the satisfaction of the Utilities Director.
2. A portion of the proposed restaurant is being built on top of the existing public sewer main. The project engineer shall relocate the existing sewer line or propose a special design foundation subject to review and approval by the Utilities Director.
3. No deep rooted plants or trees shall be planted within 15 feet of any existing or proposed public sewer lines.

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
2. The developer shall make arrangements to remove from title all existing easements which conflict with the proposed grading and parking improvements on the site.

CASH SECURITY AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

Fire Department Conditions

1. All tenant improvement work shall require separate submittals for fire protection systems and fire alarms to the Fire Department.
2. All construction and demolition shall comply with Chapter 14 of the California Fire Code.
3. All fabric awnings must contain fire retardant materials certified by the State Fire Marshal.
4. All driveway modifications shall have a minimum inside turning radius of 28' with curbs marked as fire lanes to the satisfaction of the Fire Department.

RENT REVIEW BOARD

For City Clerk's Use:

APPROVED **DENIED**

Reso No. RRB _____ File No. _____

Ord No. RRB _____

Agenda Item No.: 13

Date: May 23, 2012

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Jerry Van Leeuwen, Director of Community Services

SUBJECT: Short-form Rent Increase Application for Westwinds Mobilehome Park

RECOMMENDATION:

- Consider the short-form rent increase application submitted by Westwinds Mobilehome Park.
- If approved, adopt Rent Review Board Resolution No. 2012-04 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 2.031% (an average of \$7.81) for the period of December 31, 2010 to December 31, 2011.

INTRODUCTION:

Westwinds Mobilehome Park ("Park") 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:

Westwinds Mobilehome Park is an all-age park located at 1415 S. Pine Street and has a total of 65 spaces. There are 13 spaces subject to rent control, and the Park is requesting an increase for the 13 rent controlled spaces. The other spaces not included in this application are on long-term leases, occupied as rentals or are vacant. The amenities available for the residents include a furnished clubhouse with a kitchen, a pool, and laundry facilities.

The application meets all the eligibility criteria for submittal of a short-form rent increase application.

PARK OWNER'S REQUEST:

The Park is requesting an increase of 75% of the change in Consumer Price Index for the period of December 31, 2010, to December 31, 2011. Seventy-five percent of the change in the CPI for the period of consideration is 2.031%. The average monthly rent for the residents that are affected by this application is \$384.41. The average monthly increase requested for each of the 13 spaces is \$7.81 per space, per month.

This is the fifteenth rent increase request filed by this Park since the Ordinance was implemented. The last increase was granted in May, 2011 for an average amount of \$3.32, per space, per month.

RESIDENT MEETING AND COMMENTS:

Individual notices were sent to each affected resident notifying them of the increase application and the hearing date. Additionally, a resident meeting was held in the Park's clubhouse on April 24, 2012. The meeting, coordinated by Karen Youel, was attended by the Property Manager, Jim Younce, the resident representative, Faith Crouse, and Code Enforcement Officer, Sandra Moore. Ms. Crouse stated that the residents had not expressed any issues or concerns to her prior to the meeting, and she did not have any health and safety code issues to be addressed.

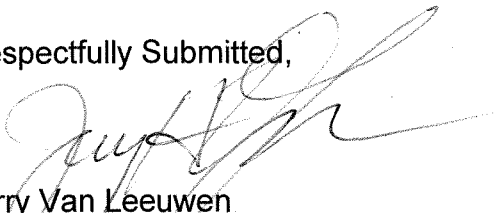
CODE ENFORCEMENT INSPECTION:

An inspection of the common areas of the Park by the Code Enforcement Division of the City noted some violations of the Health and Safety Code. A copy of the Code Report ("Report") is attached as "Exhibit A." The Owner, Resident Manager, and resident representative received a copy of the Report, and were made aware that no rent increase, if granted, may be implemented until the Health and Safety Code violations have been cleared.

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 Park owner may send the 90-day notice of any rent increase granted to the residents upon the adoption of the Resolution.

Respectfully Submitted,



Jerry Van Leeuwen
Director of Community Services

May 3, 2012

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Westwinds Mobile Home Park

Park Owner: Bart Thomsen
301 E. 17th Street, #208
Costa Mesa, CA 92627

Park Manager: Jim Younce **Phone:** (760) 740-0743

Inspection Date: 05/02/12 **Inspector(s):** S. Moore

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 and the California Building Code (CBC), 2010 Edition. This inspection report only addresses health and safety issues that are related to areas for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. Remove the trash and discarded items near the trash bins. **25 CCR 1120 (b)**
2. Determine the cause of the dampness/musty odor inside the storage closet in the clubhouse, then have the moisture removed and make repairs where necessary. **25 CCR 1605 (a) (6), 25 CCR 1605 (i)**

3. Remove the stored materials next to the water heater inside the electric meter room, outside the clubhouse. **25 CCR 1246 (b) per CPC, 2010 Ed., 502.6 & 505.3**
4. Repair the loose electrical outlet on the west exterior wall of the clubhouse building near the laundry room. **25 CCR 1132, 25 CCR 1605 (a) (6)**

**Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection: 05-03-12)**

Although the lighting in the park was found to be generally sufficient and lighting levels were within the minimum requirements for illumination, the inspection revealed the following: The light fixture adjacent to 1 Jamaica Ln. is inoperable. The light fixture adjacent to 6 Tahiti Dr. is functioning improperly (light flashes or shuts off). The light fixture adjacent to 7 Bahama Dr. is partially obscured from view by tree branches.

Make necessary corrections to the above to improve overall lighting within the park.

MOBILEHOME PARK RENT REVIEW

RESIDENT REPRESENTATIVE REPORT FORM

Park Name Westwinds MHP

Date of Inspection _____

Resident Representative Faith Crouse

This park will be inspected as a result of an application having been filed for a rent increase. The Code Enforcement Division will base their inspection under provisions outlined in the California Health and Safety Code, Division 13, Part 2.1; California Code of Regulations – Title 25, the Escondido Zoning Code, Article XLV; and the Escondido Municipal Code, Section 6-480 Property Maintenance.

The report compiled by the Code Enforcement Division will address the health and safety issues related to the common areas of the mobile home park and those items for which the repair and maintenance is the responsibility of the owners and managers of the park. The attached list is to assist you and the residents in noting your current concerns so that they can be addressed as part of the process.

At the time of the inspections, each item on this list will be discussed with the participants. If it is a violation of Title 25 it will be made part of the Inspection Report.

Occasionally there are no concerns noted by park residents. If that is the case, we ask that you check the appropriate statement below, sign the form and return it to the Code Enforcement Division.

The residents have expressed no specific concerns or issues at this time.

The residents have expressed the specific issues and concerns that are noted on the accompanying pages of this report.

Faith Crouse
Print Name of Resident Representative

Faith Crouse
Signature

April 24, 2012
Date

8 Tahiti Dr, 760/740-8572
Space # / Phone Number
cell 760/877-9543

City of Escondido
Code Enforcement Division
201 N. Broadway
Escondido, CA 92025
(760) 839-4650

**RENT CONTROL INSPECTION CHECKLIST
RESIDENT COMMENTS**

Responsible person: There shall be a person available who shall be responsible for the operation and maintenance of the mobile home park. The person or designee shall reside in parks of 50 units or more, and shall have knowledge of emergency procedures of the park facilities.

satisfactory

Rubbish, accumulation of waste material: The park shall be kept clean and free of the accumulation of refuse, garbage, rubbish, excessive dust or debris.

satisfactory

Drainage: The park common areas and roadways shall be graded and sloped to provide storm drainage runoff. Standing water should evaporate within 72 hours.

satisfactory

Building and park lighting: During hours of darkness, artificial lighting shall be maintained in accordance with requirements of Title 25.

Satisfactory

Lot address identification: Each lot shall be identified by letters, numbers or a street address mounted in a conspicuous place facing the roadway.

excellent

Permanent park buildings: Park buildings, structures and facilities shall be maintained free from hazards.

excellent

Emergency information: Emergency information is to be printed and posted in a conspicuous location and shall contain the following telephone numbers/information:

- Fire Department
- Police Department
- Park office
- Responsible person for operation and maintenance
- Code Enforcement
- Park location – address
- Nearest public telephone

excellent

Other questions, comments or concerns:

Good cooperation between management and residents.

RESOLUTION NO. RRB 2012-04

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A
RENT INCREASE FOR WESTWINDS
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 pursuant to Section 12 of the Rent Review Board Guidelines was filed on March 26, 2012, by Bart Thomsen, the owner of the rental spaces in Westwinds Mobilehome Park, located at 1415 S. Pine Street in Escondido; and

WHEREAS, this is the fifteenth rent increase application filed by the Park since the Ordinance became effective in 1988. The last rent increase was granted by the Rent Review Board Resolution 2011-03 on May 25, 2011, for an increase of 0.932%, or approximately \$3.32 per space, per month; and

WHEREAS, at the time of the current application, the average monthly rent per space was \$384.41 for 13 spaces subject to the rent increase. The owner requested a rent increase in the amount of 75% of the change in the Consumer Price Index (CPI) for the period December 31, 2010, through December 31, 2011, in accordance with the

Rent Review Board short-form policy guidelines. The application estimated this amount to be an average of \$7.81 (an increase of 2.031%) per space, per month; and

WHEREAS, a notice of the Park's Rent Increase 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 May 2, 2012, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed. It noted Health and Safety Code violations in the Park; and

WHEREAS, on May 23, 2012, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, 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 average rent increase of \$7.81 per space, per month, for the 13 spaces which are subject to the rent increase.

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 75% of the change in

the Consumer Price Index (CPI) for San Diego County from December 31, 2010, through December 31, 2011, would amount to an increase of 2.031%, which averages \$7.81 per space, per month, for the 13 spaces that are subject to the rent increase.

4. That the Board concluded that an increase of \$7.81 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 not be implemented until after the health and safety code violations noted in the Inspection Report have been corrected, signed off, and are in compliance with the various state and local code sections as noted in the Inspection.

6. 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. 2012-52, 2012-53 File No. _____
2012-54

Ord No. N/A

Agenda Item No.: 14

Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: A Comprehensive General Plan Update (excluding the Housing Element) and Final Environmental Impact Report (EIR) Case No.: PHG 09-0020; Documents are online at: <http://www.escondido.org/general-plan-update.aspx>

STAFF RECOMMENDATION:

It is recommended that the City Council:

- 1) Adopt Resolution 2012-53(R) certifying a Final EIR*, and CEQA Findings of Significant Effects including significant and unavoidable air quality, biological resources, noise, vibration, housing, traffic, and utilities impacts, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (refer to Final EIR under separate cover).
- 2) Provide direction regarding *a) reducing* the density of the proposed Urban V residential land use classification from 45 units per acre to 30 units per acre; *b) eliminating* General Plan Community Character Policy 1.14 requiring the City Council to consider ordinances or policies intended to meet a maximum anticipated population of 150,000 to 165,000 with a maximum anticipated population of 155,000; and *c) the number and format of ballot measures associated with the General Plan land use and text changes for voters to consider at the November election.*
- 3) Adopt Resolution 2012-52(R) approving a comprehensive update to the General Plan including Land Use & Community Form (with recommended modifications to the proposed SPA #13), Mobility & Infrastructure, Community Protection, Resource Conservation, Health & Services, Growth Management, Economic Prosperity Elements, and Implementation Program Chapters (excluding the Housing Element) (refer to General Plan document under separate cover).
- 4) Adopt Resolution 2012-54 approving General Plan amendments for voter consideration at a future election.

**Note: The Final EIR also assessed preparation of a Housing Element, Climate Action Plan and Downtown Specific Plan Update. These projects are not proposed for consideration at this time and will be scheduled for a public hearing(s) at a later date.*

FISCAL ANALYSIS:

Contracts totaling \$1,116,437 (including a \$100,000 contingency) were executed with Atkins Consultants for planning technical studies, developing a Climate Action Plan (CAP) that promotes sustainability and reduces Greenhouse Gas (GHG) emissions in concert with Assembly Bill 32 (funded by the federal Energy Efficiency and Conservation Block Grant (EECBG) Program), and an EIR to assess these projects in concert with the General Plan Update. Sufficient funds remain available and unencumbered in the City's Capital Account for the General Plan Update. More funding may be needed in next year's Capital Improvement Program budget for General Plan Implementation efforts, the salary of the staff Project Manager and minor, incidental expenses.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

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

PLANNING COMMISSION ACTION:

Five members of the Planning Commission reviewed the General Plan and Final EIR on May 7, 2012 (See Attachment "B" Draft Planning Commission Minutes). Commissioner Spann was absent, and Commissioner Johns has not been officially sworn in. The Commission unanimously recommended approval of the General Plan chapters pertaining to Economic Prosperity, Growth Management, Resource Conservation, Community Protection, Community Health and Services, and Implementation Program without discussion. The Commission also unanimously recommended approval of two private General Plan land use amendments (refer to Planning Commission staff report pages 3, 17 – 23), as well as the deletion of Residential Clustering Policy 5.11 without discussion (refer to Planning Commission staff report page 4). Most of the discussion focused on the Land Use and Community Form Element involving several proposed General Plan amendments subject to voter approval:

Imperial Oakes Corporate Center SPA #13 (General Plan page II-59)

Areas along Iris Lane are established with single family residential homes, while portions to the west are less developed. The Specific Plan proposes retaining the residential development along the west side of Iris Lane and transitioning to employment land uses in the western portion of the site. The proposed SPA is encumbered by a SDGE utility easement that traverses the area in a north-south direction. Several members of the public opposed the proposed SPA. A majority of residents who spoke reside along Iris Lane and were concerned that the employment land uses would impact their neighborhood character. Other public concerns included potential loss of open space, traffic affecting emergency services, and the low demand for additional office uses given the current high vacancy rates.

Staff noted that the SPA text accommodates residential development along Iris Lane (see #3 on page II-60). The General Plan calls for future employment development to include trails that integrate with Rod McLeod Park, which would add recreational opportunities. Staff also noted that the General Plan is intended to address long-term community needs and that current employment land vacancy rates should not be used as an indicator of future conditions.

Commissioner Caster felt that the text and map should be further clarified to delineate residential and employment areas of the Specific Planning Area. Commission McQuead noted that such details could be established in the subsequent Specific Plan document that would implement the plan. Further discussion ensued regarding the merits of providing additional detail in the General Plan regarding the locations for residential and employment areas. Ultimately the Commission felt that providing such information in the General Plan would allow the residents to know the long term-plans for their area and recommended that the text and map be modified to further clarify the boundary between residential and employment land uses, specifically retaining residential uses along the west side of Iris Lane (4-0-1; Watson abstained due to an ownership conflict of interest).

Nordahl Road Transit Station Target Area (General Plan pages II-79, II-80 and II-52, II-53)

A portion of the Target Area involves unincorporated territory located northwest of the new Palomar Hospital proposed for a land use designation of Specific Plan #8. The area contains residences along the south side of Country Club Drive and along Ross Drive and Ginger Way, in addition to several large properties adjacent to the Escondido Research Technology Center. Residents submitted a petition opposing the proposed employment land use designation and expressed concern that either the City or hospital district would attempt to annex and/or condemn their properties for alternative land uses. Concern was also expressed that as county residents they could not vote on pending City land use changes affecting their properties.

Staff noted that the property owners retain control regarding annexation to the City, and that there have been no applications received from developers or the hospital district for proposals in the area. Further, that the General Plan acknowledges the rights of property owners to continue the use of their property for residential purposes (page II-53). Adopted City ordinances would allow for the continued non-conforming residential uses indefinitely, and similar rights would be passed on to future buyers of the property.

The Planning Commission noted concerns of the property. Commissioner Winton reiterated that the property owners control the annexation process, which would also provide them an opportunity to vote on City-related matters if they chose to annex to Escondido. He noted that annexation would also provide residents with the ability to connect to city sewer if they experienced failing septic systems. He further stated that the City's non-conforming use ordinance would assure residents of their long-term preference of retaining their own homes in the area while allowing those who choose to transition their property to employment uses could do so in a manner that assures compatibility with surrounding areas. The Commission unanimously recommended approval of the proposed redesignation to this Target Area.

Promenade Retail Center and Vicinity Target Area (General Plan page II-76)

The discussion focused on the south side of Ninth Avenue where an existing multi-family apartment development would be amended to allow a commercial and office mixed use overlay, with no increase in residential density. Chairman Weber questioned the likelihood of the site redeveloping given the marginal success rate of mixed-use development in the region. The applicant commented on that the large site (26 acres) is under a single ownership and strategically located near Interstate 15 between the Lexus dealership and Home Depot commercial center. While there are no pending plans for redeveloping the site at this time, it would be a strong candidate for a comprehensive integrated plan that incorporates a strong commercial / office presence along Ninth Avenue in the future. The Commission unanimously recommended approval of the proposed mixed-use overlay redesignation for this Target Area.

Nutmeg Street redesignation from Estate II to Office (General Plan page II-3)

This 7-acre site located at the juncture of Interstate 15, Centre City Parkway and Nutmeg Street was initiated for study by the City Council. There was discussion regarding the opportunity for alternative uses that could be approved under the existing residential designation with a conditional use permit (i.e. churches, schools, convalescent facilities, etc.). The applicant spoke regarding the site's inappropriateness for a residential land use designation and the need for more flexibility. The Commission recommended approval of the proposed redesignation for Office (4-1-0; McQuead voted no without explanation).

South Escondido Boulevard / Centre City Parkway Target Area (General Plan page II-68)

The Target Area involves residential properties currently designated Urban IV (multi-family up to 24 units per acre) for redesignated as Urban V (multi-family up to 45 units per acre). The proposal to increase densities to 45 units per acre would allow development to take advantage of infrastructure investments (i.e. sewer, water, streets, transit, etc.) and provide urban housing opportunities for residents desiring to live close to services. Increased densities in this area could also serve as a catalyst to bolster commercial activity along Escondido Boulevard and support downtown.

Staff noted that the General Plan designation for the subject area prior to 1990 allowed up to 30 units per acre, and that non-conforming projects at that density currently exist in the neighborhood (refer to Planning Commission staff report page 15 for additional details). Staff also noted that while the General Plan Update's employment-oriented land use changes had not experienced significant public opposition during community forums, many concerns had been expressed that the Urban V designation was too intense (refer to Planning Commission staff report page 11 for additional details).

While there was no public testimony regarding the proposed Urban V land use change at the Planning Commission meeting, the Commissioners expressed reservations regarding the increased density. Commissioner Caster noted that a primary objective of the General Plan was to enhance the jobs / housing balance and to raise the community's median income. He expressed concerns regarding the number of existing multifamily units in the community and questioned whether the Urban V residential would appeal to residents who were being paid the higher wages that the General Plan was aiming to attract. Commissioner McQuead noted that projects constructed at 24 units per acre can still accommodate detached units, but development at 45 units per acre typically involves attached, higher profile multi-story units with structured parking. He expressed concern that such intensities could impact community character. After further discussion the Commission unanimously recommended against designating the area as Urban V.

Remaining General Plan map and text actions

There were general questions pertaining to the refined Traffic Quality of Life Standard that identifies Level of Service "D" as the threshold for applying mitigation in the Mobility and Infrastructure Element (General Plan page III-2). Commissioner Caster expressed a concern regarding increased traffic associated with the General Plan build out and did not want the existing street system to experience further deterioration in Level of Service. Commissioner Winton expressed a concern regarding unintended consequences of establishing and maintaining vibrant and exciting places in the community and the potential associated impacts pertaining to traffic and congestion. The Planning Commission unanimously approved the Mobility and Infrastructure Element.

The Planning Commission unanimously recommended approval of the remaining portions of the General Plan update including employment areas at Interstate 15 and Felicita Road (General Plan Page II-77), and the South Quince Street Target Area regarding a mixed-use overlay (General Plan page II-66) without discussion. In addition, a 22-acre site located along Gamble and Amanda Lanes that was initiated for study by the City Council for changing from Estate I (residential, up to 1 unit per acre) to Estate II (residential, up to 2 units per acre) was approved without discussion. No public testimony was provided regarding these land use changes.

Final Environmental Impact Report

Details regarding the Final Environmental Impact Report, its organization, findings of significance and unavoidable impacts are provided on pages 9 and 10 of the Planning Commission staff report. Late comments were received from the Escondido Elementary School District after the EIR public review period concluded expressing concern regarding school finances, continuity of educational programs, growth, and traffic/safety (Planning Commission staff report page 80).

The Department of Fish and Game (DFG) requested clarification and recommended amendments on General Plan policies related to open space preservation to which staff responded (Planning Commission staff report page 97). The Chamber of Citizens submitted a follow-up letter expressing concern about General Plan population and compliance with an existing policy that limits Escondido's build-out population to 155,000 persons (See their letter in the Planning Commission staff report page 78 and staff's response on page 14). No comments necessitated redrafting and re-circulating the DEIR.

Commissioner McQuead commented on the *Groundwater Supplies and Recharge* section of the EIR and was concerned that the text appeared to preclude property owners from obtaining permits to drill for water on their properties. Staff noted that the EIR's intent is to inform the reader that the General Plan does not rely on well water for its potable supplies and that property owners are able to drill for water provided appropriate permits are obtained. The Final EIR has been edited to clarify this provision (see underlined text on pages 4.9-27 and 4.9-47).

Commissioner Caster noted that traffic mitigation measures Tra-5 and Tra-6 pertaining to Escondido Boulevard actually referred Lincoln Avenue. Staff noted the error and the Final EIR has been corrected (see underlined text on page 4.16-85).

Several significant and unavoidable impacts will be associated with the build out of Escondido's General Plan, which is not an unusual conclusion based on staff's understanding of other General Plan updates conducted throughout the state. The significant and unavoidable impacts include air quality, biological resources, noise, population and housing, transportation and traffic, and utilities and service systems and are detailed in Resolution 2012-53. Certifying the EIR will require adoption of Overriding Findings concluding that the benefits of the projects outweigh the impacts associated with their implementation. The Final EIR includes a Mitigation and Monitoring Plan where staff has assigned responsibility and tracking for implementing the EIR Mitigation Measures. The Commission voted to unanimously certify the Final EIR.

General Plan Ballot Initiative Discussion

The Planning Commission provided input regarding the pending ballot measure(s) necessary for General Plan approval of specified land use and policy text changes. Commissioner Caster commented that separate ballot measures that distinguished between employment land use and residential Urban V land use changes (if the City Council chooses to include the Urban V in the General Plan update) would avoid linking a potentially unpopular feature of the General Plan. As the discussion ensued, there appeared consensus that fewer ballot measures would be potentially less confusing, and that a single ballot measure containing all General Plan land use and policy text changes would be the best option. No formal recommendation was made regarding this matter.

STAFF RECOMMENDATION:

Imperial Oakes Corporate Center SPA #13 (General Plan page II-59)

Staff supports the Planning Commission recommendation regarding Imperial Oakes Corporate Center SPA #13 to delineate employment and residential areas, and to modify the text clarifying the retention of single family detached residential uses along the west side of South Iris Lane. While the current General Plan designation is Suburban (single family up to 3.3 detached units per acre) for this area of the proposed SPA, the development across Iris Lane is Urban II (multi-family; up to 12 units per acre). Staff proposes Urban I (single family up to 5.5 detached units per acre) for the residential portion of SPA #13 which:

- a) Retains the single family character in the area;
- b) Avoids establishing non-conforming land use with existing residential development;
- c) Provides a more typical transition of residential land use patterns with Urban II and employment land found elsewhere in the community; and,
- d) Retains opportunities for future upper-income suburban style housing.

Staff has reviewed the property development patterns in the area and proposes a modification to the General Plan text as described in Attachment "A" (page 9).

Nordahl Road Transit Station Target Area (General Plan pages II-79, II-80 and II-52, II-53)

Staff supports the Planning Commission recommendation regarding the Nordahl Road Transit Station Target Area. Because the General Plan is a long-term document, it is appropriate to identify ultimate land use designations with the recognition that current land uses may remain for the foreseeable future. Staff recognizes that the current residential land uses may not be appropriate for recycling at this time for a variety of reasons. The General Plan does not propose any development or annexation of this area, and annexation requires property owner consent. Existing codes allow for residents to maintain their homes indefinitely. Designating this portion of the Target Area for employment uses would still allow property owners to sell their homes to other residential purchasers, or as employment land. Given the proximity to employment land, which surrounds the area on three sides, distance to major transportation features (major arterials, freeways and transit station) the long-term land use is suitable for employment uses.

South Escondido Boulevard / Centre City Parkway Target Area (General Plan page II-68)

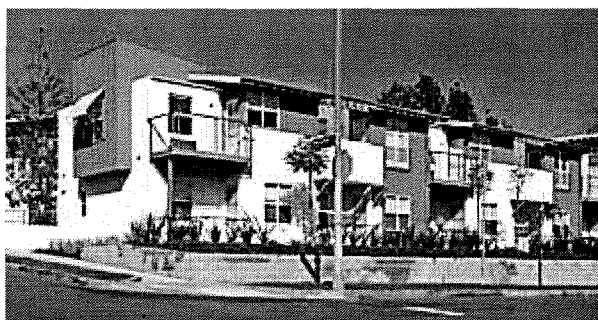
As previously stated, Urban V densities of 45 units per acre would allow development to take advantage of infrastructure investments (i.e. sewer, water, streets, transit, etc.) and provide housing opportunities for residents desiring an urban environment close to services. Increased densities in this area could also serve as a catalyst to bolster commercial establishments along Escondido Boulevard. Staff acknowledges concerns expressed by residents and the Planning Commission regarding the type of development associated with 45-unit per acre development, which is more compact and high profile in nature, and the potential for impacting community character.

As an alternative, staff recommends consideration of an Urban V accommodating up to 30 units per acre. Such a designation existed for this area prior to 1990 and some properties are currently developed at this density now considered non-conforming due to the existing 24-unit per acre designation established by the adopted General Plan. Development at 30 units per acre meets the state's recommended threshold of affordability for entry-level home ownership and accommodates detached and attached residential dwelling types (as depicted on the following page).

An Urban V multi-family residential designation allowing up to 30 units per acre would be lower in scale and profile and potentially provide better compatibility with existing land uses:



Examples of detached and attached residential development constructed at 30 units per acre



General Plan Community Character Policy 1.14 (General Plan page II-98)

Although it was not discussed at the Planning Commission public hearing, the Planning Commission staff report includes a response to the Chamber of Citizen's letter expressing concern that the General Plan Update's build out will exceed the targeted population of 155,000 identified in the existing General Plan Population Policy F1.1 (Planning Commission staff report page 78). The original policy that was reaffirmed by the voters in 1998 states:

The City Council will consider ordinances or policies intended to meet the maximum pollution objectives of 150,000 to 165,000 with a maximum anticipated population of 155,000. (Amendment to this policy is subject to voter approval)

The Planning Commission staff report provides information regarding the inability to meet this policy's objective under the current General Plan based on community vision, demographic trends, and wholesale reductions to densities in the General Plan in 1990 that did not reflect developed land uses. It should be noted that Escondido's General Plan population (including city limits and surrounding unincorporated areas) already exceeds 155,000. In an effort to retain the original policy text, staff proposes to delete the text 'Demographic trends may affect these population objective' from the draft policy on General Plan page II-98. The reference to demographic trends is proposed for inserting on page I-8 in Section E "Community Context and Vision" in the second paragraph, first sentence:

With the land use designations, environmental policies, demographic trends, and growth management policies, it is anticipated that the number of residential units and non-residential development associated with Escondido's General Plan build-out (including city limits and surrounding unincorporated area) by the year 2035 will be consistent with the development capacities depicted in Figure II-5.

However, The City Council may wish to consider eliminating this policy from the General Plan to avoid potential confusion in the future. Because the policy was readopted as part of the 1998 voter initiative, deleting the policy would require voter approval.

General Plan Ballot Measures

As the Council is aware, General Plan land use changes that intensify residential designations, or change residential designations to commercial and/or industrial land uses require a public vote. In addition, amendments to specified General Plan policies that were readopted in a 1998 voter-approved initiative also require voter approval. Because the General Plan Update includes both of the actions described, those portions of the Plan will require voter approval to be implemented. The General Plan is silent regarding the format for structuring General Plan ballot measures. Prior discussions at City Council meetings, and at the Planning Commission meeting on May 7, 2012, indicate a consensus for fewer (and possibly a single) ballot measure that groups land use and policy changes together in order to simplify the process and reduce confusion. Staff is seeking direction regarding the number and potential grouping of General Plan ballot amendments for voter consideration in order to commence developing ballot language for the Registrar of Voters to include in the November election.

STAFF RECOMMENDATION AND NEXT STEPS IN THE PROCESS:

Staff recommends that the City Council:

- 1) Adopt Resolution 2012-53 certifying the Final EIR, Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program;
- 2) Provide direction regarding the:
 - a. Urban V land use designation;
 - b. Population build out policy;
 - c. Number and potential grouping of General Plan ballot amendments.
- 3) Adopt Resolution 2012-52 approving the General Plan Update with noted modifications;
- 4) Adopt Resolution 2012-54 approving General Plan amendments for voter consideration.

In light of the pending ballot measure(s), public outreach remains an important component. Based on City Council approval of the various General Plan update actions, staff proposes to schedule a follow-up briefing with the Council regarding educational and outreach programs recommended for informing voters about the General Plan in anticipation of the November election. Staff is developing recommended wording proposed for the ballot for consideration by the Council in June in order to meet the Registrar of Voter's timeframe for receiving the General Plan ballot measure language.

Respectfully submitted,



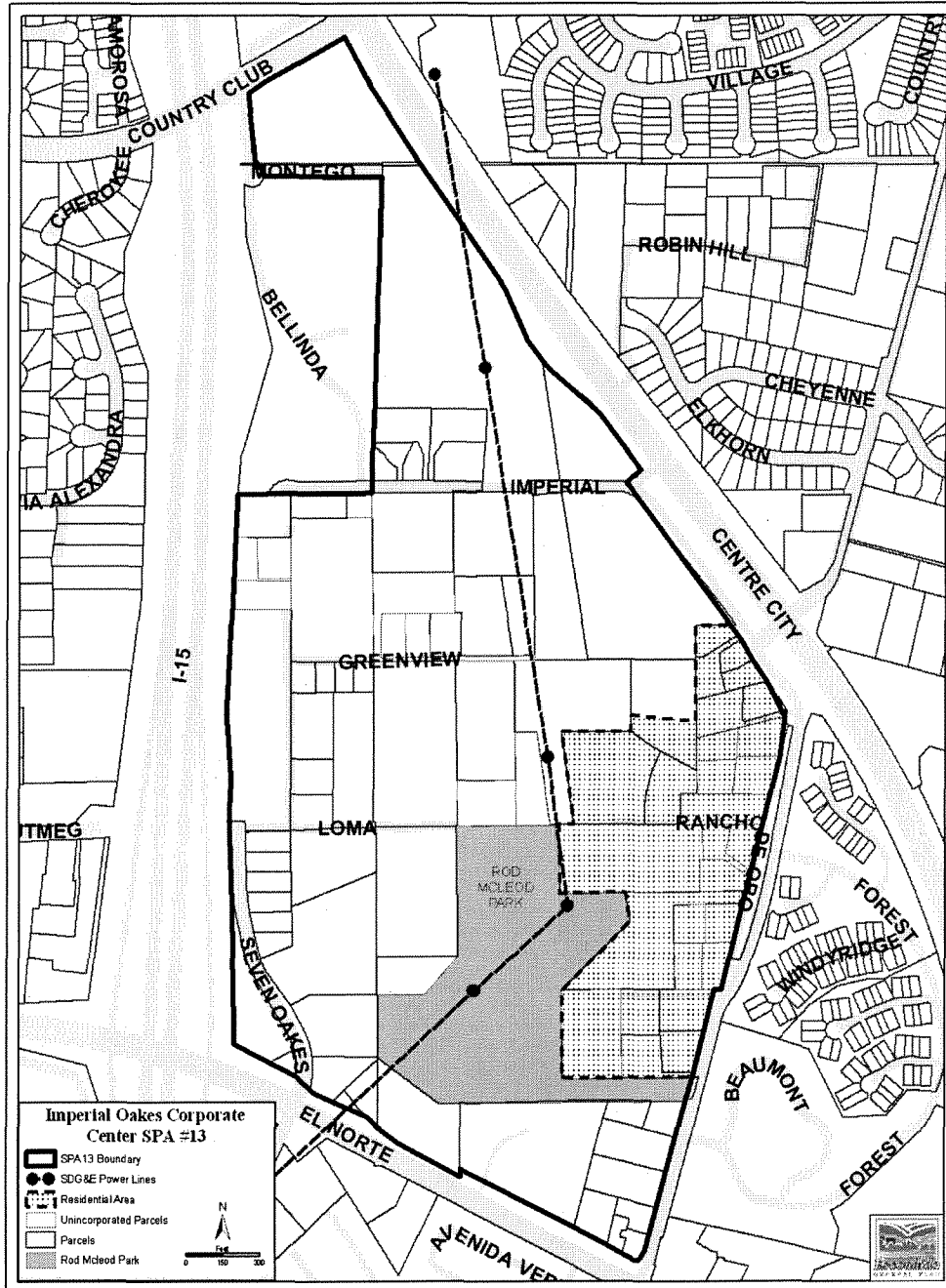
Barbara J. Redlitz
Director of Community Development



Jay Petrek
Principal Planner

ATTACHMENT "A"

Replacement map and text for Imperial Oakes Corporate Center SPA #13
(General Plan pages II-59, 60)



- 3) Increased building heights and intensities shall be focused along Interstate 15 and in areas more distanced from the residential uses area to ensure compatibility. Employment uses shall integrate specific attention shall be given features to ensuring ensure compatibility with semi-rural the residential areas accessed from South along “edges” near Iris Lane by incorporating appropriate lower intensity land uses, building materials, heights, separation, orientation, colors, heights, screening, lighting and signage. Maximum densities in the residential area of the Specific Plan (identified in the map) shall be consistent with the Urban I single family land use designation.

ATTACHMENT "B"

DRAFT PLANNING COMMISSION MINUTES

CITY OF ESCONDIDO

DRAFT MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

May 7, 2012

The special meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Weber, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Guy Winton, Commissioner; Darol Caster, Commissioner; Jeffery Weber, Chairman; Merle Watson, Commissioner; and Bob McQuead, Vice-chairman.

Commissioners absent: James Spann, Commissioner; and Gregory Johns, Commissioner (not sworn in to date).

Staff present: Bill Martin, Principal Planner; Jay Petrek, Principal Planner; Barbara Redlitz, Director of Community Development; Owen Tunnell, Associate Engineer; Homi Namdari, Assistant City Engineer; Gary McCarthy, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Caster, seconded by Commissioner Winton, to approve the minutes of the April 10, 2012, meeting. Motion carried unanimously. (5-0)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. **GENERAL PLAN UPDATE (EXCLUDING THE HOUSING ELEMENT), ENVIRONMENTAL IMPACT REPORT – PHG 09-0020:**

REQUEST: A comprehensive update to the General Plan including Land Use & Community Form, Mobility & Infrastructure, Community Protection, Resource Conservation, Health & Services, Growth Management, and Economic Prosperity Elements; Final Environmental Impact Report (EIR), CEQA Findings, Statement of Overriding Considerations for significant and unavoidable air quality, biological resources, noise, vibration, housing, traffic, utilities impacts; and a Mitigation Monitoring and Reporting Program. No development proposals are associated with this request.

The General Plan will guide the use of public and private lands and serve as a "blueprint" for Escondido's build-out. The plan proposes changing up to 458 acres from residential land to employment land, and up to 66 acres from 24 dwelling units (d.u.) /acre to 45 d.u./acre. Policy changes include deleting one residential clustering policy, and establishing a new policy for a multi-family residential category that allows up to 45 d.u./acre. ***Voter approval is required for certain General Plan land use and policy changes.***

LOCATION: Citywide and adjacent unincorporated lands.

Jay Petrek, Principal Planner, referenced the staff report and noted staff recommend adoption of the General Plan Update and certification of the Final EIR to the City Council prior to public vote on certain General Plan land use designations and policy amendments.

Discussion on General Plan Elements except the Land Use Element pertaining to amendment areas.

Commissioner Caster questioned whether the City had individuals with the job skills to do the higher end jobs and whether these individuals would reside in denser residential areas. Mr. Petrek noted that part of the General Plan focused on fostering opportunities for educational based industries that would provide job training programs.

Commissioner Caster referenced Chapter 1, Page 1-8 and Table 2-5 with regard to single-family and multi-family units, noting it appeared that the actual residential units were decreasing versus increasing. Mr. Petrek responded that if the voters approve the General Plan employment areas there would be a reduction of residential units because non-residential employment-oriented development will be constructed in its place.

Commissioner Caster asked if any agreements between the high school districts for use of their fields had been instituted. Mr. Petrek replied in the affirmative, noting they were available for community sports when needed. He also noted that the fields were locked down when not in use.

Commissioner Winton referenced the Healthy and Well Being section and asked if the words Fluoride or Fluoridation were used. Mr. Petrek replied in the negative.

Commissioner Caster and staff discussed how traffic and intersections were evaluated. Additional discussion ensued regarding a clarification of the City's traffic signal coordination system. Chairman Weber asked if this system took into consideration pedestrian traffic. Mr. Namdari replied in the affirmative.

Chairman Weber questioned the impact on the City's wastewater outfall from the County's Harmony Grove Village project. Mr. Petrek noted the Harmony Grove project will be developed in the unincorporated area and will utilize a self-contained wastewater package plant rather than the City's outfall system.

Chairman Weber and Mr. Petrek discussed Page 8-10.

Vice-chairman McQuead and staff discussed how the Floor Area Ratio (FAR) was calculated.

Commissioner Watson asked if the FAR standards for commercial had been used to date. Ms. Redlitz replied in the negative.

Dave Ferguson, Chairman of the Citizens Committee, noted that the Committee had discussed major policies and visioning for the updated plan. He stated that their basic direction was to revitalize the core of the City, to promote economic prosperity, and to update the quality of life standards. He stated that as the Committee's Chairman he found the red-line text consistent with the committee's recommendation and felt it was consistent with the direction of City Council.

Commissioner Caster mentioned the recommended change to language regarding traffic levels of service and expressed his concern with the City having issues with traffic congestion in the future. He also felt guidelines needed to be established for clustering.

Commissioner Winton felt more flexibility was needed for future projects.

ACTION:

Moved by Commissioner Winton, seconded by Chairman McQuead, to approve all General Plan Elements except the Land Use Element pertaining to amendment areas, and including deletion of the Residential Clustering Policy 5.11, and including two private General Plan land use amendments on a) 2120-2122 Mission Road and b) 812 W. Washington Avenue. Motion carried unanimously. (5-0)

Chairman Weber recessed the meeting at 8:22 p.m. and reconvened the meeting at 8:24 p.m.

Discussion on General Plan Land Use Amendment and Text pertaining to SPA #13 (page II-59).

Commissioner Watson abstained from this item.

Commissioner Caster asked if the residential land use would continue with the sale of a residence in areas of the SPA designated for employment uses. Mr. Petrek replied in the affirmative.

Michael Cutler, Escondido, stated that the commercial vacancy rate in the subject area was approximately 18%. He questioned how the City could force the subject change without a vote of the people.

Mr. Petrek noted that the City's General Plan did not mandate annexation. He stated that it identified the land use when and if individuals wanted to annex to the City. He also stated that the subject plan was a long-term plan.

Marc McCormick, Escondido, stated that the vacancy rate was high in many high tech areas. He noted that the City needed to attract higher paying jobs. He noted that the Escondido Unified High School District indicated that they would not be able to accommodate the proposed build out.

Linsey Miller, Escondido, expressed concern with the public notice not resembling a public notice. She also expressed concern with the City focusing on providing more office buildings when the vacancy rate was very high.

Omar Cabrera, Escondido, questioned whether consideration was given to the three train crossing stops, noting this impacted traffic on Nordahl and Mission. He stated that any medical transport would have to wait for the train. He noted that some of the schools were open for field play, but most were closed, feeling they should be open. He also stated that the new hospital would employ over 3,000 individuals which would create more traffic problems in the Ross area.

Griff Peters, Escondido, expressed concern with losing more open space in the City. He requested that SPA 13 be removed from the General Plan update or redrawn to exclude the eastern residential area of Iris Lane.

David McCloud, Escondido, expressed concern with the information concerning the subject areas being vague.

Commissioner Winton provided some background for the Local Agency Formation Commission and noted that the City did not force anyone to annex into the City. He stated that the intent of the plan was to provide for potential situations in the future. He felt portions west of Iris Lane were underdeveloped and suitable for employment land that would benefit the the community.

Commissioner McQuead and Mr. Petrek discussed the Specific Plan process.

Chairman Weber questioned whether any future General Plan changes that increase residential densities or intensities, or change residential categories to commercial and/or industrial categories would be subject to a public vote. Mr. Petrek replied in the affirmative.

Commissioner Caster questioned whether the General Plan stated that buffers would be incorporated. Mr. Petrek noted that the General Plan had language for the Specific Plan so that the area along Iris Lane was to remain residential and buffers were to be established.

Commissioner Caster referenced Page II-60, Item 4 and expressed concern with the language referring to the integration of properties for the business park for the entire area of SPA 13. He questioned what was in place to protect the residents from being excluded from the subject plan. Mr. Petrek noted that there was no requirement of annexation in any part of the General Plan. Ms. Redlitz noted that if the intent was for the subject properties to remain residential, then the language could be further refined. Commissioner Caster requested that language be added to buffer the area between the residential and employment land uses.

Chairman Weber concurred with Commissioner Caster. He felt it would be a challenge to create a Specific Plan for the subject area, noting that public input was a part of that process.

ACTION:

Moved by Commissioner Caster, seconded by Commissioner McQuead, to approve the General Plan land use amendment and the text pertaining to SPA #13, and to modify the map and text to clarify the boundary between residential and employment land uses, specifically retaining residential uses along the west side of Iris Lane. Motion carried. Ayes: Caster, Weber, Winton, and McQuead. Noes: None. Abstained: Watson. (4-0-1)

Discussion on the General Plan Land Use Amendment and Text pertaining to Area K Nordahl Road Transit Area (a portion of SPA #8) employment land use (page II-78).

Mr. Petrek referenced the petition on this item.

Michael Schofield, Escondido, expressed concern with the rural atmosphere of the subject area being compromised. He asked that the area be kept rural.

Tim Tomkins, Escondido, referenced a petition from the Ross Drive area with over 30 signatures opposed to being annexed or incorporated into the City, noting their concern for potential eminent domain. He expressed his view that the public notice was inadequate. He then referenced the Fenton project, noting that due to this project not going forward the City now had a new hospital, Stone Brewery, and other quality businesses. In conclusion, he asked that the subject area not be annexed into the City.

Roze Wiebe, Escondido, stated that the school zones would change if the subject area was annexed into the City, to which she was opposed. Mr. Petrek noted that school districts did not change upon annexation.

William Reed, County of San Diego, noted that he had lived in the area for many years. He asked that the area not be annexed into the City.

Commissioner Winton questioned whether a residence annexed into the City could retain their residential status even though the property was rezoned to commercial. Mr. Petrek replied in the affirmative, and that the home could even be bought and sold as a residence in the future.

Chairman Weber asked if the hospital district had power of eminent domain and whether it trumped the power of the City. Mr. McCarthy stated that he doubted this would occur. Chairman Weber noted that the City's policy was not to exercise the power of eminent domain. He also stated that the subject area was grandfathered in with their current uses.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner Watson, to approve the General Plan land use amendment and text pertaining to Area K, Nordahl Road Transit Area (a portion of SPA #8) employment land use. Motion carried unanimously. (5-0)

Discussion on General Plan land use amendment and text pertaining to SPA #8 (page II-52).

ACTION:

Moved by Commissioner Watson, seconded by Commissioner Winton, to approve General Plan land use amendment and text pertaining to SPA #8. Motion carried unanimously. (5-0)

Discussion of General Plan land use amendment pertaining to Area J. Felicita Corporate Office Target Area (page II-77).

ACTION:

Moved by Commissioner McQuead, seconded by Commissioner Caster, to approve General Plan land use amendment pertaining to Area J. Felicita Corporate Office Target Area. Motion carried unanimously. (5-0)

Discussion on General Plan land use amendment and text pertaining to the Area I. Promenade Retail Center and Vicinity Target Area (page II-76).

Commissioner Caster questioned whether the City had guidelines for mixed use projects with regard to the percentage of retail to residential. Mr. Petrek noted that staff was in the process of looking at the guidelines which would come back for public and Commission review.

Commissioner McQuead and staff discussed the status of Del Dios Middle School.

Chairman Weber stated that the subject area was saturated with retail. He questioned why the subject areas were targeted for mixed use.

Commissioner Winton felt mixed use might be a possibility for the future.

Commissioner Watson felt it would be difficult to provide parking for the retail aspect. He noted concern with the mixed use not being very viable. Mr. Petrek noted that the applicant's representative was available to discuss this with the Commission.

Dave Ferguson, Escondido, noted that the site was in close proximity to Interstate 15, between the Lexus Dealership and Home Depot. Further, that Ninth Street was becoming a commercial/designation corridor and the site might provide the opportunity for another major destination project. He stated that while there were no current plans to redevelop the site, it was an excellent candidate for commercial development in the future.

ACTION:

Moved by Commissioner Caster, seconded by Commissioner McQuead, to approve the General Plan land use amendment and text pertaining to Area I. Promenade Retail Center and Vicinity Target Areas. Motion carried unanimously. (5-0)

Discussion on General Plan land use amendment and text pertaining to Area C. South Quince Street Target Area (page II-66).

Mr. Petrek referenced a correction under the General Plan designation on Page II-66, which should delete a reference to Urban V.

Commissioner McQuead and staff discussed opportunities for consolidating lots.

Commissioner Watson was in favor of staff's recommendation.

ACTION:

Moved by Commissioner McQuead, seconded by Commissioner Winton, to approve the General Plan land use amendment and text pertaining to Area C. South Quince Street Target Area. Motion carried unanimously. (5-0)

Discussion on General Plan land use amendment pertaining to Area D. South Escondido Boulevard/Centre City Parkway Target Area (page II-68).

Commissioner Caster expressed his view that the proposed density was too high.

Commissioner Watson asked if projects at 45 units to the acre had been approved in the past in the subject area. Mr. Petrek replied in the negative.

Commissioner McQuead felt higher densities would require guidelines for better architecture.

ACTION:

Moved by Commissioner Caster, seconded by Commissioner Winton, to deny the General Plan land use amendment pertaining to Area D. South Escondido Boulevard/Centre City Parkway Target Area proposing to increase residential densities on 44 acres from Urban IV (multi-family up to 24 units per acre) to Urban V (multi-family up to 45 units per acre). Motion carried unanimously. (5-0)

Discussion on the General Plan land use amendment pertaining to 22 acres addressed as 2115, 2149, 2151, 2153, and 2155 Amanda Land and 1660 Gamble Lane, proposing to increase residential densities from Estate I (single family up to 1 unit per acre) to Estate II (single family up to 2 units per acre).

Commissioner McQuead and Mr. Petrek discussed the proposed topography.

ACTION:

Moved by Commissioner Caster, seconded by Commissioner Winton, to approve the General Plan land use amendment pertaining to 22 acres addressed as 2115, 2149, 2151, 2153, and 2155 Amanda Land and 1660 Gamble Lane, proposing to increase residential densities from Estate I (single family up to 1 unit per acre) to Estate II (single family up to 2 units per acre). Motion carried unanimously. (5-0)

Discussion on The General Plan land use amendment pertaining to 7 acres on Nutmeg Street between Centre City Parkway and Interstate 15 proposing to change the land use designation from Estate II (single family up to 2 units per acre) to O (office).

Commissioner McQuead asked if Caltrans had any influence on this item since it was in the I-15 corridor. Mr. Petrek noted that the property in question was privately owned. He also stated that Caltrans had not expressed any concerns. Commissioner McQuead felt this site would be very difficult to develop.

Rick Gittings, San Marcos, stated that he supported staff's recommendation.

ACTION:

Moved by Commissioner Watson, seconded by Commissioner Caster, to approve the General Plan land use amendment pertaining to 7 acres on Nutmeg Street between Centre City Parkway and Interstate 15 proposing to change the land use designation from Estate II (single family up to 2 units per acre) to O (office). Motion carried. Ayes: Watson, Caster, Winton, and Weber. Noes: McQuead. (4-1)

Discussion on Final Environmental Impact Report for certification.

Commissioner McQuead referenced Page 4.9-47 and asked whether this would negate the ability to drill a well for irrigation. Mr. Petrek replied in the negative, but that the Final EIR text would be further clarified for City Council approval.

Commissioner McQuead requested that the language on Page 4.9-47 be revised so that drilling was allowed with proper approvals.

Commissioner Caster noted a correction on Page 4.16-85. Mr. Petrek commented that the Final EIR text would be corrected for City Council approval.

John Masson, Escondido, concurred with staff's recommendation. He felt the City needed to become the hub for North County.

ACTION:

Moved by Commissioner McQuead, seconded by Commissioner Caster, to recommend Council accept the Environmental Impact Report for certification. Motion carried unanimously. (5-0)

Discussion on Ballot Measures.

Commissioner Caster questioned whether increasing the build out numbers of 155,000 individuals would be one of the ballot initiatives. Mr. Petrek noted that due to demographics, when considering the entire General Plan area that includes the City limits and surrounding unincorporated areas, the population build out objective identified in the current General Plan had already been attained. The City Council could decide to place the General Plan policy pertaining to the target population on the ballot for elimination.

Commissioner Caster was in favor of limiting the number of ballot measures that involved 1) 450 acres of employment areas, 2) increased residential areas, and 3) General Plan clustering policy text,

Commissioner McQuead questioned whether staff had a visual illustration of what Urban V (up to 45 units per acre) would resemble. Mr. Petrek noted that Page II-22 had descriptive language for Urban 5.

Commissioner McQuead suggested having more latitude with regard to clustering.

Commissioner Watson felt a single ballot item would be beneficial. Chairman Weber and Commissioner Winton concurred.

Chairman Weber noted that he had heard a lot of negative comments about Urban V from the community.

CURRENT BUSINESS: None.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: None.

ADJOURNMENT:

Chairman Caster adjourned the meeting at 10:33 p.m. The next meeting was scheduled for May 22, 2012, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commissioner

Ty Paulson, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.1
Date: May 7, 2012

CASE NUMBER: PHG 09-0020

APPLICANT: City of Escondido

LOCATION: Citywide, Sphere of Influence, and additional surrounding unincorporated areas constituting Escondido's General Plan boundaries (GP Page I-4 and II-3).

TYPE OF PROJECT:

General Plan adoption and Final Environmental Impact Report (EIR) certification public hearing, no development proposals are associated with this request. These documents are online at: www.escondido.org/general-plan-update.aspx

PROJECT DESCRIPTION:

- 1) A comprehensive update to the General Plan including Land Use & Community Form (certain land use changes are subject to a public vote), Mobility & Infrastructure, Community Protection, Resource Conservation, Health & Services, Growth Management, and Economic Prosperity Elements (but excluding the Housing Element) (refer to General Plan document under separate cover);
- 2) Final EIR, CEQA Findings, Statement of Overriding Considerations for significant and unavoidable air quality, biological resources, noise, vibration, housing, traffic, utilities impacts; and a Mitigation Monitoring and Reporting Program (refer to Final EIR under separate cover).

Note: The Final EIR also assessed preparation of a Housing Element, Climate Action Plan and Downtown Specific Plan Update. These projects are not proposed for consideration at this time and will be scheduled for a public hearing(s) at a later date.

STAFF RECOMMENDATION:

Recommend adoption of the General Plan Update and certification of the Final EIR to the City Council prior to public vote on certain General Plan land use designations and policy amendments.

GENERAL PLAN DESIGNATION/TIER: N/A

ZONING: N/A

BACKGROUND/SUMMARY OF ISSUES:

State Requirements:

State law requires jurisdictions to adopt a General Plan that establishes a unified 'build out' vision for the community to guide future development actions. Consistency must be provided between the General Plan policies and its implementation programs; such as zoning and subdivision ordinances, building and housing codes, growth management policies, capital improvements programming, specific plans, environmental review procedures, and plans for redevelopment.

General Plans are required to include seven topics or "elements:" Land Use, Circulation, Open Space, Conservation, Noise, Safety, and Housing. Jurisdictions also have the ability to include optional elements of local concern. State law prescribes timeframes for amending General Plan elements, which are limited to four times per calendar year. The State's Office of Planning and Research (OPR) monitors the status of General Plans and begins to encourage jurisdictions to update their entire plans after 8-10 years. Escondido's current General Plan was originally adopted in 1990 and updated in 2000.

Public Participation:

Because the General Plan incorporates community issues, concerns and desires, a collaborative effort involving input from a variety sources is required to prepare the plan. Staff has conducted numerous General Plan public meetings and outreach efforts over the past 30 months that included community-wide workshops, forums, surveys, questionnaires, and focused meetings with a variety of organizations that include school children, residents, business and service organizations, as well as School Board, Planning Commission and City Council briefings. A 15-member, City Council-appointed General Plan Issues Committee met nine times to discuss a variety of General Plan issues between July 2009, and October 2010. Information, reports, and presentations have been posted on the General Plan website (see link on page 1). Additionally, all reports, updates, and agendas continue to be transmitted to an email list of approximately 200 contacts. Over the course of preparing the draft General Plan Update the following issues have been raised:

1. Whether sufficient progress has been made in achieving the current General Plan's vision;
2. Support for the General Plan's long term vision that includes a healthy environment;
3. Blighted areas including insufficient lighting and crime that need to be addressed;
4. Single family character in established neighborhoods and agricultural operations in outlying areas that need to be preserved;
5. An exciting vibrant downtown with a variety of land uses that attract residents and visitors;
6. Limits on water availability that may impact existing and planned development;
7. Public services / safety that support a healthy quality of life (police, fire, parks, libraries, schools, natural/cultural resources, aesthetics, utilities, etc.) that require funding, maintaining and enhancing;
8. Traffic impacts on specific street segments resulting in reduced level of service;
9. Components of the ratified and reaffirmed General Plan by prior voter action to be retained;
10. Manage growth and ensure the timely development of necessary infrastructure;
11. Non-conforming status for existing residential uses designated as employment land and the ability to make improvements or expand;
12. Concern that the city might condemn properties;
13. More flexibility is needed in employment lands to allow greater opportunities for job growth;
14. Potential restrictions on existing industrial businesses to expand or relocate if they are designated as non-conforming uses;
15. The General Plan Committee's focus on business' rather than residents' interests;
16. Residents in unincorporated area should be allowed to vote on the plan's adoption;
17. Ensuring compatibility where employment land transitions to adjacent residential neighborhoods, (i.e. landscaped buffers, lower heights, building separation, reduced bulk and mass, etc.);
18. High intensity development in the urban core is too dense;
19. Policies pertaining to Smart Growth, Sustainability, Complete Streets, and Climate Action Planning are derived from United Nations Agenda 21 principles which restrict individual rights and local control and ultimately will sacrifice facilities and service in outlying areas while draining resources to serve the urban core.

Proposed General Plan Land Use Mapping Changes

Most of Escondido's planning area contains established land use patterns that residents preferred to retain in the updated General Plan. These established land use patterns include a walkable downtown, higher land use intensities close to downtown and along primary transportation corridors, as well as established single family and rural neighborhoods. These features are retained in the updated General Plan. The Plan incorporates targeted land use mapping changes that address specific goals raised by the community and directed by the City Council (Refer to Land use and Community Form Element).

Fifteen (15) Land Use Study Areas (constituting less than 5% of the total General Plan land area) are focused in the urban core and along transportation corridors where opportunity exists to enhance employment and residential mixed-use opportunities (GP page II-3). These area involve:

- 1) Amending approximately 458 acres of existing residentially designated land for employment uses to enhance opportunities for jobs and job growth. These land use changes are subject to voter approval:
 - a. Planned Office designation at the I-15 / Felicita Road interchange for up-scale office development (65 acres)
 - b. Light Industrial on Harmony Grove Road immediately west of Escondido Creek (17 acres)
 - c. Mixed-use commercial/office in existing residential areas 1) south of Ninth Avenue and 2) between 6th and 13th Avenues, Centre City Parkway and Redwood Street (71 acres)
 - d. Employment Specific Planning Areas 1) north and south of the Escondido Research Technology Center and 2) north of the I-15 / El Norte Parkway interchange (298 acres)
 - e. Office designation at the northern juncture of I-15 and Centre City Parkway (7 acres)

Note: Re-designating these areas would eliminate up to 1,400 dwelling units from the General Plan.

- 2) Amending approximately 66 acres of residentially designated land to accommodate more residential development to enhance housing options. These land use changes are subject to voter approval:
 - a. Redesignation from 24 units per acre (Urban IV) to 45 units per acre (Urban V) (44 acres)
 - b. Redesignation from 1 unit per acre (Estate I) to 2 units per acre (Estate II) (22 acres)

Note: The action of re-designating these areas would add up to 940 units to the General Plan.

- 3) Mixed Use Overlays are proposed for residential areas along Escondido Boulevard and East Valley Parkway to accommodate employment/residential smart growth development opportunities.
- 4) Establishing Specific Plans, Area Plans or other types of "Overlay Districts" on approximately 800 acres of existing employment lands with goals of attracting high-wage employers, intensifying land uses to raise employee densities;

Other General Plan land uses changes include:

- 5) Tribal Land designation for federally recognized Native American Tribal land;
- 6) Public Facility Overlay is proposed for single-use properties to identify individual public facilities such as fire stations, treatment plants, public school sites, etc.

Proposed General Plan Text and Supporting Documentation Changes

The General Plan text contains detailed Quality of Life standards, an overall vision for build out, policies for guiding decision makers, assessments of issues affecting the community, and supporting documentation (maps, charts, graphs, etc.). The Draft General Plan proposes a comprehensive update of supporting documentation including:

1) Refining Quality of Life thresholds pertaining to:

- a. Traffic and Transportation – Establishing LOS “D” as threshold for implementing mitigation, and an alternative LOS in the downtown core area (GP pages III-2, III-3).
- b. Water System – Establishing 540 gpd capacity in concert with state-mandated conservation measures (GP page III-24).
- c. Parks System – Prioritizing Grape Day Park expansion north of Woodward Avenue (GP page V-4).
- d. Library Service – Establishing two (2) collection-items per capita and prioritizing expansion of technology to disseminate information (GP page V-9).
- e. Air Quality – Establishing a Climate Action Plan with measures for reducing greenhouse gas emissions (GP page VII-18).

2) New policies, including the General Plan Land Uses, are restructured as a table (see attached Figure II-6). New land use categories are: Tribal Lands, Public Facility Overlay, and Mixed Use. Future General Plan changes involving intensifying residential densities and / or residential land use categories, and modifying certain General Plan policy text will still be subject to voter approval (Policy 17.6, GP page II-123). The following policy addition is subject to voter approval:

- Text establishing a new residential land use category for Urban V – Multi-family Residential; up to 45 units/acre (GP page II-22).

3) Edited policies reflect conditions that have changed since the last General Plan update, such as reference to a previously vacant site that is now developed, or a policy calling for an ordinance or other action that has since been implemented. Most recently, certain General Plan policies that were ratified and reaffirmed in a 1998 voter initiative (Proposition S) are maintained in the General Plan based on City Council direction.

4) Deleted policies were out-of-date, unable or inappropriate to be implemented based on changed conditions, legislation or circumstances, or consolidated in another policy. The following policy deletion is subject to voter approval:

- A single policy related to residential clustering proposed requires that one-half of all homes in a clustered residential development be adjacent to on-site open space areas. Eliminating this policy would afford more flexibility in designing projects; all other policies related to clustering residential units would remain unchanged (GP page II-108).

5) New text has been added throughout the General Plan to reflect trends in planning (smart growth and Complete Streets principles) reflect new legislation, and updated community vision, and City Council direction.

Escondido's General Plan Outline:

Escondido's Draft General Plan contains all state-mandated elements, as well as three optional elements: Community Health and Services, Growth Management, and Economic Prosperity. Topics of local importance that have been woven into elements include Community Form, and Infrastructure. The proposed General Plan incorporates updated planning principles, trends and adopted legislation as well as refines the City's Vision for 2050 to establish a basis for current and future City Council actions. The following matrix highlights each chapter's purpose and primary components.

GENERAL PLAN CHAPTER	CHAPTER PURPOSE	PRIMARY CHAPTER COMPONENTS
I. Vision and Purpose	Describes planning area, plan preparation, and background information.	1) Community context and vision 2) Quality of Life Standards 3) Community Goals
II. Land Use and Community Form	Prescribes a balance of residential, employment, commercial, recreational, civic/cultural and open space land uses at appropriate intensities, locations and combinations to enhance sustainability.	1) Land use categories, descriptions, standards and character 2) General Plan core themes a. Live / work / play, b. Protect / preserve /revitalize key areas c. Conserve / sustain resources 3) Strategies to implement core themes (smart growth, transit oriented design, educational promotion) 4) Land use designations 5) Opportunity areas 6) Special application measures 7) Unincorporated areas 8) Goals and policies
III. Mobility and Infrastructure	Identifies the types, locations and extent of existing and proposed transportation and utility facilities, and establishes goals and guiding policies for implementing improvements necessary to serve existing and future residents.	1) Regional transportation planning 2) 'Complete Streets' (pedestrians, bicycles, transit, traffic calming, street network) 3) Goods and services transport 4) Aviation 5) Utility infrastructure (water, wastewater, stormwater, solid waste / recycling, gas & electric energy, telecommunications) 6) Goals and policies
IV. Housing	To be adopted at a later date	To be adopted at a later date

GENERAL PLAN CHAPTER	CHAPTER PURPOSE	PRIMARY CHAPTER COMPONENTS
V. Community Health and Services	Promotes land use planning to enhance community health and welfare including access to healthy foods, availability of parks, recreational opportunities, libraries and cultural services, as well as educational advancement and civic engagement.	<ol style="list-style-type: none"> 1) Comprehensive health and wellness 2) Parks and recreation 3) Library services 4) Schools and education 5) Cultural enrichment 6) Healthy lifestyles 7) Healthcare services 8) Health and wellbeing 9) Goals and policies
VI. Community Protection	Identifies and addresses public safety issues affecting the community. Describes solutions and establishes standards and policies for proactively addressing and minimizing threats to life and property.	<ol style="list-style-type: none"> 1) Emergency preparedness, disaster response and recovery 2) Fire protection 3) Police services 4) Code enforcement 5) Community safety 6) Noise 7) Goals and policies
VII. Resource Conservation	Promotes a comprehensive system of biologically important areas in concert with planned park and trail recreational amenities. Promotes Conservation of air, water, cultural, and agricultural resources as well as the, protection of view corridors, unique landforms and visual gateways.	<ol style="list-style-type: none"> 1) Coordinated resource conservation 2) Sustainable biological open space 3) Trail network 4) Visual resources 5) Agricultural resources 6) Air and climate 7) Goals and policies
VIII. Growth Management	Integrates General Plan goals and objectives with adopted Quality of Life Standards to facilitate the orderly development of public and private improvements. Promotes the phasing capital facility improvements concurrent with population growth. Establishes parameters for monitoring growth impacts to efficiently prioritize capital improvements.	<ol style="list-style-type: none"> 1) Public facility master planning 2) Public facility financing 3) Public facility improvement phasing 4) Public facility deficiencies 5) Growth management monitoring 6) Goals and policies

GENERAL PLAN CHAPTER	CHAPTER PURPOSE	PRIMARY CHAPTER COMPONENTS
IX. Economic Prosperity	<p>Promotes employment and business opportunities and appropriate economic and business development.</p> <p>Promotes a sustainable local economy to benefit current and future generations without compromising resources, and favorably influence the balance between employment and housing.</p>	<ol style="list-style-type: none"> 1) Supply of employment acreage to support economic growth 2) Raising median income, balancing jobs and housing 3) Promoting small business and entrepreneurial opportunities 4) Attracting 21st century high paying industries 5) Promoting tourism and recreation 6) Strengthening existing economic districts 7) Enhancing marketability and image 8) Long-term revitalization 9) Minimizing impediments for businesses attraction and expansion 10) Education to strengthen workforce qualifications 11) Government leadership promoting economic development 12) Monitoring economic development 13) Goals and policies
X. Implementation Program	<p>Describes the specific actions Escondido will require of new developments, and will undertake itself, to achieve the community's vision for its future as expressed in the General Plan goals, objectives, and policies.</p>	<ol style="list-style-type: none"> 1) Implementation responsibilities 2) Policy implementation 3) Primary implementation tools <ol style="list-style-type: none"> a. Development plans, policies, regulations b. Citywide plans and programs c. Ongoing city and agency services and operations d. Intergovernmental coordination and collaboration e. Public / private partnerships f. Strategies, programs, public information 4) Implementation Matrix

Subsequent General Plan Land Use Amendment Requests:

During the General Plan public review period (after the Draft Environmental Impact Report was prepared) two (2) private requests were made for amending the current General Plan designation. A consideration of the requests is the degree in which the land use changes will impact the General Plan Environmental Impact Review (EIR) findings because these requests were not factored into the EIR that assessed the General Plan Update. The criteria for considering General Plan Amendment requests focuses on substantiating whether physical, social, or city-wide economic factors or changes have made the current General Plan designation inappropriate. The amendments would *not* trigger a public vote because the land use changes involve two non-residential designations. The requests involve:

- a. Approximately 2.1 acres located at 2120 – 2122 W. Mission Road for re-designation from Light Industrial to General Commercial (see Attachment A).
- b. Approximately 0.88 acre located at 812 W. Washington Avenue from General Industrial to Planned Commercial (see Attachment B).

Analysis:

2120 – 2122 Mission Road:

The property is located near the east-bound off-ramp of Highway 78 and Nordahl Road, adjacent to two General Commercial properties. Improvements in the immediate vicinity since the last General Plan update have altered the dynamics of the area including improvements to Mission Road, completion of the SPRINTER station, and widening of the Highway 78 / Nordahl Road overpass, which justify the land use change from Light Industrial to General Commercial. Improvements currently include 35,400 sq.ft. of building area and 79 parking spaces (parking ratio=1:450) which is less than General Commercial of 1:250 or professional office 1:300. Rezoning the property to Commercial will establish a non-conforming use until the property redevelops, however such situations do exist elsewhere in the community. As part of the future zone change the applicant would need to work with the city regarding a plan that addresses the parking limitations. The property is adjacent to an intersection and street segment that require adoption of overriding findings for significant and unavoidable traffic impacts. However, given the property's small size, the fact that it is currently developed with industrial offices, and is adjacent to other commercial property, staff feels that the any adjustment in traffic would be incremental and not substantially degrade levels of service.

812 W. Washington Avenue:

The property has been purchased by the owners of adjacent Planned Commercial properties (existing swap meet site). The site is constructed as an industrial office / warehouse use immediately west of the Reidy Creek Channel and is not integrated into the swap meet property. Combining the properties with the adjacent Planned Commercial will allow for a more coordinated development in the future that would benefit the community. The property on W. Washington is not adjacent to any facilities or infrastructure that is subject to overriding findings for environmental impacts. The 0.88-acre subject site will be integrated into the overall design parameters and traffic limitations assigned to the future development of the adjacent Planned Commercial site resulting in no net increase of traffic volumes.

Recommendation: Approve the two requested General Plan amendments based compliance with the General Plan Amendment Policy

Environmental Impact Report (EIR):

The EIR examined the potential environmental effects from implementation of the General Plan Update in the following areas:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

As required by the California Environmental Quality Act (CEQA) the EIR:

- 1) Assessed the potentially significant direct and indirect environmental effects of the proposed project as well as the potentially significant cumulative impacts that could occur from implementation of the proposed project;
- 2) Identified potential feasible means of avoiding or substantially lessening significant adverse impacts;
- 3) Evaluated a range of reasonable alternatives to the proposed project, including the required No Project Alternative.

Guidelines for determining the significance level of environmental effects are primarily based upon adopted CEQA Guidelines, the City's quality of life standards, and regulatory ordinances. The significance criteria for some environmental topics are quantitative (such as for air quality, traffic, and noise), while qualitative standards are used for other topics (such as aesthetics and land use/community character). This EIR utilizes the following categories to describe the level of significance of impacts identified during the course of the environmental analysis:

- 1) ***Less than Significant.*** This term is used to refer to: 1) environmental impacts resulting from implementation of the proposed project that are not likely to exceed the defined standards of significance; and 2) potentially significant impacts that are reduced to a level that does not exceed the defined standards of significance after implementation of mitigation measures.
- 2) ***Significant.*** This term is used to refer to environmental impacts resulting from implementation of the proposed project that exceed the defined standards of significance before identification of mitigation measures. A "significant effect" is defined by Section 15382 of the CEQA Guidelines as: "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment but may be considered in determining whether the physical change is significant."
- 3) ***Significant and Unavoidable.*** This term is used to refer to significant impacts resulting from implementation of the proposed project that cannot be eliminated or reduced to below standards of significance through implementation of feasible mitigation measures.

The EIR concludes that implementing the project would result in Less than Significant Impacts for the following categories:

Aesthetics, Agricultural Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Mineral Resources, Public Services, and Recreation.

The EIR concludes that implementing the project would result in Significant and Unavoidable Impacts for the following categories:

- 1) Air Quality (Construction Dust)
- 2) Biological Resources (Special Status plant and animal species, Riparian Habitat, Wildlife Movement / Nursery Sites)
- 3) Noise (Ambient Noise, Construction Vibration)
- 4) Population and Housing (Population Displacement)
- 5) Transportation and Traffic (Level of Service for five roadway segments/six intersections):

a. Roadway Segments:

- i. Mission Road between Barham Drive and Auto Park Way (LOS E)
- ii. Valley Parkway between Hickory Street and Fig Street (LOS F)
- iii. Valley Parkway between Fig Street and Date Street (LOS F)
- iv. Valley Parkway between Date Street and Ash Street (LOS F)
- v. Montiel Road between Nordahl Road and Deodar Road (San Marcos) (LOS F)

b. Intersections:

- i. Nordahl Road/Auto Park Way/Mission Road (LOS E, PM peak hour)
 - ii. Centre City Parkway/Felicita Avenue (LOS F, PM peak hour)
 - iii. Escondido Boulevard/Felicita Avenue (LOS E/F, AM/PM peak hours, respectively)
 - iv. Ash Street/Valley Parkway (LOS E, both AM/PM peak hours)
 - v. I-15 Southbound Ramps/Via Rancho Parkway (LOS E/F, AM/PM peak hours, respectively)
 - vi. El Norte Parkway/Centre City Parkway (LOS E/F, AM/PM peak hours, respectively)
- 6) Utilities and Service Systems, (Water Supplies, Landfill Capacities)

Because adopting the General Plan Update involves Significant and Unavoidable Impacts, a Statement of Overriding Findings is included for adoption by the Planning Commission (Attachment C). This document concludes that the economic and social benefits of the project outweighs the impacts associated with implementation and is required as a component of the Final EIR's certification. The Final EIR includes a Mitigation and Monitoring Plan (Attachment D) where staff has assigned responsibility and tracking of the implementation of Mitigation Measures identified in the document.

Comments were received during the public review period that concluded on February 27, 2012 and incorporated into the Final EIR (refer to document). Late comments were received from the Escondido Elementary School District after the EIR public review period concluded expressing concern regarding school finances, continuity of educational programs, growth, and traffic/safety. The Department of Fish and Game (DFG) has requested clarification on General Plan policies related to open space preservation. The Chamber of Citizens submitted a follow-up letter expressing concern about General Plan population and compliance with an existing policy that limits Escondido's build-out population to 155,000 persons. Follow up responses have been prepared for the School District and DFG (Attachment E) for incorporation in the public record. The Chamber of Citizens concern is addressed below.

Primary General Plan Issues Raised:

Staff has conducted several workshops the meetings since the draft General Plan text was released for public review. Following is a summary of primary issues raised by the public, which are discussed below:

- 1) The proposed residential designation of Urban V (multifamily up to 45 units / acre) is too intense and could degrade community character and lead to blight.
- 2) Amending the Traffic Quality of Life threshold establishing Level of Service (LOS) "D" citywide, and LOS "E" for certain Downtown streets, as the threshold for implementing mitigation measures represents an unacceptable degradation of service.
- 3) Growth Management policies requiring infrastructure and services to keep pace with growth have not been effectively implemented; and fees collected do not adequately address the true impacts of new development.
- 4) Policies pertaining to Smart Growth, Sustainability, Complete Streets, and Climate Action Planning are derived from United Nations Agenda 21 principles which restrict individual rights and local control and ultimately will sacrifice facilities and service in outlying areas while draining resources to serve the urban core.
- 5) Informing the community and drafting the General Plan ballot measures should be in a manner that fosters an educated decision by the voters.
- 6) The existing General Plan Population Policy F1.1 limits Escondido's build-out population to 165,000 persons and the Update should not accommodate more people unless approved by the voters.

- 1) **Issue:** The proposed residential designation of Urban V (multifamily up to 45 units / acre) is too intense and could degrade community character and lead to blight.

Recommendation: Advance the Urban V land use policy and associated map designation for voter consideration as a separate ballot measure.

Discussion: The adopted General Plan's most intense multifamily designation of Urban IV allows up to 24 units per acre. The General Plan Update's proposal involves reclassifying 44 acres of Urban IV to Urban V to expand housing opportunities in an urbanized environment which will establish a population base to support amenities and generate activity for a dynamic, vibrant urban core.

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

The Environmental Impact Report evaluated the Draft General Plan at the densities and intensities described above. However, in structuring the ballot measures it may be appropriate to isolate residential and employment land use amendments to allow voters the ability to decide whether the Urban V land use designation is suitable for the community.

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

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

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

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

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

The traffic model analyzed over 300 street segments and 40 intersections in the community and concluded that build out of the Draft General Plan would only result in significant and unavoidable impacts to the four (4) street segments and six (6) intersections identified on page 10 of the staff report. The Planning Commission will need to adopt a Statement of Overriding Findings acknowledging significant and unavoidable impacts associated with the project.

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

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

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

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

The Draft General Plan Update maintains policies calling for the development of public facility master plans based on anticipated growth projections and to periodically update development fees to fund those public facilities. Development fees cannot be collected to correct existing deficiencies but are established to fund projects' fair share payment of infrastructure. The Updated General Plan also acknowledges that deficiencies in facility service levels may arise based on the incremental nature of installing infrastructure. In addition, policies are included that call for withholding discretionary approvals and subsequent building permits from projects demonstrated to be out of compliance with applicable service standards.

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

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

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

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

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

Recommendation: Propose ballot options for City Council consideration and continue to meet with citizen groups to further inform the public on General Plan amendments proposed for the November election.

Discussion: Questions regarding the format and arrangement of General Plan ballot measures for the November election have been a common inquiry. While less opposition has been expressed regarding the re-designation of residential land to employment land, citizens have commented that the arrangement and grouping of land use measures on the ballot should be carefully considered in order to avoid confusion and / or overwhelm the voters. The City Council has expressed a desire to minimize the number of General Plan-related propositions that would appear on the ballot. Staff proposes three options for consideration and is seeking Planning Commission input for transmission to City Council:

- a. A single General Plan Update proposition that would encompass all employment and residential land use changes described on page 3 of this staff report, as well as text pertaining to establishing a new Urban V (multi-family residential up to 45 du/acre) residential category, and deleting one policy pertaining to residential clustering.
 - b. Two General Plan Update propositions that would include
 - i. all employment land use changes
 - ii. all residential land use changes (Estate II, Urban V, and residential clustering policy)
 - c. Three or more General Plan propositions that would include individual or grouped amendments.
- 6)** The existing General Plan Population Policy F1.1 limits Escondido's build-out population to 165,000 persons and the updated General Plan should not accommodate more people unless approved by the voters.

Recommendation: Modify Draft General Plan Community Character Policy 1.14 to reflect the adopted General Plan Population Policy F1.1. Include reference to demographic trends in the General Plan 'Community Context and Vision.'

Discussion: General Plan Population Policy F1.1 was ratified and reaffirmed by the voters in the 1998 'Proposition S' ballot measure and it states:

The City Council will consider ordinances or policies intended to meet the maximum population objective of 150,000 to 165,000 with a maximum anticipated population of 155,000.
(Amendment to this policy is subject to voter approval.)

A concern expressed by the Chamber of Citizens is that the Draft General Plan anticipates more dwelling units than the adopted General Plan, which will result in exceeding the current population objectives. This issue was discussed by the General Plan Issues Committee. The majority membership felt strongly that the city should establish a build out vision that included more employment opportunities, a vibrant downtown environment, diverse housing types, convenient transportation options, etc. and that the updated General Plan should include dwelling units to compliment that vision.

It should be noted that when General Plan Population Policy F1.1 was adopted 20 years ago the persons per household (pph) was significantly less than current demographics (2.44 pph in 1990 versus 3.11 pph in 2012). Because of this trend, the General Plan *currently exceeds* the 155,000 population objective.

It is also significant to note that the adopted 1990 General Plan multi-family land use designations incorporated a 20% density reduction as follows:

General Plan Designation	Pre-1990 General Plan	Post 1990 General Plan
Urban II	Up to 15 units / acre	Up to 12 units / acre
Urban III	Up to 24 units / acre	Up to 18 units / acre
Urban IV	Up to 30 units / acre	Up to 24 units / acre

The post-1990 General Plan intensities are one of the factors incorporated into build-out scenarios for public facility planning purposes. However, *a majority of Escondido's multi-family zoning is constructed at pre-1990 General Plan intensities*, which further challenges the ability to meet the population objective in Policy F1.1. Provisions in the city's non-conforming use ordinance intend that multi-family developments with more units than allowed under current General Plan densities be brought into compliance as quickly as the fair interests of the parties permit. However, the timeframe for such action is considered lengthy at best.

Reconciling the population objective in Policy F1.1 with present-day demographics and development conditions described above would require an aggressive program of eliminating existing non-conforming dwelling units in developments that exceed adopted land use intensities, and/or acquiring significant residential acreage for open space purposes.

Another consideration is the adopted policy language directs the City Council to 'consider' ordinances or policies intended to meet the maximum population objective. There is no requirement that the Council adopt such ordinances or policies. Recognizing that amending the adopted policy is subject to voter approval, staff proposed to include demographic information in Draft General Plan Community Character Policy 1.14 to provide insight regarding the ability to meet the population objective (GP page II-98):

The City Council will consider ordinances or policies intended to meet the maximum population objective of 150,000 to 165,000 with a maximum anticipated population of 155,000. Demographic trends may affect these population objectives **(Amendment to this policy will continue to require voter approval)**.

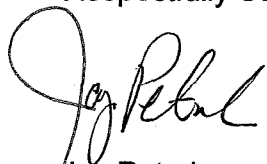
The concern by the Chamber of Citizens of exceeding 155,000-population objective is noted. As explained above, Escondido and the surrounding planning area currently exceed this population based on demographics and existing building conditions. In an effort to retain the original policy, staff proposes to delete the text 'Demographic trends may affect these population objective' from the draft policy. The reference to demographic trends is proposed for inserting on page I-8 in Section E "Community Context and Vision" in the second paragraph, first sentence:

With the land use designations, environmental policies, demographic trends, and growth management policies, it is anticipated that the number of residential units and non-residential development associated with Escondido's General Plan build-out (including city limits and surrounding unincorporated area) by the year 2035 will be consistent with the development capacities depicted in Figure II-5.

Next Steps in the Process:

After Planning Commission has recommended action on the General Plan Update and Final EIR the project is scheduled for City Council consideration on May 23, 2012. General Plan Amendments slated for November's election will be forwarded to the Registrars of Voter who will coordinate translation, printing and distribution of election materials. Staff will continue to meet with individuals, agencies and organizations to provide information regarding the General Plan Update in advance of the election. The Downtown Specific Plan update, Climate Action Plan, and Housing Elements are implementation features of the General Plan and will be scheduled for public hearings in the next several months.

Respectfully Submitted,



Jay Petrek
Principal Planner

ATTACHMENT A
Law Offices of
STEPHEN H. ARNOLD
Attorney at Law

March 7, 2012

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

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

Dear Ms. Redlitz:

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

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

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

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

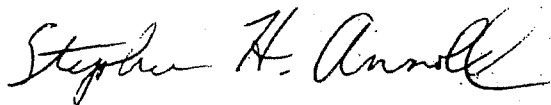
1850 Fifth Avenue, Suite A * San Diego, CA 92101 * Tel: (619) 240-4263 * Fax: (619) 238-6139

Barbara Redlitz
March 7, 2012
Page 2

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

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

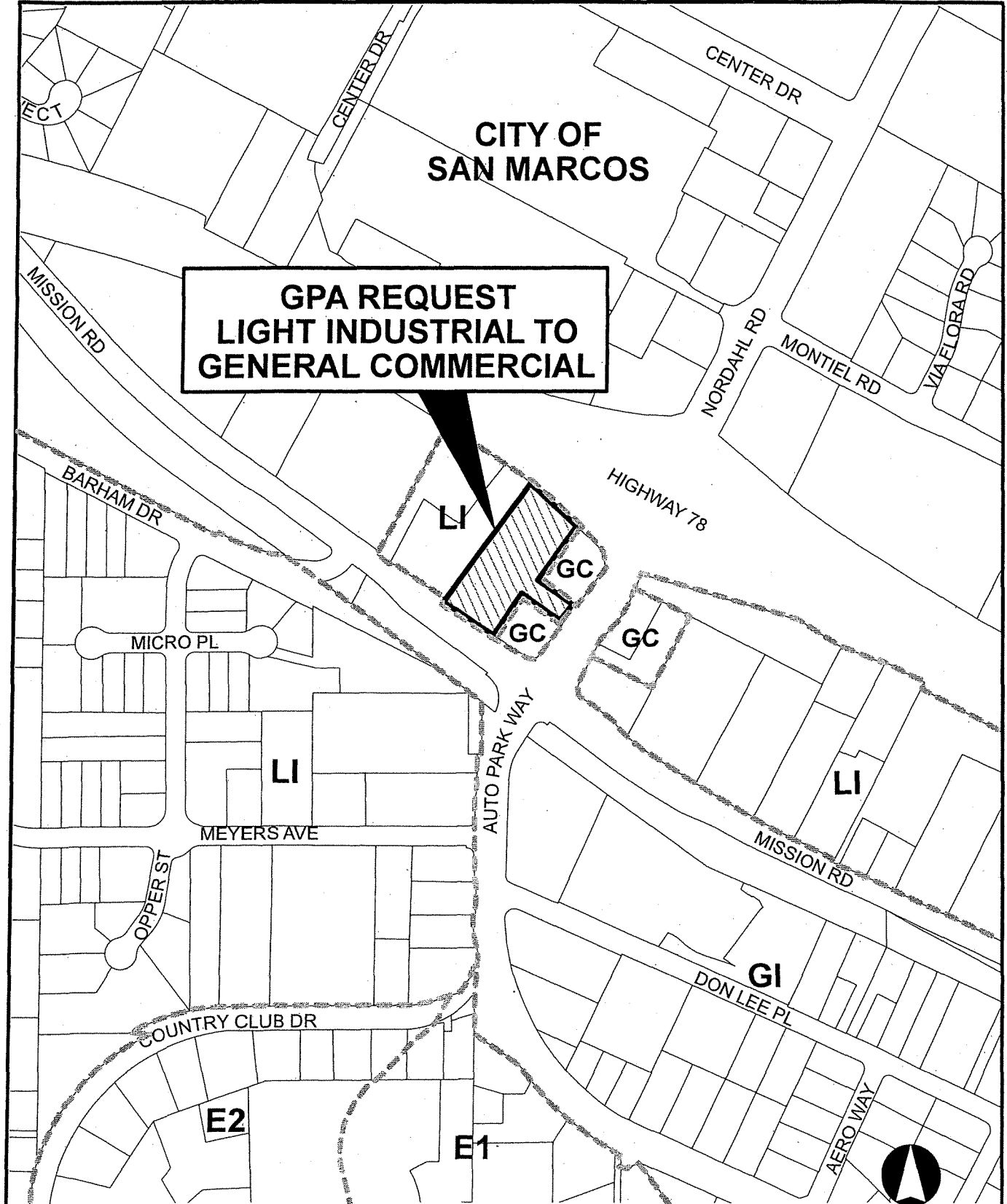
Very truly yours,



Stephen H. Arnold
Attorney for Helix REIT
cc: Client

**CITY OF
SAN MARCOS**

**GPA REQUEST
LIGHT INDUSTRIAL TO
GENERAL COMMERCIAL**



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**PROPOSED PROJECT
PHG 09-0020**



GENERAL PLAN

From: David Ferguson <dwf@lfap.com>
Sent: Monday, April 02, 2012 3:40 PM
To: Jay Petrek
Subject: Planned Commercial Area #15 - Additon of Parcel 228-270-87
Attachments: Planned Commercial Area .pdf; Planned Commerical Text.pdf; Planned Commercial Parcels.pdf; Parcel 228-270-46-87 .pdf; 11-01039-5 recorded TDUS.pdf

Dear Mr. Petrek,

As you know, this firm represents Escondido Drive-Inn, LP (EDI), the owner of 12.5 acres on the corner of Washington Avenue and N. Quince Street in the City of Escondido (APN's 228-270-77; 228-270-73; 228-270-72, and 228-270-46, now 228-270-87).

On April 6, 2011 the City Council approved a General Plan Amendment changing the designation for 3 of these parcels (APN's 228-270-77; 228-270-73 and 228-270-72) to Planned Commercial. The approved Planned Commercial area also included a City-owned parcel (APN 228-270-57). For your convenience, I am attaching a map of the Planned Commercial area, a map showing the parcels included in the area, and the Planned Commercial text adopted by the City Council.

When EDI originally applied for the General Plan Amendment, it did not own parcel 228-270-87. On August 11, 2011, however, EDI obtained title to the parcel. The Trustee's Deed Upon Sale is attached for your review.

Currently, all four EDI properties are subject to Conditional Use Permit 95-12-CUP and are being used as a single operation.

The Planned Commercial area and designation for EDI's properties is included in the proposed General Plan Update as Planned Commercial Area #15. It is part of the Downtown Transit Station Target Area.

EDI requests that, as part of the General Plan Update, parcel 228-270-87 be added to the Planned Commercial area. In order to avoid any additional impacts (traffic, air quality, green house gas, etc.), EDI also requests that cumulative total vehicle trips per day allowed for the Planned Commercial site remain unchanged at 12,160. If anything, this inclusion should decrease the total development impacts for the area since parcel 228-270-87 would be allowed its own additional vehicle trips if it developed separately.

A map of the existing Planned Commercial area showing the addition of parcel 228-270-87 is attached for your convenience. The additional parcel is .88 acres, so the addition would increase the total acreage of the Planned Commercial site from 14.16 to 15.04 acres.

EDI believes that the inclusion of the additional parcel will have minimal impact to the area since it is already approved for industrial use, is subject to the same CUP as the balance of the Planned Commercial area, and will not increase the total amount of traffic or usage of the site (due to the pre-existing cap). On the other hand, inclusion of the parcel will improve the future development of the area because it will subject parcel 228-270-87 to higher design standards, encourage comprehensive planning of the entire site, and provide for superior ingress and egress on Washington.

Please let me know if I can provide any further information or background on this parcel.

Thank you for your consideration.

Dave

David W. Ferguson
Lounsbury Ferguson Altona & Peak
dwf@lfap.com
760-743-1201

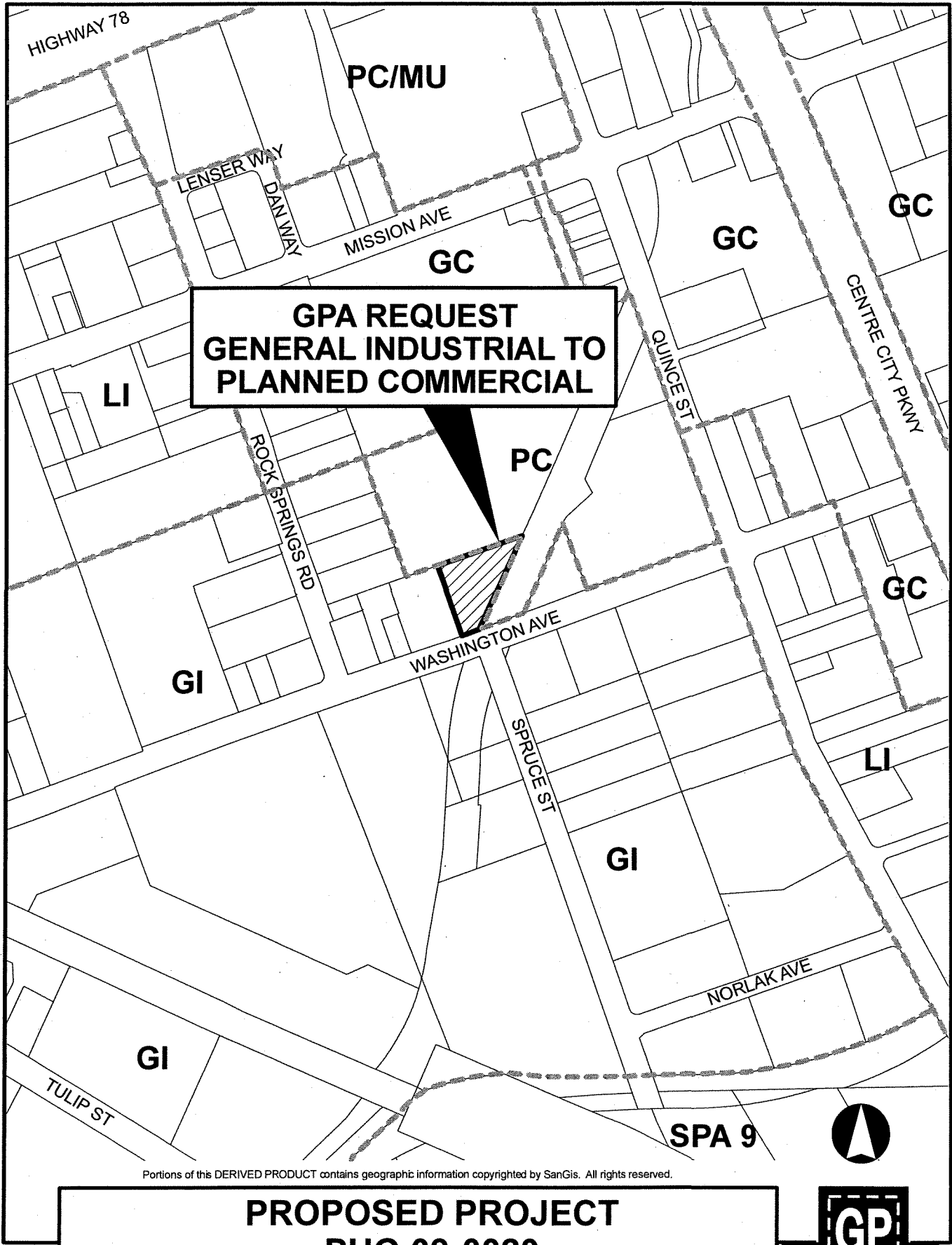
'ATTACHMENT 1'

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.



**GPA REQUEST
GENERAL INDUSTRIAL TO
PLANNED COMMERCIAL**

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**PROPOSED PROJECT
PHG 09-0020**



ATTACHMENT C
CEQA Findings Regarding Significant Effects

**CEQA FINDINGS REGARDING SIGNIFICANT EFFECTS FOR THE
ESCONDIDO GENERAL PLAN UPDATE, DOWNTOWN SPECIFIC PLAN UPDATE, AND
CLIMATE ACTION PLAN
City File # PHG 09-0020 / PHG 10-0016
SCH # 2010071064**

The following Findings are made for the City of Escondido General Plan Update (hereinafter referred to as the "project"), which is scheduled to go before the City Council for review and approval in May 2012. The environmental effects of the General Plan Update, along with the Downtown Specific Plan Update, and E-CAP are addressed in a Program Final Environmental Impact Report (EIR) dated April 23, 2012, which is incorporated by reference herein. The Downtown Specific Plan Update and E-CAP will be brought before the City Council for review and approval at a later date. Findings for those documents will be prepared as separate documents.

The Final EIR prepared for the project consists of three volumes:

- Volume 1: Program EIR evaluating the proposed project and a reasonable range of alternatives
- Volume 2: Technical Appendices to the EIR
- Volume 3: Summary of Changes to the Draft EIR, Comment Letters and Responses to
Comments on the Draft EIR

The Final EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics; 2) Agricultural Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural and Paleontological Resources; 6) Geology and Soils; 7) Greenhouse Gas Emissions; 8) Hazards and Hazardous Materials; 9) Hydrology and Water Quality; 10) Land Use; 11) Mineral Resources; 12) Noise; 13) Population and Housing; 14) Public Services; 15) Recreation; 16) Transportation and Traffic; and 17) Utilities and Service Systems.

Of these seventeen environmental subject areas, the City Council concurs with the conclusions in the Final EIR that project impacts related to Air Quality, Biological Resources, Cultural and Paleontological Resources, Noise, Population and Housing, Transportation and Traffic, and Utilities and Service Systems will involve potentially significant impacts. Moreover, these environmental issues will include impacts that are significant and unavoidable with the exception of Cultural and Paleontological Resources, for which all impacts will be mitigated below a level of significance. For those areas in which environmental impacts will remain significant and unavoidable, even with the implementation of mitigation measures, overriding considerations exist which make the impacts acceptable.

The California Environmental Quality Act (CEQA) (California Public Resources Code §21000 *et. seq.*) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 *et. seq.*) require that no public agency shall approve or carry out a project which identifies one or more significant environmental effects of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

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- 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (refer to Section A below);
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency (refer to Section B below); or
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR (refer to Section C below) (CEQA, §21081(a); Guidelines, §15091(a)).

For each significant effect identified for the project, one of the above three findings applies. Therefore, the discussion of significant impacts and mitigation measures is organized below by finding rather than by environmental subject area.

Section A – Finding (1)

Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the Escondido City Council finds that, for each of the following significant effects identified in the Final EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects identified in the Final EIR. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The rationale for this finding for each impact is as follows:

AIR QUALITY

A-1 Direct/Indirect Significant Effect – Sensitive Receptors: Implementation of the project would have the potential to expose sensitive receptors to toxic air contaminants (TACs) from the following types of facilities: waste transfer, industrial, medical, and research and development facilities.

Mitigation Measures: The project includes the following mitigation measures which would mitigate potentially significant impacts associated with these facilities to below a level of significance:

Mitigation Measure Air-3 (Siting Sensitive Receptors near Waste Transfer Facility) requires a Health Risk Assessment (HRA) to be prepared by a qualified air quality professional for development of new sensitive receptors proposed in the General Plan Update planning area within 500 feet of a waste transfer facility. The project cannot be considered for approval until an HRA has been completed and approved by the City. If a potentially significant health risk is identified, the HRA must identify appropriate measures to reduce the potential health risk to below a significant level or the sensitive receptor shall be sited in another location.

- **Mitigation Measure Air-4** (Siting Sensitive Receptors near Industrial, Medical, or Research and Development Facilities) requires an HRA to be prepared by a qualified air quality professional for development of new sensitive receptors in the General Plan Update

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planning area proposed within one mile of industrial land uses, medical facilities, or research and development facilities that generate a potential source of TACs. An HRA would also be required for such facilities proposed within one mile of a sensitive receptor. Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The project cannot be considered for approval until an HRA has been completed and approved by the City. If a potentially significant health risk is identified, the HRA must identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be sited in another location.

Facts in Support of Finding: Implementation of the General Plan Update would have the potential to locate new residences in close proximity to land uses that emits TACs, including within 500 feet of a freeway; in close proximity to dry cleaning facilities, gas stations, automotive repair facilities, or industrial operations; or in an area that contains an existing source of TAC emissions.

Future development consistent with the proposed project would result in potentially significant emissions of diesel particulate matter (DPM) and other TACs. Land development projects are required to comply with AB 2588, SDAPCD Rule 1210, Toxic Air Contaminant Public Health Risks – Public Notification and Risk Reduction, and California Air Resources Board (CARB) standards for diesel engines. The General Plan Update Air Quality and Climate Protection Element requires future land uses to be sited according to CARB recommendations. Therefore, impacts related to TACs from freeways, dry cleaning facilities, and gas stations would be less than significant.

The General Plan Update Resource Conservation Element includes Air Quality and Climate Protection Policy 7.4, which would locate uses and facilities/operations that may produce toxic or hazardous air pollutants an adequate distance from each other and sensitive uses such as housing and schools, consistent with CARB recommendations. This policy will prevent new sensitive receptors from being located within the CARB siting distances for freeways, dry cleaning facilities, gas stations, and automotive repair facilities.

CARB does not make specific recommendations for other potential sources of TACs in the project planning area, including waste transfer, industrial, medical, and research and development facilities. Therefore, the proposed project would result in a potentially significant impact to sensitive receptors associated with these uses. Mitigation measures Air-3 and Air-4 would be implemented to reduce impacts associated with facilities that CARB has not made specific recommendations for to a less than significant level, such as waste transfer, industrial, medical, and research and development facilities.

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CULTURAL RESOURCES

A-2 Direct/Indirect Significant Effect – Historical Resources: Implementation of the proposed project would have the potential to result in substantial adverse changes to the significance of historical resources from disturbance due to demolition, destruction, alteration, or structural relocation as a result of new private or public development or redevelopment allowable under the proposed General Plan Update, Downtown Specific Plan and E-CAP.

Mitigation Measures: The proposed project includes the following mitigation measures which would mitigate potentially significant impacts to historical resources to below a level of significance:

- **Mitigation Measure Cul-1** requires enhanced community appreciation of the importance of the City's historic sites and buildings, and protection and preservation of significant historical resources to the extent feasible through the identification of features of cultural and historical significance to the community and designation of these features as landmarks, structures and sites of historic, aesthetic, and special character. The incorporation of historical resources into historical parks and multiple use recreation parks shall be encouraged.
- **Mitigation Measure Cul-2** ensures landmarking and historical listing of City-owned historic sites in order to protect these historic sites.

Facts in Support of Finding: Impacts to historical resources would occur if development or redevelopment would result in the destruction of historical resources through activities such as grading, clearing, demolition, alteration, or structural relocation. The project could also result in an increase in development intensity which could adversely affect historical sites through the introduction of visual, audible, or atmospheric effects that are out of character with the historical resources or alter the setting of the resources when the setting contributes to the resources' significance. The proposed project may also result in the redevelopment of a historical structure or site that may result in the remodeling, alteration, addition, or demolition of a historical resource, or a change in use that is not compatible with the authenticity of the resource and that would substantially alter its significance. Additionally, infrastructure or other public works improvements associated with development allowable under the proposed General Plan Update, Downtown Specific Plan Update and E-CAP could result in damage to or demolition of historical features.

The City utilizes CEQA and the City Municipal Code to identify and protect important historic and archaeological resources. The City requires an assessment of the significance of potentially historic structures by a professional historic resource consultant as part of the development application. If the resource is considered historical per CEQA, the City requires the assessment to include recommendations for mitigating potential impacts to the structure, or identify requirements for the proper documentation per state or federal guidelines of any significant historic structure proposed for demolition, which shall be made conditions of project approval.

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Further, the City provides incentives, such as reduced property taxes on eligible historic properties, through the Mills Act to encourage the restoration, renovation, or adaptive reuse of historic resources.

The proposed Resource Conservation Element includes a goal and supporting policies to prevent adverse impacts to historical resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido. Policies 5.1 through 5.9 support this goal by encouraging preservation, adaptive reuse and rehabilitation, compliance with appropriate regulations, maintenance of the Escondido Historic Sites Survey, and education of the public.

While the proposed General Plan Update goals and policies are intended to protect historical resources, specific measures are necessary to ensure that the intended protections are achieved. The project would implement mitigation measures Cul-1 and Cul-2 (described above), to reduce impacts to a less than significant level. ,

A-3 Cumulative Significant Effect – Historical Resources: Projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of historical resources through the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Past projects involving development and construction have already impacted historical resources within the region. Additionally, the project would result in a potentially significant cumulative impact prior to mitigation. However, the mitigation measures identified above would reduce potentially significant cumulative impacts identified for the project to a less than significant level by ensuring protection of the City's historical resources.

A-4 Direct/Indirect Significant Effect – Archaeological Resources: Implementation of the proposed project would have the potential to result in substantial adverse changes to the significance of archaeological resources from ground-disturbing construction activities such as clearing, excavation and grading.

Mitigation Measures: The project includes the following mitigation measures which would reduce potentially significant impacts to below a level of significance:

- **Mitigation Measure Cul-3** requires that significant archaeological resources be preserved in-situ, as feasible. The incorporation of resources into historical parks and multiple use recreation parks shall be encouraged. When avoidance of impacts is not possible, data recovery mitigation shall be required for all significant resources. Any significant artifacts recovered during excavation, other than cultural material subject to repatriation, shall be curated with its associated records at a curation facility approved by the City. Excavation of deposits of Native American origin shall be coordinated with and monitored by local Native American representatives. This measure would prevent or ameliorate adverse changes to significant archaeological resources.

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- **Mitigation Measure Cul-4** requires the development of management and restoration plans for identified and acquired properties with cultural resources. Such plans would be implemented to preserve cultural resources.
- **Mitigation Measure Cul-5** supports the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grant or matching funds, or funds from private organizations. Such easements would preserve cultural resources in their existing site locations and thus, help to minimize potential direct or indirect impacts.
- **Mitigation Measure Cul-6** requires protection of significant cultural resources through coordination and consultation with the NAHC and local tribal governments, including SB-18 review. These cooperative efforts would ensure that significant sites are identified and preserved to the satisfaction of all parties.

Facts in Support of Finding: The proposed project would result in impacts to archaeological resources if ground-disturbing activities associated with development of land uses allowed under the General Plan Update would occur without proper regulation and monitoring. Such alteration of archaeological resources may result in a loss of valuable information that could be gained from the resources, or prevent potentially eligible sites from being listed on a register of cultural resources. Additionally, archaeological resources may also be subject to indirect impacts as a result of development activities that increase erosion, fugitive dust, or the accessibility of a surface or subsurface resource, and thus increase the potential for the degradation of the resource.

The proposed project would comply with all applicable regulations pertaining to archaeological resources, such as the Native American Graves Protection and Repatriation Act (NAGPRA), Cal NAGPRA, PRC Section 5097, and PRC Section 210831. The City also requires that areas proposed for discretionary development projects, which are subject to CEQA review and found in areas exhibiting observable ground surface, be investigated for artifacts on the ground surface by a professional archaeological resource consultant.

The proposed General Plan Update includes a goal and supporting policies to prevent the proposed General Plan Update from adversely impacting cultural resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido.

While the proposed General Plan Update goals and policies are intended to protect archaeological resources, specific measures are necessary to ensure that the intended protections are achieved. Implementation of mitigation measures Cul-3 through Cul-6 would reduce impacts to a less than significant level.

A-5 Cumulative Significant Effect – Archaeological Resources: Cumulative projects located in the San Diego region would have the potential to result in a significant cumulative impact associated with the loss of archaeological resources from extensive grading, excavation or other ground-disturbing activities associated with the development of land uses. Past projects involving

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development and construction have already impacted archaeological resources within the region. Additionally, the project would result in a potentially significant cumulative impact prior to mitigation. However, implementation of the mitigation measures identified above would reduce the project's potentially significant cumulative impacts related to archaeological resources to a less than significant level by ensuring adequate protection of archaeological resources.

NOISE

A-6 Direct/Indirect Significant Effect – Excessive Groundborne Vibration from SPRINTER Rail Line: Implementation of the proposed project would result in significant impacts related to the exposure of vibration sensitive land uses to groundborne vibration in close proximity to the SPRINTER rail line.

Mitigation Measures: The project includes the following mitigation measure which would reduce potentially significant impacts to below a level of significance:

- **Mitigation Measure Noi-2** (Setback of Vibration-Sensitive Land Uses from SPRINTER Alignment) requires future development of vibration-sensitive land uses within 450 feet of the SPRINTER right-of-way (ROW) or places where people sleep within 230 feet of the SPRINTER ROW to prepare a site-specific groundborne vibration analysis conducted by a qualified vibration analyst to determine that vibration levels generated by the SPRINTER at the proposed project site would not exceed the Federal Transit Administration's groundborne vibration standards for vibration sensitive equipment and sleep disturbance. If necessary, mitigation would be required for land uses in compliance with the standards listed in EIR Table 4.12-10, General Plan Update Groundborne Vibration Impact Criteria. This measure would minimize effects of groundborne vibration from operation of the SPRINTER rail line.

Facts in Support of Finding: Placement of new development in close proximity to the SPRINTER rail line would have the potential to result in impacts associated with excessive groundborne vibration. The General Plan Update Community Protection Element includes Noise Policy 5.5, which requires compliance with the Federal Transit Administration's vibration criteria for construction that would occur under the General Plan Update, Specific Plan Update and E-CAP. Compliance with this policy and implementation of mitigation measure Noi-2, which requires compliance with the standards listed in EIR Table 4.12-10, General Plan Update Groundborne Vibration Impact Criteria, would reduce potential groundborne vibration impacts related to future development to a less than significant level.

TRANSPORTATION AND TRAFFIC

A-7 Direct/Indirect Significant Effect – Traffic and Level of Service Standards: Implementation of the proposed project would result in a significant impact to the following nine roadway segments and one intersection throughout the proposed project area.

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1. Escondido Boulevard between 13th Avenue and 15th Avenue (LOS E)
2. Escondido Boulevard between 15th Avenue and Felicita Avenue (LOS E)
3. Escondido Boulevard between Felicita Avenue and Sunset Drive (LOS E)
4. Centre City Parkway between 13th Avenue and Felicita Avenue (LOS E)
5. Citrus Avenue between Washington Avenue and Valley Parkway (LOS E)
6. Citrus Avenue between Bear Valley Parkway and Glen Ridge Road (LOS E)
7. 9th Avenue between La Terraza Boulevard and Tulip Street (LOS E)
8. Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street (LOS E)
9. Mission Avenue between Rose Street and Midway Drive (LOS E)

Intersections

1. I-15 SB Ramps/Valley Parkway (LOS F, PM peak hour)

Mitigation Measures: Implementation of the following feasible mitigation measures identified in the Final EIR would reduce impacts to the following roadways and intersections to a less than significant level.

- **Mitigation Measure Tra-3** (Escondido Boulevard between 13th Avenue and 15th Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Escondido Boulevard between 13th Avenue and 15th Avenue prior to the segment reaching a Level of Service (LOS) of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Escondido Boulevard between 13th Avenue and 15th Avenue to a less than significant level.
- **Mitigation Measure Tra-4** (Centre City Parkway between 13th Avenue and Felicita Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Centre City Parkway between 13th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Centre City Parkway between 13th Avenue and Felicita Avenue to a less than significant level.
- **Mitigation Measure Tra-5** (Escondido Boulevard between 15th Avenue and Felicita Avenue) states that implementation of mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between 15th Avenue and Felicita Avenue to a level below significant. Mitigation measure Tra-10 is discussed below.
- **Mitigation Measure Tra-6** (Escondido Boulevard between Felicita Avenue and Sunset Drive) states that implementation of mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between Felicita Avenue and Sunset Drive to a level below significant. Mitigation measure Tra-10 is discussed below.

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- **Mitigation Measure Tra-7** (Citrus Avenue between Washington Avenue and Valley Parkway) requires the City of Escondido to implement adaptive traffic signal control technology along Citrus Avenue between Washington Avenue and Valley Parkway prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Citrus Avenue between Washington Avenue and Valley Parkway to a less than significant level.
- **Mitigation Measure Tra-8** (Citrus Avenue between Bear Valley Parkway and Glen Ridge Road) requires the City of Escondido to implement adaptive traffic signal control technology along Citrus Avenue between Bear Valley Parkway and Glen Ridge Road prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Citrus Avenue between Bear Valley Parkway and Glen Ridge Road to a less than significant level.
- **Mitigation Measure Tra-9** (9th Avenue between La Terraza Boulevard and Tulip Street) requires the City of Escondido to implement adaptive traffic signal control technology along 9th Avenue between La Terraza Boulevard and Tulip Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of 9th Avenue between La Terraza Boulevard and Tulip Street to a less than significant level.
- **Mitigation Measure Tra-10** (Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street) requires the City of Escondido to implement adaptive traffic signal control technology along Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street to a less than significant level. As stated above, it would also reduce impacts to two segments of Escondido Boulevard (15th Avenue to Felicita Avenue and Felicita Avenue to Sunset Drive) to a less than significant level.
- **Mitigation Measure Tra-11** (Mission Avenue between Rose Street and Midway Drive) requires the City of Escondido to implement adaptive traffic signal control technology along Mission Avenue between Rose Street and Midway Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Mission Avenue between Rose Street and Midway Drive to a less than significant level.

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- **Mitigation Measure Tra-12** (Interstate 15 Southbound Ramps/Valley Parkway Intersection) required the City of Escondido to provide a second right turn lane at the I-15 Northbound ramps to partially mitigate the impacts at this intersection. Future land developments would be required to contribute a fair share towards this improvement as well as any other improvements that may be needed in the future to mitigate this impact to below a level of significance.

Facts in Support of Finding. The roadway improvements proposed in mitigation measures Tra-3 through Tra-12 would improve traffic flow on the roadway segments and intersections listed above to an LOS D or better. Impacts would be mitigated to a less than significant level.

UTILITIES AND SERVICE SYSTEMS

- A-8 Direct/Indirect Significant Effect – Adequate Wastewater Facilities (City of Escondido Wastewater Division):** Implementation of the proposed project would have the potential to result in significant impacts related to wastewater facilities because the General Plan Update and Downtown Specific Plan Update would result in increased demand on existing wastewater systems due to increased sewage flows associated with the new development. Some E-CAP measures may also minimally increase wastewater flows within the proposed project area.

Mitigation Measures: The project includes the following mitigation measure which would reduce impacts to below a level of significance.

- **Mitigation Measure Util-2** requires the EWWD Wastewater Master Plan to be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing wastewater infrastructure and other measures/strategies that shall achieve the goal of providing adequate wastewater facilities to serve the buildout of the General Plan Update. The City shall also coordinate with VWD during its next Master Plan Update process to ensure that it provides the necessary wastewater facilities to adequately account for the growth identified in the General Plan Update.

Facts in Support of Finding: An increase in wastewater flows due to implementation of the proposed project could result in the Escondido Wastewater Division (EWWD) having inadequate capacity to serve the projected demand associated with the buildout of the General Plan Update, Downtown Specific Plan Update and implementation of the E-CAP. EWWD maintains a Wastewater Collections Master Plan that considers existing and proposed land uses as well as growth projections to evaluate system adequacy for wastewater service. The City is currently in the process of updating the Wastewater Collections Master Plan to incorporate the proposed project's growth projections. However, until the updated Master Plan is adopted, the current Master Plan would remain in effect, which may not provide adequate capacity to serve the buildout of the proposed project.

Several elements of the General Plan Update address wastewater facilities. Within the Economic Prosperity Element, Minimizing Infrastructure Impediments Policies 9.1, 9.2 and 9.3 require the

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City to plan for and coordinate sufficient wastewater infrastructure; work with agencies to develop and implement infrastructure improvements; and identify ways to obtain funding for infrastructure improvements. Within the Growth Management Element, Policies 2.1, 2.2, 3.1, 3.2, 3.3, 4.1 and 4.2 deal with public facility master plan policies, financing and phasing. Growth Management Monitoring Policies 6.1, 6.2 and 6.3 require interagency coordination and monitoring, capital improvement planning efforts, and development proposals to minimize their environmental impacts. Within the Mobility and Infrastructure Element, Wastewater System Policies 11.1 through 11.11 relate specifically to wastewater treatment services. Wastewater System Policy 11.1 requires regular updates to EWWD's Wastewater Master Plan.

While the proposed General Plan Update policies are intended to provide adequate wastewater facilities, specific measures are necessary to ensure that adequate facilities are available when needed. Therefore, mitigation measure Util-2 would be implemented to reduce the project's potentially significant impact associated with wastewater facilities to below a level of significant.

Section B – Finding 2

Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the Escondido City Council finds that, for each of the following significant effects as identified in the Final EIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The following are brief explanations of the rationale for this finding for each impact:

BIOLOGICAL RESOURCES

B-1 Cumulative Significant Effect – Special Status Plant and Wildlife Species: Implementation of the proposed project would have the potential to contribute to a significant cumulative impact associated with the loss of habitat supporting special status plant and wildlife species. The impact is attributable to the lack of a comprehensive Natural Community Conservation Plan (NCCP) in place for the long-term protection of special status plant and wildlife species for the entire San Diego region. Without this plan in place, a cumulative loss of habitat supporting special status plant and wildlife species would occur, even after mitigation has been implemented for individual projects. A Multiple Habitat Conservation Plan (MHCP) has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's subarea plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including requirements for new development. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

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Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to sensitive species. Compliance with existing regulations and the General Plan Update goals and policies would reduce the project's direct and indirect impacts to special status species to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to species identified as a candidate, sensitive, or special status species. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's cumulative contribution to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's cumulatively considerable contribution to a significant cumulative impact to sensitive species would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with special status species to below a level of significance because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; the project's cumulative impacts to special status species would remain significant and unavoidable.

- B-2 Cumulative Significant Effect – Riparian Habitat and Other Sensitive Natural Communities:** Implementation of the proposed project would have the potential to contribute to a significant cumulative impact associated with the loss of riparian habitat and other sensitive natural communities due to the lack of a comprehensive NCCP in place for the long-term protection of sensitive natural communities for the entire San Diego region. Without this plan in place, a cumulative loss of riparian and other sensitive habitat would occur, even after mitigation has been implemented for individual projects. A MHCP has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's Subarea Plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including riparian habitat and other sensitive natural communities. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

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Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to riparian habitat and other sensitive natural communities. Compliance with existing regulations, existing land use agreements, and the General Plan Update goals and policies would reduce the project's direct and indirect impacts to sensitive natural communities to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to sensitive natural communities. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's contribution to this cumulative impact to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's contribution to a significant cumulative impact to sensitive natural communities would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with sensitive natural communities to below significant because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible Project alternatives that would achieve a level of less than significant, impacts to riparian habitat and other sensitive natural communities would remain significant and unavoidable.

B-3 Cumulative Significant Effect – Wildlife Movement Corridors and Nursery Sites:

Implementation of the proposed project would have the potential to contribute to a significant cumulative impact associated with impacts to wildlife movement corridors and nursery sites due to the lack of a comprehensive NCCP in place for the long-term protection of wildlife movement corridors and nursery sites for the entire San Diego region. Without this plan in place, a cumulative loss of wildlife movement corridors and nursery sites would occur, even after mitigation has been implemented for individual projects. A MHCP has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's Subarea Plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including wildlife movement corridors and nursery sites. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

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Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to wildlife movement corridors and native wildlife nursery sites. Compliance with existing regulations and the General Plan Update goals and policies would reduce direct and indirect impacts to sensitive natural communities to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to wildlife movement corridors and nursery sites. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's cumulative contribution to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's contribution to a significant cumulative impact to wildlife movement corridors and nursery sites would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with wildlife movement corridors and nursery sites to below a level of significance because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts to wildlife movement corridors and nursery sites would remain significant and unavoidable.

TRANSPORTATION AND TRAFFIC

B-4 Direct/Indirect Significant Effect – Traffic and Level of Service Standards: Implementation of the proposed project would result in a significant impact to the segment of Montiel Road between Nordahl Road and Deodar Road (LOS E).

Mitigation Measures: The following mitigation measure would reduce this impact to a less than significant level. However, the City has determined that this measure would be infeasible, as described below.

- **Mitigation Measure Tra-2 (Montiel Road between Nordahl Road and Deodar Road)** requires the City of Escondido to implement adaptive traffic signal control technology along Montiel Road between Nordahl Road and Deodar Road prior to the segment reaching an LOS of E or F. Adaptive traffic signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.

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Rationale for Rejection. The mitigation for the proposed project's impact to the segment of Montiel Road between Nordahl Road and Deodar Road is considered to be infeasible because the timing and implementation of the mitigation measure is within the jurisdiction of another city and cannot be guaranteed by the City of Escondido. If and when the City of San Marcos desires to mitigate the impact to this segment, the City of Escondido would coordinate with San Marcos when significant traffic impacts to this segment are attributed to specific projects being processed in the City of Escondido. These projects would be required to undertake mitigation, such as a fair share contribution, pursuant to city direction. However, because the City of Escondido cannot guarantee the timing of implementation of the mitigation measure for this segment impact, the impact is considered to be significant and unavoidable.

Facts in Support of Finding. The proposed project would result in a roadway segment impact to Montiel Road between Nordahl Road and Deodar Road, which is located within the City of San Marcos. Mitigation measure Tra-2 would reduce this impact to a less than significant level. However, the City has determined that this measure would be infeasible as described above.

The General Plan Update includes policies that would reduce traffic and prevent the substantial deterioration of transportation resources within the proposed project area. Within the Mobility and Infrastructure Element, Transportation Demand Management (TDM) Policies 6.1, 6.2 and 6.3 require implementation of a TDM and complete streets program; employers to promote alternative transportation methods; and a TDM program for City employees. Street Network Policies 7.1, 7.2 and 7.3 require regulation of roadways in accordance with the Mobility and Infrastructure Element; specific alignment plans for unique situations; and the goal of meeting LOS C or better throughout the City and establishing LOS D as the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented 'smart growth' and Complete Streets design improvements, high density infill areas, environmental resource considerations, existing development, freeway interchange impacts, and incomplete system improvements, the policies recognize that alternative levels of service may be appropriate for isolated areas as determined by the City.

Street Network Policies 7.4, 7.5 and 7.6 require adequate safety measures on new roadways; CIP funding for roadway projects; and the timely development of the mobility system. Street Network Policies 7.7 through 7.10 require analysis of traffic impacts on the regional transportation system, synchronizing traffic signals, and street beautification programs.

Traffic Calming Policies 9.1, 9.2, and 9.3 require effective traffic management solutions, innovative traffic control methods, and implementation of traffic calming measures. Goods and Services Transport Policies 10.1, 10.2 and 10.3 require designation of truck routes; minimization of impacts from truck traffic; and discourage the use of public streets for freight loading and unloading. Goods and Services Transport Policies 10.4, 10.5, and 10.6 require deliveries during off-peak traffic hours and cooperation with railroad operators.

Within the E-CAP, reduction measure R1-T7, Goods Movement and Efficiency Measures, promotes system-wide efficiency improvements in goods movement. Reduction measure R2-T1,

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Land Use Based Trips and Vehicle Miles Traveled (VMT) Reduction Policies, identifies land use strategies, consistent with the proposed General Plan Update, which would reduce VMT within the proposed Project area. Reduction measure R2-T3, Transit Improvements, encourages coordination to improve public transit facilities and reduce VMT. Reduction measure R2-T4, Transportation Demand Management, encourages ride-sharing, carpooling and alternative modes of transportation to reduce automobile travel.

None of the project alternatives would reduce impacts associated with traffic and level of service standards to below a significant level because all of the alternatives would allow for future development that would result in increases in traffic on project area roadways. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still contribute to a significant increase in traffic and impacts would be significant and unavoidable.

Because the mitigation measure Tra-2 listed above has been found to be infeasible; because no additional feasible mitigation measures are available to mitigate the impacts to a level below significant; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with traffic and level of service standards associated with Montiel Road between Nordahl Road and Deodar Road would be significant and unavoidable.

Section C – Finding 3

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the City of Escondido City Council finds that, for each of the following significant effects identified in the Final EIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or Project alternatives infeasible:

AIR QUALITY

C-1 Direct/Indirect Significant Effect – Air Quality Violations: Implementation of the proposed project would result in significant impacts related to the emission of volatile organic compounds (VOCs) and particulate matter less than 10 microns in diameter (PM₁₀) during construction. In addition, operational emissions of criteria air pollutants associated with future development occurring under the General Plan Update would exceed the significance thresholds for PM₁₀ and particulate matter less than 2.5 microns in diameter (PM_{2.5}).

Mitigation Measures: The following mitigation measures identified in the Final EIR would partially mitigate the significant impacts as follows:

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- **Mitigation Measure Air-1 (Construction Dust Control Measures)** requires grading activities for any future development within the General Plan Update planning area boundary to implement standard best management practices to reduce the emissions of fugitive dust. Five measures are identified, including watering of exposed soils, temporary hydroseeding, vehicle speed limits, covering stockpiles and PM₁₀-efficient street sweepers. Application of best management practices would prevent the release of construction-related pollutants and substantially reduce the potential for air quality violations.
- **Mitigation Measure Air-2 (Air Quality Impact Assessment)** requires an Air Quality Impact Analysis to be prepared for projects within the General Plan Update boundary that exceed one of the air quality study trigger criteria identified in the Final EIR. The air quality impact assessment would require the identification and implementation of measures to prevent the release of operational pollutants, which would and substantially reduce the potential for air quality violations.

Facts in Support of Finding: The proposed project would result in a significant impact associated with the violation of an air quality standard because emissions of criteria pollutants associated with construction and operation of new residential, commercial, and industrial land uses allowable under the General Plan Update would exceed the screening-level thresholds for air pollutants. Specifically, implementation of the proposed project would result in significant impacts related to the emission of VOCs and PM₁₀ during construction and PM₁₀ and PM_{2.5} associated with operational emissions.

The General Plan Update identified goals and policies to reduce impacts associated with criteria air pollutants. Air Quality and Climate Protection goal 7, aims improve air quality in the City and the region to maintain the community's health and reduce greenhouse gas emissions that contribute to climate change. This goal is supported by Air Quality and Climate Protection Policies 7.1 through 7.3 and 7.5 through 7.10. These policies require the City to participate in regional planning efforts to reduce air quality impacts and attain state and federal air quality standards; reduce regional greenhouse gas emissions through reducing vehicle trips and using non-polluting alternative energy; require that new development projects incorporate feasible measures that reduce construction and operational emissions; consider the development of park and ride facilities within the City in coordination with Caltrans; restrict the location of drive-through facilities in the City and require site layouts that reduce the amount of time vehicles wait for service; encourage businesses to alter local truck delivery schedules to occur during non-peak hours; encourage City employees to use public transit, carpool, and other alternate modes of transportation for their home to work commutes; require the City to purchase low-emission vehicles for the City's fleet and use clean fuel sources for trucks and heavy equipment; and require the City to educate the public about air quality, its effect on health, and efforts the public can make to improve air quality.

The proposed General Plan Update policies and mitigation measures listed above would reduce direct impacts to air quality violations; however, the construction schedules and specifications of future projects in the City are not known at this time. Realistically, yearly construction and

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operational emissions for all pollutants may be greater or lower depending on how development is implemented, where it is located, type of development, and how development is operated. Therefore, it cannot be determined with certainty whether the proposed mitigation measures, or any measures, would reduce impacts to a less than significant level. The proposed mitigation measures cannot guarantee that construction and operational emissions would be reduced to a less than significant level; therefore, this impact remains significant and unavoidable.

None of the proposed project alternatives would reduce impacts associated with air quality violations to below a significant level because any alternative that would allow for future development would result in construction and operational air pollutant emissions. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still result in new construction and new growth and the implementation of mitigation measures Air-1 and Air-2 as part of these alternatives cannot be guaranteed to reduce impacts to a less than significant level.

C-2 Cumulative Significant Effect – Air Quality Violations: As described above, implementation of the proposed project would result in a direct significant impact associated with the violation of an air quality standard during both construction and operation. In combination with other cumulative projects, the Project would have the potential to result in cumulatively considerable impacts.

Mitigation Measures: Mitigation measures Air-1 and Air-2 identified above would partially mitigate the project's significant cumulative impact associated with air quality violations, but not to below a level of significance.

Facts in Support of Finding: The potential exists for construction projects associated with the General Plan Update and those associated with other cumulative projects to take place in close proximity to each other and at the same time, particularly in the 15 project study areas where the greatest amount of growth and redevelopment would occur. The emissions of VOCs and PM₁₀ during construction under the General Plan Update would potentially exceed the threshold of significance. Therefore, a potentially significant cumulative impact would occur when the project's construction emissions are combined with other cumulative projects.

Similarly, operation of future development under the General Plan Update would have the potential to result in significant direct impacts to air quality from particulate matter emissions (PM₁₀ and PM_{2.5}) from vehicular sources. New stationary sources of criteria pollutants or projects that would increase vehicle trips may result in increases in pollutant emissions that result in significant unavoidable air quality impacts. In combination with other cumulative projects in the region, the proposed project would have the potential to exceed screening level thresholds for operational emissions. Therefore, the project's contribution to the regional air

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quality impacts related to particulate matter emissions (PM₁₀ and PM_{2.5}) would be cumulatively considerable.

General Plan Update policies and mitigation measures would reduce cumulative impacts to air quality violations, but they cannot guarantee that impacts would be reduced to below a level of significance. Therefore, proposed project impacts to air quality violations would remain cumulatively considerable.

NOISE

C-3 Direct/Indirect Significant Effect – Excessive Groundborne Vibration During Construction: Implementation of the proposed project would result in significant impacts related to the exposure of vibration sensitive land uses to groundborne vibration from construction of new land uses that may result in groundborne vibration.

Mitigation Measures: The following mitigation measures identified in the Final EIR would reduce the proposed project's significant impacts associated with groundborne vibration. Mitigation measure Noi-1 would partially mitigate the project's groundborne vibration impacts from construction.

- **Mitigation Measure Noi-1** (Construction Vibration Best Management Practices) requires all general construction activities that take place within 100 feet of a building with the potential to be damaged by excessive vibration, or use pile-driving, blasting, or other high-impact construction equipment within 200 feet of a daytime noise sensitive land use to implement the construction best management practices recommended by the Federal Railroad Administration in the High Speed Ground Transportation Noise and Vibration Impact Assessment (2005). This measure would minimize effects of groundborne vibration and noise during construction.

Facts in Support of Finding: Construction of new land uses under the proposed project would have the potential to result in impacts associated with excessive groundborne vibration. The proposed project would also result in a significant impact related to groundborne noise during construction resulting in potential damage to buildings that may be susceptible to vibration damage from construction equipment. Sections 17-234, 17-238, and 17-240 of the City's Noise Ordinance limit operation of construction equipment to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading activities on Saturday may not begin until 10:00 a.m. and must end by 5:00 p.m. Compliance with the Noise Ordinance would restrict construction groundborne vibration and noise impacts from disturbing sleep. Implementation of mitigation Measure Noi-1 would reduce project-related groundborne vibration impacts from construction; however, because it is unknown at this time where future projects would be located or the construction schedules and construction equipment required for future development under the General Plan Update, it cannot be determined with certainty that the recommended best management practices (BMPs), or any other measures, would

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reduce impacts to a less than significant level. Therefore, impacts from groundborne vibration during construction would be temporarily significant and unavoidable.

None of the proposed project alternatives would reduce impacts associated with groundborne vibration and noise during construction to below a significant level because any alternative that would allow for future development would result in potential construction impacts. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to the reduced growth and associated construction allowed under these alternatives. However, these alternatives would still result in new construction and implementation of the BMPs proposed in mitigation measure Noi-1 cannot be guaranteed to reduce impacts from this growth to a less than significant level.

- C-4 Cumulative Significant Effect – Excessive Groundborne Vibration:** the proposed project, in combination with other proposed cumulative projects, would result in a potentially significant cumulative groundborne vibration impact due to construction activities and potential increases in rail operations.

Mitigation Measures: Mitigation measures Noi-1 and Noi-2 identified above would partially mitigate the project's significant cumulative impact regarding groundborne vibration associated with construction, but not to below a level of significance.

Facts in Support of Finding: The potential exists for the proposed project, in combination with cumulative construction projects in the vicinity of the proposed project, to result in combined vibration impacts if occurring simultaneously. Additionally, construction in close proximity to the SPINTER right-of-way or existing extraction operations could result in combined vibration impacts. Cumulative projects in the proposed project vicinity include potential increases in rail operations that would result in additional vibration. As discussed above, the proposed project would result in a significant direct impact associated with vibration from construction activities. Therefore, the proposed project, in combination with other proposed cumulative projects, would result in a potentially significant cumulative groundborne vibration impact due to construction activities and potential increases in rail operations.

General Plan Update policies and mitigation measures would reduce cumulative impacts to groundborne vibration impacts associated with construction, but they cannot guarantee that impact would be reduced to below a level of significance. Therefore, proposed project impacts to groundborne vibration and noise would remain cumulatively considerable.

- C-5 Cumulative Significant Effect – Permanent Increase in Ambient Noise Levels:** Implementation of the proposed project would result in a significant cumulative noise impact related to regional increases in traffic noise. Land use development proposed in accordance with the proposed project would contribute to cumulative future roadway traffic which would contribute to a cumulative increase in ambient noise levels.

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Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

The following mitigation measures were considered to reduce impacts associated with the permanent increase of ambient noise levels to below a significant level. However, the City has determined that these measures would be infeasible, as described below. Therefore, the following mitigation measures will not be implemented.

- (1) Require future development to construct walls or other barriers that would attenuate noise to the sensitive receptors behind the barrier for any potential increases in regional roadway noise for which no other mitigation is available.

Rationale for Rejection: This measure is considered to be infeasible because it would potentially require installation of noise walls within private property, within designated rights-of-way, or otherwise outside of the City's jurisdiction, which may not be allowed by a property owner or by the jurisdiction in which the sound barrier would be located. The feasibility of noise walls is also restricted by access requirements for driveways, presence of local cross streets, underground utilities, other noise sources in the area, and safety considerations. Breaks in the noise wall for access would not provide any noise attenuation and would render the wall ineffective.

Additionally, for safety reasons, Caltrans states that noise barriers should not exceed 14 feet in height¹. Due to high existing noise levels, particularly along I-15, a noise barrier of more than 14 feet may be required to reduce noise levels along some roadway segments to an acceptable noise level for noise sensitive land uses. Finally, construction of a noise barrier would potentially wall off existing neighborhoods or individual residences from the surrounding community, which could result in adverse impacts to aesthetics, land use, and potentially public safety because the noise walls would limit the visibility of residences from the surrounding area². Natural surveillance is one of the four principles of Crime Prevention through Environmental Design³. Therefore, for the reasons listed above, this mitigation measure would not be implemented.

- (2) Implement a Citywide moratorium on building permits for projects that would result in a potentially significant increase in regional roadway noise for which no feasible mitigation is available.

Rationale for Rejection: This measure is considered to be infeasible because it would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update by prohibiting future development in areas identified for increased growth in the proposed project area. This mitigation measure would also conflict with the project objective to meet the housing needs of existing and future residents. Therefore, for the reasons listed above, this mitigation measure would not be implemented.

¹ Caltrans 2011

² FHWA 2011

³ NCPC 2003

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Facts in Support of Finding: The Final EIR prepared for the SANDAG 2050 RTP (SCH # 2010041061) determined that regional transportation improvements and increased regional traffic volumes associated with regional growth would have the potential to result in a substantial permanent increase in ambient noise levels. The EIR also concluded that impacts would be cumulatively considerable and unavoidable. Consistent with these findings, the EIR prepared for the proposed project determined that a significant cumulative impact related to regional increases in traffic noise would occur. Because the proposed project would allow for the development of future land uses that would result in increased future roadway traffic, the proposed project was determined to have a cumulatively considerable contribution to this significant cumulative noise impact.

Implementation of General Plan Noise Policy 5.6 from the Community Protection Element would require future development with the potential to substantially increase noise levels to prepare a noise technical report and attenuate increases in noise levels at nearby sensitive receptors. However, implementation of this policy would not reduce cumulative impacts to a less than significant level because it cannot be guaranteed that noise levels would be reduced to below the applicable threshold.

None of the proposed project alternatives would reduce impacts associated with the permanent increase in ambient noise levels to below a significant level because all of the alternatives would allow for future development which would result in an increase in regional traffic noise. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced overall growth under these alternatives; however, these alternatives would still contribute to an increase in regional traffic noise and impacts would be cumulatively considerable and unavoidable.

Because the measure listed above has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with the permanent increase in ambient noise levels would remain cumulatively considerable and unavoidable.

POPULATION AND HOUSING

C-6 Direct/Indirect Significant Effect – Displacement of Housing and People: Implementation of the proposed project would result in a significant impact associated with the potential future displacement of up to 142 existing residential dwelling units as a result of the General Plan land use designations and up to 300 homes and as a result of expansion or construction of the proposed circulation system.

Mitigation Measures: The following mitigation measure identified in the Final EIR would partially mitigate the project's direct significant impact associated with the displacement of housing and people, although not to below a level of significance.

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- **Mitigation Measure Pop-1** requires the City of Escondido to coordinate with property owners that would experience displacement under the proposed General Plan Update to communicate the implications of the proposed project on their property and to address public concerns and comments. This mitigation measure would ensure communication with property owners regarding displacement of housing and people.

The following mitigation measure was also considered to reduce impacts associated with residential displacement to a less than significant level. However, the City has determined that this measure would be infeasible, as described below. Therefore, the following mitigation measure will not be implemented.

- (1) The City shall retain the residential land use designation for each of the 142 residential parcels within the proposed project area that would receive a non-residential land use designation under implementation of the General Plan Update. Additionally, the City shall preclude the expansion or construction of roadways or pedestrian facilities identified for improvements in the proposed General Plan Mobility and Infrastructure Element in all areas that would result in the displacement of residences or businesses.

Rationale for Rejection: This measure would effectively result in no displacement of residential homes or people within the General Plan Update area. However, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future commercial, office and industrial and transportation-related development in areas identified for mixed use, smart growth and employment lands in the proposed project area. Additionally, retaining the residential land use designation for these parcels would result in a land use compatibility conflict by allowing future residential development to occur immediately adjacent to new industrial, office or commercial development. This mitigation measure would also conflict with the project's objective to maintain areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic based and provide employment opportunities, create an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, high density residential, entertainment and cultural uses. For the reasons listed above, this mitigation measure is considered infeasible and would not be implemented.

Facts in Support of Finding: The proposed General Plan Update land use designations would result in the displacement of up to 142 existing residential dwelling units. Additionally, up to 300 homes and businesses have the potential to be displaced from the expansion or construction of the proposed project's circulation system. Compared to existing conditions, implementation of the General Plan Update would accommodate an additional 9,924 dwelling units by year 2035. Although this increase in new residences would more than offset the displacement of a combined maximum of 442 residences and businesses, the displacement of residences is still considered to be a significant impact because the City considers any residential housing displacement to be a significant impact.

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Section I, General Plan Opportunity Areas, within the Land Use and Community Form Element of the proposed General Plan Update relates specifically to the preservation of existing housing within areas proposed for non-residential land uses. As stated in the Land Use and Community Form Element, criteria and standards for proposed grading, circulation, and utility extensions should avoid adverse impacts to existing residential properties and allow integration of adjacent SPA properties.

None of the project alternatives would reduce impacts associated with displacement of housing to below a significant level because all of the project alternatives would allow for future development that would potentially result in some residential displacement. The Reduced Employment Alternative would reduce this impact as compared to the proposed project because of the reduction in new employment land uses that would be allowed under this alternative; however, displacement of some housing would still occur under this alternative which would be considered significant and unavoidable.

Because the mitigation measure listed above has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with the displacement of housing and people would be cumulatively considerable and unavoidable.

TRANSPORTATION AND TRAFFIC

C-7 Direct/Indirect Significant Effect – Traffic and Level of Service Standards: Implementation of the proposed project would result in a significant impact to the following four roadway segments and six intersections throughout the proposed project area:

Roadway Segments

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

Intersections

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

Mitigation Measures: The following mitigation measure identified in the Final EIR would partially mitigate the project's significant impact to four roadway segments and six intersections, although not to below a level of significance. Even with implementation of the

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identified mitigation measure, these roadway segments and intersections would operate at an unacceptable LOS. No additional feasible mitigation measures are available to reduce impacts associated with these roadways and intersections to a less than significant level.

- **Mitigation Measure Tra-1** requested the City of Escondido to implement intersection improvement treatment and adaptive traffic signal control technology along the following roadway segments and at the following intersections prior to reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.

Roadway Segments

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

Intersections

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

Facts in Support of Finding. Implementation of the General Plan Update would result in four roadway segments and six intersections experiencing significant and unavoidable traffic impacts. To offset the impacts, these segments and intersections would undergo intersection improvement treatment and adaptive traffic signal control technology to improve traffic flow. However, even after implementing such treatment/technology improvements, these street segments and intersections would continue to operate at an unacceptable LOS.

The General Plan Update includes policies that would reduce traffic and prevent the substantial deterioration of transportation resources within the proposed project area. Within the Mobility and Infrastructure Element, Transportation Demand Management (TDM) Policies 6.1, 6.2 and 6.3 require implementation of a TDM and complete streets program; employers to promote alternative transportation methods; and a TDM program for City employees. Street Network Policies 7.1, 7.2 and 7.3 require regulation of roadways in accordance with the Mobility and Infrastructure Element; specific alignment plans for unique situations; and the goal of meeting LOS C or better throughout the City and establishing LOS D as the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented 'smart growth' and Complete Streets design improvements, high density infill areas, environmental resource considerations, existing development, freeway

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interchange impacts, and incomplete system improvements, the policies recognize that alternative levels of service may be appropriate for isolated areas as determined by the City.

Street Network Policies 7.4, 7.5 and 7.6 require adequate safety measures on new roadways; CIP funding for roadway projects; and the timely development of the mobility system. Street Network Policies 7.7 through 7.10 require analysis of traffic impacts on the regional transportation system, synchronizing traffic signals, and street beautification programs.

Traffic Calming Policies 9.1, 9.2, and 9.3 require effective traffic management solutions, innovative traffic control methods, and implementation of traffic calming measures. Goods and Services Transport Policies 10.1, 10.2 and 10.3 require designation of truck routes; minimization of impacts from truck traffic; and discourage the use of public streets for freight loading and unloading. Goods and Services Transport Policies 10.4, 10.5, and 10.6 require deliveries during off-peak traffic hours and cooperation with railroad operators.

Within the E-CAP, reduction measure R1-T7, Goods Movement and Efficiency Measures, promotes system-wide efficiency improvements in goods movement. Reduction measure R2-T1, Land Use Based Trips and Vehicle Miles Traveled (VMT) Reduction Policies, identifies land use strategies, consistent with the proposed General Plan Update, which would reduce VMT within the proposed Project area. Reduction measure R2-T3, Transit Improvements, encourages coordination to improve public transit facilities and reduce VMT. Reduction measure R2-T4, Transportation Demand Management, encourages ride-sharing, carpooling and alternative modes of transportation to reduce automobile travel.

None of the project alternatives would reduce impacts associated with traffic and level of service standards to below a significant level because all of the alternatives would allow for future development that would result in increases in traffic on project area roadways. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still contribute to a significant increase in traffic and impacts would be significant and unavoidable.

Because no feasible mitigation measures are available to mitigate the four segment impacts and six intersection impacts to a level below significant; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with traffic and level of service standards would be significant and unavoidable.

- C-8 Cumulative Significant Effect – Traffic and Level of Service Standards:** Implementation of the proposed project would result in a significant cumulative impact to traffic and level of service standards associated with 14 deficient roadway segments and seven deficient intersections in the year 2035.

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Facts in Support of Finding: The discussion provided above for the project's direct/indirect impacts to traffic and level of service standards also applies to the project's cumulative impact, since it analyzes the cumulative 2035 buildout scenario. The proposed General Plan Update, in combination with other cumulative projects, would result in a significant cumulative impact to 14 roadway segments and seven intersections in the project area. The proposed project's contribution to the significant impacts would be cumulatively considerable. General Plan Update policies and mitigation measures would reduce some cumulative impacts to a less than significant level, but not all. No feasible mitigation measures or alternatives are available to achieve an acceptable LOS at all project area intersections and roadway segments. Therefore, project impacts to the specified traffic and level of service standards would remain cumulatively considerable.

UTILITIES AND SERVICE SYSTEMS

C-9 Direct/Indirect Significant Effect – Adequate Water Supplies: Implementation of the proposed project would result in a significant impact related to adequate water supplies due to an increase in water demand that would exceed existing entitlement and resources, or necessitate new or expanded entitlements.

Feasible Mitigation Measures: Implementation of the following feasible mitigation measure identified in the Final EIR would partially mitigate the proposed project's impact, although not to below a level of significance.

- **Mitigation Measure Util-1** requires the Escondido Water and Wastewater Division (EWWD) Water Distribution Master Plan to be updated to accommodate the buildout of the proposed General Plan Update. This would be achieved by increasing and/or expanding existing water infrastructure, providing recycled water distribution facilities throughout the City to offset potable water demand for landscaping and other purposes and other measures/strategies that achieve the goal of providing an adequate water supply to serve the buildout of the General Plan Update.

Infeasible Mitigation Measures

The following mitigation measure would fully reduce the proposed project's impact to adequate water supply to below a level of significance. However, this measure has been determined by the City to be infeasible, as discussed below.

- (1) Implement a Citywide moratorium on building permits and development applications in any areas of the City that would have an inadequate imported water supply to serve future development until adequate supplies are procured.

Rationale for Rejection: This measure would effectively result in no increase in the amount of imported water demand within the General Plan Update area. However, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future development in areas identified for increased growth in

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the proposed project area. This mitigation measure would also conflict with the project objective to meet the housing needs of existing and future residents. Therefore, this mitigation measure would not be implemented.

Facts in Support of Finding: Implementation of the proposed project would accommodate an increase in population, housing and other development within the project area, which would increase water demand and potentially result in an inadequate water supply based on water supply shortages predicted during multiple dry-water years in the San Diego County Water Authority (SDCWA) 2010 Urban Water Management Plan (UWMP).

While the City's allocation of water is controlled by the SDCWA and not within the jurisdiction of the City of Escondido, multiple policies in the Mobility and Infrastructure Element of the General Plan Update relate to the provision of an adequate water supply. In the Mobility and Infrastructure Element, Water System Policies 10.1 through 10.14 relate specifically to potable water infrastructure. Policies 10.1 through 10.4 require regular updates of the Water Master Plan; maintenance of an adequate water supply, treatment, and distribution system to meet normal and emergency situations; and design of the water supply and distribution system, including the Escondido-Vista Water Treatment Plant, to address the General Plan Update land use projections. Water System Policies 10.5 and 10.6 address financing of new water infrastructure and require new development to provide adequate water facilities or finance the costs of improvements. Water System Policies 10.7 through 10.14 require the proper construction of new water infrastructure; improvements to target areas; reduced costs and GHG emissions; adherence to federal and state drinking water quality standards; implementation of water conservation programs; incorporation of water conservation techniques into building and site design; increased recycled water use; and education about water conservation and reclamation.

The proposed E-CAP contains a number of reduction measures that would promote water conservation, which would subsequently reduce potable water demand. Reduction measure R2-W2, Water Conservation Strategies, aims to increase the use of recycled water and the incorporation of water efficient fixtures, drought tolerant landscaping, permeable hardscapes, and onsite stormwater capture and reuse facilities. Reduction measure R2-W3, Increased Recycled Water Use, promotes development that incorporates the use of recycled water. Reduction measure R3-W1, Water Efficiency and Conservation Education, promotes water conservation strategies.

The General Plan Update policies and E-CAP reduction measures listed above would minimize the proposed project's potentially significant impacts associated with adequate water supply. However, even with these policies and reduction measures in place, implementation of the proposed project would accommodate an increase in population, housing and other development within the project area, which would increase water demand and potentially result in inadequate water supplies. Impacts would remain significant and unavoidable, even with implementation of mitigation measure Util-1.

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None of the project alternatives would reduce impacts associated with adequate water supply to below a significant level because all of the alternatives would increase future water demand by accommodating new growth. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts compared to the proposed project due to reduced overall growth under these alternatives; however, these alternatives would still contribute to an increase in water demand that would have the potential to exceed available supply and result in a significant and unavoidable impact.

Because mitigation measure Util-1 would not reduce the project's impact to a less than significant level; because the only mitigation measure that would fully mitigate the project's significant impact has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with adequate water supply would be significant and unavoidable.

- C-10 Cumulative Significant Effect – Adequate Water Supplies:** Implementation of the proposed project would result in a significant cumulative impact related to inadequate water supplies.

Facts in Support of Finding: The SDCWA 2010 UWMP predicts water shortages during multiple dry water year conditions. The proposed project, in combination with other cumulative projects, would increase the demand for potable water in the service area of SDCWA and would be subject to, and potentially exacerbate, the water shortage during multiple dry water years. Additionally, the proposed General Plan Update and Downtown Specific Plan Update growth projections are not accounted for in the various 2010 UWMPs prepared by water district's serving the proposed project area and would potentially be subject to inadequate water supplies. Therefore, the proposed project would result in a cumulatively considerable contribution to a significant cumulative impact related to future water demand. General Plan Update and E-CAP policies and mitigation measures would reduce future water demand, but not to below a level for which adequate water supply could be ensured. No feasible mitigation measures or alternatives are available to achieve a less than significant impact. Therefore, project impacts related to adequate water supply would remain cumulatively considerable.

- C-11 Direct/Indirect Significant Effect – Sufficient Landfill Capacity:** Implementation of the proposed project would result in a significant impact related to sufficient landfill capacity because the proposed project would allow for the development of land uses that would increase the demand for solid waste disposal, which may not be served by landfills with adequate capacity to accommodate the project's future solid waste disposal needs.

Feasible Mitigation Measures: No feasible mitigation measures are available to mitigate this impact to a less than significant level.

Infeasible Mitigation Measures: The following mitigation measures (and variations of these measures) were considered in attempting to reduce impacts associated with sufficient landfill capacity to below a level of significance. However, the City has determined these measures to

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be infeasible for the reasons listed below. Therefore, these mitigation measures would not be implemented.

- (1) Require all proposed development to obtain written verification of sufficient landfill capacity for the next 20 years.

Rationale for Rejection: This mitigation measure would prove infeasible because existing landfill facilities are not projected to have sufficient capacity to serve future demand. Therefore, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future development in areas identified for increased growth in the proposed project area. This mitigation measure would conflict with the project objective to meet the housing needs of existing and future residents because new development would be unable to obtain verification of adequate landfill capacity for the next 20 years and, therefore, future growth in the City would be prohibited. For the reasons listed above, this mitigation measure would not be implemented.

- (2) Require any proposed project that is expected to result in an increase in solid waste disposal demand to construct a solid waste disposal facility, concurrent with development, to meet the needs of the project.

Rationale for Rejection: This mitigation measure would prove infeasible because it places the burden of development of new solid waste disposal facilities on the developer, would require permits from local and state agencies, and would have the potential result in significant environmental impacts from the construction of multiple solid waste facilities throughout the proposed project area. Implementing multiple solid waste disposal sites would increase environmental degradation throughout the proposed project area.

Facts in Support of Finding: If additional landfills are not constructed and existing landfills are not expanded, the County's Integrated Waste Management Plan Siting Element estimates that the County of San Diego, including the proposed project area, will run out of physical landfill capacity by 2016. The horizon year of the General Plan is 2035 and land uses proposed under the General Plan Update could generate solid waste requiring disposal well beyond year 2035. Therefore, the development of future land uses as designated in the proposed General Plan Update and Downtown Specific Plan Update would have the potential to be served by landfills with insufficient capacity to accommodate future solid waste disposal needs. Solid waste generated from implementation of E-CAP reduction measures would also be potentially served by landfills with insufficient capacity. The siting of new landfills and/or expansion of existing landfills is outside of the jurisdiction of the City of Escondido.

While the siting of new landfills and/or expansion of existing landfills is outside of the jurisdiction of the City of Escondido, the General Plan Update contains several policies within the Mobility and Infrastructure Element to assist in ensuring adequate landfill capacity is available to the City. Solid Waste and Recycling Policy 13.1 requires the support of efforts to maintain adequate solid waste facilities and services by working with local service providers of solid waste collection, disposal, and recycling. Solid Waste and Recycling Policies 13.2 through

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13.7 require regular updates of the Citywide Recycling Plan; continued support of residential, commercial, and construction recycling programs; consideration of commercial recycling programs; encouragement of construction waste recycling; provision of electronic waste drop off locations; and encouragement of recycled materials in new construction. Solid Waste and Recycling Policies 13.8 through 13.11 promote local businesses that manufacture, distribute, and sell recycled materials; sponsor annual clean-up events; allow small solid waste collection facilities in commercial and industrial areas; and allow sites for solid waste transfer stations in designated areas.

The proposed E-CAP includes two reduction measures that would reduce solid waste generation and disposal. Reduction measure R2-S1, Waste Disposal Programs, sets a stringent target for Escondido waste disposal rates and reduction measure R3-S2, Waste-Related Education and Outreach, promotes public education efforts about residential and commercial waste reduction.

While proposed General Plan Update policies, E-CAP reduction measures and existing regulations are intended to provide adequate solid waste disposal facilities for the future and increase waste diversion, unless additional landfill facilities are provided, impacts would remain significant and unavoidable.

None of the project alternatives would reduce impacts associated with landfill capacity to a less than significant level because all of the alternatives would increase landfill demand by accommodating new growth. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts compared to the proposed project due to overall reduced growth associated with these alternatives; however, these alternatives would still contribute to an increase in solid waste generation beyond 2016 that would result in a potentially significant and unavoidable impact.

Because the mitigation measures listed above have been found to be infeasible; because application of all General Plan Update and E-CAP goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with landfill capacity would be significant and unavoidable.

C-12 Cumulative Significant Effect – Sufficient Landfill Capacity: Implementation of the proposed project would result in a significant cumulative impact related to sufficient landfill capacity.

Facts in Support of Finding: The proposed project, in combination with other cumulative projects, would increase the demand for solid waste disposal and management needs within the region. As discussed above under Direct/Indirect Significant Effect - Sufficient Landfill Capacity, if additional landfills are not constructed and existing landfills are not expanded, the County's Integrated Waste Management Plan Siting Element estimates that the County of San Diego, including the proposed project area, will run out of physical landfill capacity by 2016. Since the proposed project and many cumulative projects would be constructed and/or have an

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operational life that exceeds 2016, the expected year for regional landfills to reach capacity, the existing regional landfill facilities do not have adequate capacity to accommodate the increase in solid waste disposal needs that would occur from development of cumulative projects. Therefore, cumulative regional projects would result in a potentially significant cumulative impact associated with insufficient landfill capacity and the proposed project's contribution would be cumulatively considerable.

The project would result in a cumulatively considerable contribution to a significant cumulative impact related to landfill capacity. General Plan Update policies and mitigation measures would reduce future solid waste generation, but not to below a level for which sufficient landfill capacity could be ensured. No feasible mitigation measures or alternatives are available to achieve a less than significant impact. Therefore, project impacts related to sufficient landfill capacity would remain cumulatively considerable.

Section D – Findings Regarding Alternatives

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Seven alternatives to the proposed project were analyzed, including the No Project Alternative, Reduced Employment Alternative, Reduced Residential Alternative, Blended Reduced Downtown/Focused Smart Growth and Employment Alternative, Mobility and Infrastructure Element Downtown Couplet Alternative, Promenade Retail Center and Vicinity Alternative, and Nutmeg Street Alternative. The last three alternatives are planning alternatives that do not meet the purpose of an alternative as identified in CEQA Guidelines Section 15126.6 because they would not be capable of avoiding or substantially lessening the significant effect of the project. However, these alternatives were considered and evaluated due to interest identified by members of the public, City staff and/or the City Council. In addition, a number of alternatives were considered and ultimately rejected from further analysis, as described in Section 6.2 of the EIR, pursuant to CEQA Guidelines Section 15126.6(c).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the proposed project, while still causing certain unavoidable significant environmental impacts, would result in substantial environmental, planning, public safety, economic, and other benefits. In rejecting the alternatives that were analyzed in the EIR, the City of Escondido has examined the project objectives and weighed the ability of each of the various alternatives to meet the objectives. The City finds that the proposed project best meets the project objectives with the least environmental impact. The objectives that were adopted by the City, and which set the framework for the project, are as follows:

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1. Establish General Plan boundaries that allow for the planning of quality, managed and sustainable growth, while meeting the housing needs of existing and future residents during the General Plan's planning horizon (year 2035).
2. Maintain residential densities in outlying areas to accommodate growth, preserve and enhance existing neighborhoods, guide additional growth towards downtown and along key transportation corridors and improve circulation and safety for vehicles and pedestrians.
3. Maintain areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic base and provide opportunities for the full employment of a diverse set of skills.
4. Create an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, residential, entertainment and cultural uses.
5. Achieve a sustainable and integrated system of land use and transportation in the City in a manner that will:
 - a. Significantly decrease overall community consumption, specifically the consumption of non-local, non-renewable and non-recycled materials, water, and energy and fuels.
 - b. Within renewable limits, encourage the use of local, non-polluting, renewable and recycled resources (water, wind, solar and geothermal energy and material resources).
 - c. Create a multi-modal transportation system that minimizes and, where possible, eliminates pollution and motor vehicle congestion while ensuring safe mobility and access for all without compromising the ability to protect public health and safety.
 - d. Facilitate a reduction in automobile dependency in favor of affordable alternative, sustainable modes of travel.
 - e. Implement land use and transportation planning and policies to foster compact, mixed use projects, forming urban villages designed to maximize housing choices and encourage walking, bicycling and the use of existing and future public transit systems.
 - f. Encourage residents to recognize that they share the local ecosystem with other living things that warrant respect and responsible stewardship.
6. Provide a list of specific actions that will reduce Greenhouse Gas (GHG) emissions, with the highest priority given to actions that provide the greatest reduction in GHG emissions and benefits to the community at the least cost, while establishing a qualified reduction plan from which future development within the City can tier.

The following provides a summary of each alternative fully analyzed in Chapter 6 of the Final EIR. The summary includes rationale as to why each alternative has been rejected.

No Project Alternative

The No Project Alternative (refer to Subchapter 6.3.1 of the Final EIR) assumes that the proposed project, including the General Plan Update, Downtown Specific Plan Update and Climate Action Plan, would not be adopted or implemented and the currently adopted City of Escondido General Plan (1990) would be the applicable planning document for the proposed project area. Development and

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redevelopment would continue to occur in the proposed project area under the existing General Plan; however, when compared to the proposed project, this alternative would not incorporate higher density development in the downtown and urban core area, accommodate greater residential, commercial and industrial development in the 15 project study areas or implement smart growth concepts. Under the No Project Alternative, land use designations within the proposed project area would occur as designated in the adopted General Plan.

Whereas the proposed project would guide future development toward a higher quality of life by incorporating smart growth principles and encouraging sustainability, the No Project Alternative would accommodate growth in the City, but would not encourage multi-modal transportation, increased energy and water efficiency, or preservation of existing communities by focusing new growth in suitable areas of the city. Under the No Project Alternative, community-wide GHG emissions in the City would continue to increase as a result of new development allowed under the existing General Plan (1990) but the proposed E-CAP reduction measures would not be implemented. Without implementation of the E-CAP reduction measures or additional mitigation measures, future development under the No Project Alternative would conflict with the goals of Assembly Bill (AB) 32. Moreover, the No Project Alternative does not include any of the mitigation measures for future development described in the EIR and the Mitigation Monitoring and Reporting Program (MMRP) for potentially significant impacts related to growth that cannot be avoided under this alternative, including air quality, noise and traffic.

The No Project Alternative would only partially meet four of the proposed project objectives (1, 2, 3 and 4) and would not meet the other two objectives (5 and 6). The No Project Alternative would partially meet Objectives 1 and 2 because this alternative would preserve and enhance existing neighborhoods and improve circulation and safety but would not guide additional growth towards downtown or along key transportation corridors and would not adjust the existing General Plan boundaries to allow for the planning of quality, managed and sustainable growth or meet the housing needs of future residents. The No Project Alternative would partially meet Objectives 3 and 4 because it would provide employment uses (Objective 3) and promote a developed downtown and urban core (Objective 4), although not to the same extent as the proposed project. Objectives 5 and 6 would not be met by the No Project Alternative because the E-CAP measures to reduce energy usage and associated GHG emissions would not be implemented. In addition, SANDAG's smart growth strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment (LLG 2011c) would not be implemented. For these reasons, the No Project Alternative would only partially meet three of the proposed project objectives and would not meet the other two project objectives.

Therefore, the No Project Alternative has been rejected because it fails to fully meet any of the six project objectives, would not substantially avoid the potentially significant impacts of the proposed project, and would not encourage sustainable growth, resulting in conflicts with AB 32.

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Reduced Employment Alternative

The Reduced Employment Alternative (refer to Subchapter 6.3.2 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under the Reduced Employment Alternative, multiple areas identified for employment land uses under the proposed project would be reduced or eliminated entirely. The Reduced Employment Alternative would accommodate the same total number of dwelling units as the proposed project. However, the Reduced Employment Alternative would accommodate a total of 7,457,000 square feet (sf) of employment land uses, which is 6,193,000 sf fewer employment land uses than would be accommodated by the proposed project.

This alternative would promote sustainable development, a variety of housing, and some economic development; however, this alternative would not provide the same jobs and housing balance promoted by the proposed project to serve future residents. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Reduced Employment Alternative would meet Objectives 1, 2, 5 and 6. This alternative would be consistent with Objective 1 because it would establish the same General Plan boundary as the proposed project, meeting the housing needs of future residents. The Reduced Employment Alternative would meet Objective 2 because it would maintain residential densities in outlying areas to accommodate growth, preserve existing neighborhoods, guide additional growth towards the downtown and along key transportation corridors and improve circulation and safety. This alternative would achieve Objectives 5 and 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement SANDAG's smart growth strategies that promote multi-modal transportation and the alternative transportation concepts. The Reduced Employment Alternative would not meet Objectives 3 or 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core (Objective 4).

Therefore, the Reduced Employment Alternative has been rejected because it fails to meet two of the six project objectives and would not substantially lessen or avoid the potentially significant impacts of the proposed project.

Reduced Residential Alternative

The Reduced Residential Alternative (refer to Subchapter 6.3.3 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under the Reduced Residential Alternative, multiple areas identified for smart growth residential land uses under the proposed project would be reduced or eliminated entirely. When compared to the proposed project, the Reduced Residential Alternative would accommodate a total of 5,899 dwelling units, or 4,025 less dwelling units than would be accommodated

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by the proposed project. The Reduced Residential Alternative would accommodate the same square footage of employment land use as the proposed project.

This alternative would promote sustainable development through the E-CAP measures and would provide a variety of economic development; however, this alternative would not promote smart growth or provide a variety of housing to the extent of the proposed project. The Reduced Residential Alternative would not generate the housing needed to attract the desired mix of entertainment and activities that rely on a denser, higher populated urban core. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Reduced Residential Alternative would meet Objectives 2, 3 and 6 and partially meet Objectives 1, 4 and 5. The Reduced Residential Alternative would partially meet Objective 1 because it would establish the same General Plan boundary as the proposed project; however, it would not meet the long-term housing needs of future residents identified in Objective 1. The Reduced Residential Alternative would meet Objective 2 because it would preserve existing neighborhoods, guide additional growth towards the downtown and along key transportation corridors, and improve circulation and safety for vehicles and pedestrians. Although this alternative would result in a reduction in residential land uses, it would still result in the ability to create and sustain a strong economic base for the community by proposing the same amount of employment lands as the proposed project (Objective 3). This alternative would partially meet Objective 4, because it would create an economically viable urban downtown and core but would not provide the needed residential development in the downtown area to support those economic uses. This alternative would partially meet Objective 5, because it would achieve a sustainable and integrated system of land use and transportation. However, it would not create compact, mixed use projects, forming urban villages designed to maximize affordable housing to the same extent as the proposed project because multiple areas identified for smart growth residential land uses under the proposed project would be reduced or eliminated entirely under this alternative. The Reduced Residential Alternative would achieve Objective 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment prepared by LLG Engineers (Appendix I3 in Volume II of the Final EIR).

Therefore, the Reduced Residential Alternative has been rejected because it would only partially meet three of the six project objectives and would not substantially lessen or avoid the potentially significant impacts identified for the proposed project.

Blended Reduced Downtown/Focused Smart Growth and Employment Alternative

The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative (refer to Subchapter 6.3.4 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under this

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alternative multiple areas identified for smart growth residential land uses and employment land uses under the proposed project would be reduced or eliminated entirely. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would accommodate 2,625 less dwelling units than the proposed project, for a total of only 7,299 dwelling units by 2035. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would accommodate a total of 10,575,000 sf of employment land uses, which is 3,075,000 sf less than would be accommodated by the proposed project. The primary areas where residential and/or employment land uses would be reduced are the Downtown SPA, Felicita Avenue and Centre City Parkway, Transit Station Target Area, Centre City Parkway/ Brotherton Road Target Area, East Valley Parkway Target Area and Imperial Oaks SPA.

This alternative would promote sustainable development through the E-CAP measures and some variety of residential and economic development; however, this alternative would not promote smart growth, improve the jobs to housing balance, or provide a variety of housing and employment opportunities to the extent of the proposed project. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would not generate the housing needed to attract the desired mix of entertainment and activities that rely on a denser, higher populated urban core. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would meet Objectives 2 and 6, partially meet Objectives 1 and 5, and not meet Objectives 3 and 4. This alternative would partially meet Objective 1 because it would establish the same General Plan boundary as the proposed project; however, it would not meet the long-term housing needs of future residents identified in Objective 1. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would meet Objective 2 because it would maintain residential densities in outlying areas, preserve and enhance existing neighborhoods, guide some growth towards downtown and along key transportation corridors, and improve circulation and safety for vehicles and pedestrians. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would not meet Objective 3 or Objective 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core because it would not provide as much residential, retail and office development in the downtown area as the proposed project (Objective 4). This alternative would partially meet Objective 5, because it would achieve a sustainable and integrated system of land use and transportation. However, it would not create compact, mixed use projects, forming urban villages designed to maximize affordable housing to the same extent as the proposed project because multiple areas identified for smart growth residential land uses under the proposed project would be reduced under this alternative. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would achieve Objective 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement strategies that promote multi-

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modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment prepared by LLG Engineers (Appendix I3 in Volume II of the Final EIR).

Therefore, the Blended Reduced Downtown/Focused Smart Growth and Employment Alternative has been rejected because it would only fully meet two project objectives, would partially meet two project objectives and would not meet two project objectives. In addition, this alternative would not substantially lessen or avoid the potentially significant impacts of the proposed project.

Mobility and Infrastructure Element Downtown Couplet Alternative

The Mobility and Infrastructure Element Downtown Couplet Alternative (refer to Subchapter 6.4.1 of the Final EIR) would implement the proposed General Plan Update land use plan, goals and policies, the Downtown Specific Plan Update land use plan, goals and policies, and the E-CAP. However, under this alternative the Mobility and Infrastructure Element of the proposed General Plan Update would be realigned so that the existing Valley Parkway and 2nd Avenue one-way couplet would accommodate two-way traffic. Proposed two-way circulation would require the reduction in lanes along each roadway. The roadways would be reduced to one-lane in either direction (two-lane roadways) with on-street parking and bike lanes. Four-lane roadways could not be accommodated because of the limited curb-to-curb width of approximately 52 feet along most of the couplet. While four-lanes could physically fit, left-turn pockets could not be provided, nor could parking or bike lanes.

The Downtown Couplet Alternative would meet all of the proposed project's objectives because under this alternative, the land use plan, goals and policies proposed in the General Plan Update would remain the same and only the Valley Parkway/2nd Avenue Couplet would be realigned to accommodate two-way traffic. However, this alternative would not reduce or eliminate any of the potentially significant impacts of the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, traffic level of service, road safety, emergency access, and alternative transportation because more congestion would occur under this alternative.

Therefore, the Mobility and Infrastructure Element Downtown Couplet Alternative has been rejected because it would not lessen or avoid the potentially significant impacts of the proposed project, and would result in greater air quality and transportation impacts compared to the proposed project.

Promenade Retail Center and Vicinity Alternative

The Promenade Retail Center and Vicinity Alternative (refer to Subchapter 6.4.2 of the Final EIR) would implement the proposed General Plan Update goals and policies, the Downtown Specific Plan Update goals and policies, and the E-CAP reduction measures. However, under this alternative, mixed use office land uses south of 9th Avenue within the Promenade Retail Center and Vicinity Target Area would be increased by 100,000 sf. Total employment land uses throughout the proposed project planning area would be increased to 13,750,000 sf under this alternative. The same number of dwelling units would be accommodated in the Promenade Retail Center and Vicinity Target Area (628 dwelling units) and throughout the entire proposed project planning area (9,924 dwelling units) as the proposed project.

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The Promenade Retail Center and Vicinity Alternative would meet all of the objectives identified for the proposed project. An increase in office employment uses under this alternative would result in the increased ability of this alternative to create and sustain a strong economic base for the community (Objective 3) and create an economically viable urban downtown and core (Objective 4). The Promenade Retail Center and Vicinity Alternative would also result in the establishment of a General Plan boundary that accommodates the goals of Objective 1 and would guide additional growth towards downtown and along key transportation corridors, as stated in Objective 2. Further, under this alternative, smart growth strategies and the E-CAP would be implemented, which would result in the accomplishment of Objectives 5 and 6. However, this alternative would not reduce or eliminate any of the potentially significant impacts of the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, noise, public services, and traffic because more growth would occur under this alternative.

The Promenade Retail Center and Vicinity Alternative does not meet the requirements of an alternative as identified in Section 15126.6 of the CEQA Guidelines because it would not avoid or substantially lessen any of the significant impacts of the proposed project. The Promenade Retail Center and Vicinity Alternative would result in similar, and in some cases marginally greater, significant impacts as the proposed project; therefore, the findings made under Sections A, B and C above for the proposed project also apply to this alternative.

Nutmeg Street Alternative

The Nutmeg Street Alternative (refer to Subchapter 6.4.3 of the Final EIR) would implement the proposed General Plan Update goals and policies, the Downtown Specific Plan Update goals and policies, and the E-CAP reduction measures. Under this alternative, new office employment land uses would replace proposed residential land uses within the Nutmeg Street Study Area. The proposed project identifies the development of 40 residential dwelling units within this study area. The Nutmeg Street Alternative would accommodate 100,000 sf of new office employment land uses in this study area, which would be developed instead of the 40 dwelling units. Therefore, this alternative would result in a total of 13,750,000 sf of employment land uses and 9,884 dwelling units throughout the entire proposed project planning area.

The Nutmeg Street Alternative would meet all six of the objectives identified for the proposed project. An increase in employment land uses under this alternative would result in the increased ability to create and sustain a strong economic base for the community (Objective 3) and create an economically viable urban downtown and core (Objective 4). The Nutmeg Street Alternative would result in the establishment of a General Plan boundary that accommodates the goals of Objective 1 and would guide additional growth towards downtown and along key transportation corridors as outlined in Objective 2. Further, under this alternative, smart growth strategies and the E-CAP reduction measures would be implemented, which would result in the accomplishment of Objectives 5 and 6. However, this alternative would not reduce or eliminate any of the potentially significant impacts identified for the proposed project. This alternative would result in increased impacts compared to the proposed project

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related to air quality, noise, public services, and traffic because more growth would occur under this alternative.

The Nutmeg Street Alternative does not meet the requirements of an alternative as identified in Section 15126.6 of the CEQA Guidelines because it would not avoid or substantially lessen any of the significant impacts of the proposed project. The Nutmeg Street Alternative would result in similar, and in some cases marginally greater, significant impacts as the proposed project; therefore, the findings made under Sections A, B and C above for the proposed project also apply to this alternative.

Environmentally Superior Alternative

According to Section 15126.6(e)(2) of the CEQA Guidelines, an EIR is required to identify the environmentally superior alternative, which is the alternative having the potential for the fewest significant environmental impacts, from among the range of reasonable alternatives that are evaluated in the EIR. The Reduced Employment Alternative is identified as the Environmentally Superior Alternative. Because the overall employment land use development in the project area would be decreased compared to the proposed project, impacts associated with scenic vistas; scenic resources; visual character and quality; lighting and glare; direct conversion of agricultural resources; indirect conversion of agricultural and forestry resources; air quality violations; sensitive receptors; special status plant and wildlife species; riparian habitat and other sensitive natural communities; wildlife movement corridors and nursery sites; historical resources; archeological resources; excessive noise levels; excessive groundborne vibration; permanent and temporary ambient noise levels; displacement of housing and people; fire and police protection; traffic and level of service standards; wastewater treatment requirements; new water and wastewater treatment facilities; sufficient stormwater drainage facilities; adequate water supplies; adequate wastewater facilities; sufficient landfill capacity; solid waste regulations; and energy would be proportionately less than those identified for the proposed project. However, as discussed above under the Reduced Employment Alternative heading, this alternative would not provide the jobs and housing balance needed to serve future residents and none of the potentially significant impacts of the proposed project would be avoided under this alternative. The significant and unavoidable impacts identified for the proposed project would also be significant and unavoidable under this alternative. Additionally, the Reduced Employment Alternative would not meet Objective 3 or Objective 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core (Objective 4). Therefore, the Reduced Employment Alternative has been rejected because it fails to meet two of the six project objectives and would not substantially lessen or avoid the potentially significant impacts of the proposed project.

ATTACHMENT D

Mitigation Monitoring and Reporting Program for the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan

City File: PHG 09-0010 / PHG 10-0016

SCH # 2010071064

The City of Escondido adopts this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Escondido General Plan Update, Downtown Specific Plan Update and Climate Action Plan (proposed project), which is the subject of the Final Program Environmental Impact Report (EIR), complies with all applicable environmental mitigation requirements.

The mitigation described in the EIR and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts. These measures are provided at the program EIR level and allow for future refinement or development of more specific measures as needed to further reduce impacts. Mitigation measures applicable to the proposed project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying impacts by repairing, rehabilitating, or restoring the affected environment, and/or reducing or eliminating impacts over time through preservation and maintenance operations over the life of the proposed project.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the Final Program EIR. Only those subsections of the environmental issues presented in the EIR that have mitigation measures are provided below in the MMRP table. All other subsections in the EIR do not contain mitigation measures. For each specified mitigation measure, the MMRP table identifies the following: 1) Implementation Action; 2) Method of Verification; 3) Timing of Verification; 4) Responsible Agency/Party; and 5) Verification Date.

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>AIR QUALITY</p>	<p>Air-1 Construction Dust Control Measures. During grading activities for any future development within the General Plan Update planning area boundary, the onsite construction superintendent shall ensure implementation of standard best management practices to reduce the emissions of fugitive dust, including but not limited to the following actions:</p>	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services-Field Engineering Section</p>
<p>i. Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water will be applied at a frequency to be determined by the onsite construction superintendent.</p>					
<p>ii. Temporary hydroseeding with irrigation will be implemented on all graded areas on slopes, and areas of cleared vegetation will be revegetated as soon as possible following grading activities in areas that will remain in a disturbed condition (but will not be subject to further construction activities) for a period greater than three months during the construction phase.</p>					
<p>iii. Operate all vehicles on the construction site at speeds less than 15 miles per hour.</p>					
<p>iv. Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the onsite construction superintendent, or spray them with a non-toxic chemical stabilizer.</p>					
<p>v. If a street sweeper is used to remove any track-out/carry-out, only PM₁₀-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.</p>					

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date																																							
<p>Air-2 Air Quality Impact Assessment. An Air Quality Impact Analysis shall be prepared for projects within the General Plan Update boundary that exceed one of the air quality study trigger criteria in Table 4.3.12, Air Quality Impact Analysis Trigger Criteria.</p> <p style="text-align: center;">Table 4.3-12 Air Quality Impact Analysis Trigger Criteria</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Project Size that would Trigger an AQIA⁽³⁾</th> <th>Single Family Dwelling Unit Equivalent⁽⁴⁾</th> </tr> </thead> <tbody> <tr> <td>Single Family Residential⁽¹⁾</td> <td>300 du</td> <td>1 du/1 du</td> </tr> <tr> <td>Apartments: 6-20 du/acre⁽¹⁾</td> <td>370 du</td> <td>1 du/1.23 du</td> </tr> <tr> <td>Apartments: > 20 du/acre⁽²⁾</td> <td>420 du</td> <td>1 du/1.4 du</td> </tr> <tr> <td>Condominiums⁽¹⁾</td> <td>370 du</td> <td>1 du/1.23 du</td> </tr> <tr> <td>Mobile Home Park⁽¹⁾</td> <td>400 du</td> <td>1 du/1.33 du</td> </tr> <tr> <td>Supermarket⁽²⁾</td> <td>25,000 sf</td> <td>1 du/83.33 sf</td> </tr> <tr> <td>Restaurant, Fast Food w/drive through⁽²⁾</td> <td>6,500 sf</td> <td>1 du/21.67 sf</td> </tr> <tr> <td>Restaurant, Quality Sit Down⁽²⁾</td> <td>43,000 sf</td> <td>1 du/143.33 sf</td> </tr> <tr> <td>Neighborhood/County Park (undeveloped)⁽²⁾</td> <td>880 acres</td> <td>1 du/2.93 acre</td> </tr> <tr> <td>Motel⁽²⁾</td> <td>480 rooms</td> <td>1 du/1.6 room</td> </tr> <tr> <td>Standard Commercial Office (<100,000 sf per office site)⁽²⁾</td> <td>190,000 sf</td> <td>1 du/633.33 sf</td> </tr> <tr> <td>Neighborhood shopping center⁽²⁾</td> <td>35,000 sf</td> <td>1 du/116.67 sf</td> </tr> </tbody> </table> <p>⁽¹⁾ Limited by VOC emissions; for these residential units it is assumed that 5 percent of the units have active fireplaces burning 0.25 cord of wood over a period of 82 days and 10 percent of the units have active natural gas fireplaces that are used for 3 hours per day over a period of 90 days (note: hours per day and days per year are the URBEMIS defaults). ⁽²⁾ Limited by CO emissions ⁽³⁾ du = dwelling unit, sf = square feet, du/acre = dwelling units per acre ⁽⁴⁾ Single family units per land use unit of measure Source: County of San Diego 2007b</p>	Land Use	Project Size that would Trigger an AQIA ⁽³⁾	Single Family Dwelling Unit Equivalent ⁽⁴⁾	Single Family Residential ⁽¹⁾	300 du	1 du/1 du	Apartments: 6-20 du/acre ⁽¹⁾	370 du	1 du/1.23 du	Apartments: > 20 du/acre ⁽²⁾	420 du	1 du/1.4 du	Condominiums ⁽¹⁾	370 du	1 du/1.23 du	Mobile Home Park ⁽¹⁾	400 du	1 du/1.33 du	Supermarket ⁽²⁾	25,000 sf	1 du/83.33 sf	Restaurant, Fast Food w/drive through ⁽²⁾	6,500 sf	1 du/21.67 sf	Restaurant, Quality Sit Down ⁽²⁾	43,000 sf	1 du/143.33 sf	Neighborhood/County Park (undeveloped) ⁽²⁾	880 acres	1 du/2.93 acre	Motel ⁽²⁾	480 rooms	1 du/1.6 room	Standard Commercial Office (<100,000 sf per office site) ⁽²⁾	190,000 sf	1 du/633.33 sf	Neighborhood shopping center ⁽²⁾	35,000 sf	1 du/116.67 sf	Require that an Air Quality Impact Analysis be prepared for projects exceeding the trigger criteria, as specified.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
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<p>Air-3 Siting Sensitive Receptors near Waste Transfer Facility. A Health Risk Assessment (HRA) shall be prepared by a qualified air quality professional for development of new sensitive receptors proposed in the General Plan Update planning area within 500 feet of a waste transfer facility. Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The project shall not be considered for approval until an HRA has been completed and approved by the City. The methodology for the HRA shall follow the Office of Environmental Health Hazard Assessment and SDAPCD guidelines for the preparation of HRAs. If a potentially significant health risk is identified, the HRA shall identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor shall be sited in another location.</p>	<p>Require that a health risk assessment be prepared, as specified, for development of new sensitive receptors within 500 feet of a waste transfer facility.</p>	<p>Department review and approval</p>	<p>Prior to project approval</p>	<p>City of Escondido Community Development Department – Planning Division</p>	
<p>Air-4 Siting Sensitive Receptors near Industrial, Medical, or Research and Development Facilities. A Health Risk Assessment (HRA) shall be prepared by a qualified air quality professional for development of new sensitive receptors in the General Plan Update planning area proposed within one mile of industrial land uses, medical facilities, or research and development facilities that generate a potential source of Toxic Air Contaminants (TACs). Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. An HRA shall also be required for such facilities proposed within one mile of a sensitive receptor. The project shall not be considered for approval until an HRA has been completed and approved by the City. The methodology for the HRA shall follow the Office of Environmental Health Hazard Assessment and SDAPCD guidelines for the preparation of HRAs. If a potentially significant health risk is identified, the HRA shall identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be sited in another location.</p>	<p>Require that a health risk assessment be prepared, as specified, for development of new sensitive receptors within one mile of industrial land uses, medical facilities or research and development facilities that generate TACs.</p>	<p>Department review and approval</p>	<p>Prior to project approval</p>	<p>City of Escondido Community Development Department – Planning Division</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
CULTURAL RESOURCES					
Cul-1 Enhance community appreciation of the importance of the City's historic sites and buildings, and protect and preserve significant historical resources to the extent feasible through the identification of features of cultural and historical significance to the community and designation as landmark features, structures and sites of historic, aesthetic, and special character. The incorporation of historical resources into historical parks and multiple use recreation parks shall be encouraged.	Identify features of cultural and historical significance to the community and designate them as landmark features.	Department review and approval	On-going	City of Escondido Community Development Department – Planning Division	
Cul-2 Ensure landmarking and historical listing of City-owned historic sites.	Require landmarking and historical listing of City-owned sites.	Department review and approval	On-going	City of Escondido Community Development Department – Planning Division	
Cul-3 Require that significant archaeological resources be preserved in-situ, as feasible. The incorporation of resources into historical parks and multiple use recreation parks shall be encouraged. When avoidance of impacts is not possible, data recovery mitigation shall be required for all significant resources. Any significant artifacts recovered during excavation, other than cultural material subject to repatriation, shall be curated with its associated records at a curation facility approved by the City. Excavation of deposits of Native American origin shall be coordinated with and monitored by local Native American representatives.	Require that the significant archaeological resources be preserved or adequately mitigated.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
Cul-4 Develop management and restoration plans for identified and acquired properties with cultural resources.	Require that management plans and restoration plans be developed for properties with cultural resources when said properties are proposed for significant alterations.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
Cul-5 Support the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grant or	Identify funding sources to protect cultural	Department review and	On-going	City of Escondido Community	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
matching funds, or funds from private organizations.	resources.	approval		Development Department – Planning Division	
Cul-6 Protect significant cultural resources through coordination and consultation with the NAHC and local tribal governments, including SB-18 review.	Require that future development projects coordinate and consult with the NAHC and local tribal governments.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
NOISE					
Noi-1 Construction Vibration Best Management Practices. All general construction activities that take place within 100 feet of a building with the potential to be damaged by excessive vibration, or use pile-driving, blasting, or other high-impact construction equipment within 200 feet of a daytime NSLU (public and private educational facilities, churches, libraries, museums, cultural facilities, golf courses and passive recreational parks) shall implement the following construction BMPs recommended by the Federal Railroad Administration in the High Speed Ground Transportation Noise and Vibration Impact Assessment (2005):	Require that the specified measures be implemented, as applicable, during construction activities for future development projects.	Plan check and Site inspection	Prior to the issuance of any grading or building permit and At site inspection	1) Plan Check: City of Escondido Community Development Department – Building Division 2) Inspection: City of Escondido Engineering Services Department – Field Engineering Section	
<ol style="list-style-type: none"> 1. Sequence of operations: <ol style="list-style-type: none"> a. Phase demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period. 2. Alternative construction methods: <ol style="list-style-type: none"> a. Avoid impact pile driving where possible in vibration-sensitive areas. Drilled piles or the use of a sonic or vibratory pile driver causes lower vibration levels where the geological conditions permit their use. b. Select demolition methods not involving impact, where possible. For example, sawing bridge decks into sections that can be loaded onto trucks results in lower vibration levels than impact demolition by pavement breakers, and milling generates lower vibration levels than excavation using clam shell or chisel 					

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>drops.</p> <p>c. Avoid vibratory rollers and packers near sensitive areas.</p>					
<p>NoI-2 Setback of Vibration-sensitive Land Uses from SPRINTER alignment. Future development of vibration-sensitive land uses within 450 feet of the SPRINTER right-of-way or places where people sleep within 230 feet of the SPRINTER right-of-way shall require a site-specific groundborne vibration analysis conducted by a qualified vibration analyst to determine that vibration levels generated by the SPRINTER at the proposed project site would not exceed the Federal Transit Administration's groundborne vibration standards for vibration sensitive equipment and sleep disturbance. If necessary, mitigation shall be required for land uses in compliance with the standards listed in EIR Table 4.12-10, General Plan Update Groundborne Vibration Impact Criteria.</p>	<p>Require that a site specific groundborne vibration analysis be conducted, as specified, for vibration-sensitive land uses and places where people sleep.</p>	<p>Department review and approval</p>	<p>Prior to project approval</p>	<p>City of Escondido Community Development Department – Planning Division</p>	

POPULATION AND HOUSING

<p>Pop-1 The City of Escondido shall coordinate with property owners that would experience displacement under the proposed General Plan Update to communicate the implications of the proposed project on their property and to address public concerns and comments.</p>	<p>Require coordination with property owners that would experience displacement as a result of future infrastructure or development projects.</p>	<p>Department review</p>	<p>Prior to approval of any future infrastructure or development project that would displace homes or businesses.</p>	<p>City of Escondido Community Development Department – Planning Division</p>	
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TRANSPORTATION AND TRAFFIC

<p>Tra-1 The City of Escondido shall implement intersection improvement treatment and adaptive traffic signal control technology along the following roadway segments and at the following intersections prior to reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p> <p>Roadway Segments</p>	<p>Require that the specified improvements be implemented prior to the segment or intersection reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment or intersection reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department – Traffic Division</p>	
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Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<ul style="list-style-type: none"> ■ Mission Road between Barham Drive and Auto Park Way (LOS E) ■ Valley Parkway between Hickory Street and Fig Street (LOS F) ■ Valley Parkway between Fig Street and Date Street (LOS F) ■ Valley Parkway between Date Street and Ash Street (LOS F) <p>Intersections</p> <ul style="list-style-type: none"> ■ Nordahl Road/Auto Park Way/Mission Road (LOS E, PM peak hour) ■ Centre City Parkway/Felicita Avenue (LOS F, PM peak hour) ■ Escondido Boulevard/Felicita Avenue (LOS E/F, AM/PM peak hours, respectively) ■ Ash Street/Valley Parkway (LOS E, both AM/PM peak hours) ■ I-15 SB Ramps/Via Rancho Parkway (LOS E/F, AM/PM peak hours, respectively) ■ El Norte Parkway/Centre City Parkway (LOS E/F, AM/PM peak hours, respectively) 					
<p>Tra-2 Montiel Road between Nordahl Road and Deodar Road. The City of Escondido shall implement adaptive traffic signal control technology along Montiel Road between Nordahl Road and Deodar Road prior to the segment reaching an LOS of E or F. Adaptive traffic signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>	<p>Following the City of San Marcos' decision to mitigate impacts to this segment, require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F, following City of San Marcos decision to mitigate this impact</p>	<p>City of Escondido Engineering Services Department—Traffic Division</p>	
<p>Tra-3 Escondido Boulevard between 13th Avenue and 15th Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Escondido Boulevard between 13th Avenue and 15th Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department—Traffic Division</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Tra-4 Centre City Parkway between 13th Avenue and Felicita Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Centre City Parkway between 13th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department—Traffic Division</p>	
<p>Tra-5 Escondido Boulevard between 15th Avenue and Felicita Avenue. Implementation of mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between 15th Avenue and Felicita Avenue to a level below significant.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department—Traffic Division</p>	
<p>Tra-6 Escondido Boulevard between Felicita Avenue and Sunset Drive. Implementation of the mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between Felicita Avenue and Sunset Drive to a level below significant.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department—Traffic Division</p>	
<p>Tra-7 Citrus Avenue between Washington Avenue and Valley Parkway. The City of Escondido shall implement adaptive traffic signal control technology along Citrus Avenue between Washington Avenue and Valley Parkway prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department—Traffic Division</p>	
<p>Tra-8 Citrus Avenue between Bear Valley Parkway and Glen Ridge Road. The City of Escondido shall implement adaptive traffic signal control technology along Citrus Avenue between Bear Valley Parkway and Glen Ridge Road prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department—Traffic Division</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Tra-9 9th Avenue between La Terraza Boulevard and Tulip Street. The City of Escondido shall implement adaptive traffic signal control technology along 9 th Avenue between La Terraza Boulevard and Tulip Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-10 Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street. The City of Escondido shall implement adaptive traffic signal control technology along 9 th Avenue between Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-11 Mission Avenue between Rose Street and Midway Drive. The City of Escondido shall implement adaptive traffic signal control technology along Mission Avenue between Rose Street and Midway Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-12 Interstate 15 Southbound Ramps/Valley Parkway Intersection. The City of Escondido shall provide a second right turn lane at the I-15 Northbound ramps to partially mitigate the impacts at this intersection. Future land developments would be required to contribute a fair share towards this improvement as well as any other improvements that may be needed in the future to mitigate this impact to below a level of significance.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
UTILITIES AND SERVICE SYSTEMS					
Util-1 The EWWD Water Distribution Master Plan shall be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing water infrastructure, providing recycled water distribution facilities throughout	Require that the EWWD Water Distribution Master Plan be updated to accommodate	Department review and approval	Within five years of General Plan Update approval	City of Escondido Utilities Department–Utility Engineering	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>the City to offset potable water demand for landscaping and other purposes and other measures/strategies that will achieve the goal of providing an adequate water supply to serve the buildout of the General Plan Update.</p>	<p>buildout of the General Plan Update.</p>			<p>Division</p>	
<p>Util-2 The EWWD Wastewater Master Plan shall be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing wastewater infrastructure and other measures/strategies that will achieve the goal of providing adequate wastewater facilities to serve the buildout of the General Plan Update. The City shall also coordinate with VWD during its next Master Plan Update process to ensure that it provides the necessary wastewater facilities to adequately account for the growth identified in the General Plan Update.</p>	<p>Require that the EWWD Wastewater Master Plan be updated to accommodate buildout of the General Plan Update. Coordinate with VWD during its next Master Plan Update.</p>	<p>Department review and approval</p>	<p>Within five years of General Plan Update approval</p>	<p>City of Escondido Utilities Department-Utility Engineering Division</p>	

ATTACHMENT E

Additional Correspondence Received

Jay Petrek

From: Bill Martin
Sent: Thursday, April 26, 2012 1:56 PM
To: Barbara Redlitz; Jay Petrek
Subject: FW: General Plan Comments

-----Original Message-----

From: Gregory Johns [mailto:gljohns2000@cox.net]
Sent: Thursday, April 26, 2012 12:49 PM
To: Bill Martin
Subject: General Plan Comments

Bill:

From the direction given by the Council last night it now appears that I will be confirmed on the Planning Commission. As promised, following are a few general comments about the Draft General Plan. Rather than cite specific provisions of the Plan my comments are more general in nature, almost philosophical. At your discretion you may or may not pass these along to the seated commissioners. I have two very broad observations.

1. **Legal Liability** - Most of the Plan is not legally binding but some of it is. However, because it is a plan and will have voter approval, I fear in some circumstances the mere existence of such a detailed and thorough document could put the City at a disadvantage in a potential civil suit. For example, if economic circumstances or demographics change in such a way that it becomes infeasible or impossible to fulfill some part of the plan the City, could find itself confronted with court action by an affected interest group. I am not a lawyer, but I have seen this happen to municipalities large and small. In many cases the legal costs to defend the city's action (or non-action) exceeds the cost of capitulating to the interest group. The end result is that the city is forced to spend limited resources on projects that have been superseded by changing events. I'm not sure how to guard against such an eventuality. The only solution would be to publish a Plan that is more strategic in nature and significantly less detailed.
2. **Self Fulfilling Projections and Conflict of Objectives** - The Plan advocates a balanced socio-economic profile for the City. Yet, in response to recent statistical trends the Plan also seeks to accommodate demographic projections that favor lower household incomes. This can become a self fulfilling action. Escondido is not an isolated community. We are part of the greater San Diego metroplex where mobility is not a barrier to relocation. To the extent that the Plan encourages low income housing or multi family housing, we will attract that demographic from other parts of San Diego. The net result will be to skew our demographics even more to the lower income households and at the same time showing statistical growth in that demographic, which then demands greater City resources and orientation, which then encourages further growth of that demographic, and so it goes. Untimely, the plan works to contradict its stated objective of a *balanced socio-economic profile*. A good example of this dynamic is the state of Hawaii. In the sixties and seventies the state experienced a huge influx of low income migrants. People came for the weather, the surf and the laid back life style but with little or no prospects for economic advancement. To accommodate this growing voter block the state increased the scope and extent of social services, including housing. The result was continued rapid growth if this demographic at the expense of middle income and affluent residents who fled the state. Today, Hawaii's biggest problem is that its demographic profile is bottom heavy and does not provide a sufficient tax base to afford its extensive social programs. With greater San Diego boasting one of the highest costs of living in the nation, the risk of over-attracting low income residents to Escondido is very real. This same concern holds true for homeless accommodations. If through the Plan we make Escondido an attractive place to be homeless, more homeless people will come. This may

seem like a hard and un-compassionate position to take, but I believe while compassion is a proper motivation for personal charity, it is a counterproductive foundation for public policy.

I leave tomorrow for a previously planned vacation and will return on 5/12. I will have my laptop with me and will have access to email during most of my trip. You or anyone on the staff may contact me for informational or planning purposes. I will respond promptly.

Thank you for your assistance through this awkward situation.

Greg Johns

Escondido Chamber of Citizens
810 Omar Drive
Escondido, CA 92025

April 26, 2012

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

Dear Mr. Petrek:

Enclosed are statements from The Escondido Chamber of Citizens regarding the General Plan Update.

1. The Growth Management and Neighborhood Protection Act, Prop S, was overwhelmingly adopted by almost 60% of the residents of Escondido after being significantly outspent by the opposition.

A major point that was made by the passage of The Growth Management and Neighborhood Protection Act was that the population build out was codified by the General Plan with a build out population of 150,000 plus or minus 10% with a maximum anticipated population of 155,000 to account for demographic changes (i.e. population per household).

This specific policy should be subject to voter approval if the General Plan Update changes the population build out to 200,000 plus (a 30% increase) and of all policies in The Growth Management and Neighborhood Protection Act, this should be voted on by the citizens. This is the heart and soul of The Growth Management and Neighborhood Protection Act.

2. The General Plan Update has land use changes, but no fiscal monetary change to pay for significant infrastructure requirements, such as sewer, water, roads, open space, fire, police, etc. Who will pay for these requirements?

3. In reference to Urban V, the new General Plan Update residential land use category, The Escondido Chamber of Citizens opposes this land use addition for the following reasons:

1. The land use change increases density, but has no fiscal monetary change to pay for significant infrastructure that will be required.
2. The lack of funds for infrastructure requirements will cause a decline in Quality of Life Standards such as police, fire, roads, schools, open space, library, water, sewer, etc.
3. The proposed increase of 30% in population will mean another person for every two people who are already living in this city.

4. Quality of Life standards are being decreased in downtown to levels D, E or F along with the increase in density. Decreasing the Quality of Life Standards will result in the increased "Los Angelesization" of Escondido and the justifications for lowering development impact fees.

Sincerely,

Delores McQuiston, President
Escondido Chamber of Citizens
E-mail address, dmcq229@netzero.net



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Escondido Union School District Response to Comments

April 17, 2012

Jay Petrek, AICP
Project Manager
Escondido Planning Division
201 North Broadway
Escondido, CA, 92025

RE: Escondido Union School District EIR Comments

Dear Mr. Petrek:

We appreciate the opportunity to provide you with our written comments regarding the City of Escondido's General Plan, Downtown Specific Plan and Climate Action Plan EIR. The Escondido Union School District previously participated in a General Plan Update Issues Meeting hosted by the Citizen's Committee appointed by City Council and provided written documentation of district concerns regarding specific impacts in our March 7, 2011, correspondence. The following includes additional comments or reiterates previous comments provided to the City:

1. Executive Summary, Table ES-1, Item 4.3 Air Quality, Mitigation Measures Air 3 and 4
We do not consider the mitigation measure for a sensitive receptor (school) to be sited in another location a "less than significant impact." This mitigation measure would have a large impact on both the district and the community.
2. Executive Summary, Table ES-1, Item 4.12 Noise – Issue Excessive Groundborne Vibration
The district has grave concerns about the mitigation measures proposed. To propose this type of work, even during non-school hours, does not address the potential structural/building damage that could occur with this type of construction and the impact that could result for our district and the community. Additionally, any permanent increase to the ambient noise levels will directly impact the learning environment of our students and our ability to provide them an adequate learning environment. All recommendations regarding potential hazards to our school sites should be followed as outlined in the California Department of Education Site Selection Guidelines.
3. Executive Summary, Table ES-1, 4.13 Population and Housing – Displacement of Housing and People
We outline our concerns about the identified "significant and unavoidable" impacts below (#5).

The Escondido Union School District (EUSD) submitted comments on the Escondido General Plan, Downtown Specific Plan and Climate Action Plan Draft EIR on April 17, 2012. This letter was received after the close of the public review period for the Draft EIR and following completion of the Final EIR. Therefore, responses to the letter were not included in the Final EIR document. However, the following responses are provided for City Council consideration:

1. This comment is an introduction to the comment letter and provides background information regarding EUSD involvement in the General Plan Update process. This comment does not pertain to the accuracy or adequacy of information presented in the Draft EIR. No further response is necessary.
2. This comment states that the EUSD does not consider the mitigation measure that requires a sensitive receptor to be sited in another location (Air-4) to reduce the impact to a less than significant level because it would have a large impact on the EUSD and the community. However, mitigation measure Air-4 does not require a specific school to be sited in another location. Rather, this mitigation measure requires a health risk assessment (HRA) to be prepared for development of new sensitive receptors (which include schools) within one mile of industrial land uses, medical facilities, or research and development facilities that generate a potential source of Toxic Air Contaminants (TACs). If a potentially significant health risk is identified, the HRA shall identify appropriate measures to reduce the potential health risk to below a significant level. Only if appropriate measures are not available to reduce risks is it required that the sensitive receptor be sited in another location. Placement of a school in an area where students and staff may be exposed to substantial health risks from air pollutants is a significant impact; therefore, the EIR requires that schools, as one category of sensitive receptors, be sited away from potential health risks when measures are not available to mitigate risks. No specific sensitive receptors or TAC emitting facilities are proposed as part of the proposed project; therefore, it would be speculative to analyze where health risks may occur near new schools, or where alternative sites for schools may be located. In addition, the EUSD is responsible for the construction of new or expanded school facilities and is its own lead agency under CEQA. When new school facilities are needed, the EUSD will be responsible for preparing an environmental document in compliance with CEQA, which will identify potentially significant impacts and mitigation measures to reduce the impacts, as available. After considering the CEQA document and supporting information, the School Board will have the discretion to select the new school site.
3. This comment states that the EUSD has concerns that the EIR analysis does not address the potential for structural/building damage that could occur as a result of the proposed type of work. It is assumed that the "type of work" referenced in the comment is the general construction activities and use of pile-driving, blasting,

BOARD OF EDUCATION
Zoe Carpenter
Joan Gardner
Mary Gilbert
Marty Haasek
Linda Woods

SUPERINTENDENT
Jennifer L. Welles

CAROLYN GILBERT
EDUCATION CENT
2310 Adairgrove Ave
Escondido, CA 9202
Tel (760) 432-2400
www.esusd.k12.ca.us

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- or other high-impact construction equipment addressed by mitigation measure Noi-1. It should be clarified that the proposed project does not propose the construction of any specific projects. Rather, the EIR identifies that the future development that could occur under the proposed General Plan Update and Downtown Specific Plan Update may result in these types of construction activities. Regarding the potential for building damage, the EIR does address this issue. As discussed in Section 4.12.3.2, Issue 2: Excessive Groundborne Vibration, structural damage to existing buildings due to construction-related vibration impacts would have the potential to occur if pile-driving activities would be required in close proximity to vibration-sensitive buildings because pile-driving can produce peak particle velocity (PPV) values of up to 1.5 at 25 feet. Historic buildings may also be susceptible to damage from excessive vibration impacts resulting from construction activities such as pile driving. Construction activities would occur throughout the General Plan Update planning area, and would be concentrated in the study areas, including the Downtown SPA and South Escondido Boulevard/Felicita Road Target Area, which include the historic downtown and Old Escondido Historic District. Therefore, impacts to historic structures susceptible to damage from vibration would be potentially significant during construction activities. Mitigation measure Noi-1 requires construction best management practices to be implemented when construction activities may take place within 100 feet of a building with the potential to be damaged by excessive vibration. The EIR recognizes that mitigation Measure Noi-1 would reduce direct and cumulative groundborne vibration impacts from construction; however, it cannot be guaranteed that these best management practices (BMPS) would reduce all construction-related vibration impacts to a less than significant level. Therefore, impacts from groundborne vibration during construction are identified as being significant and unavoidable, even with implementation of feasible mitigation measures.
4. This comment states that any permanent increase in ambient noise levels will have a direct impact on the ability of the EUSD to provide an adequate learning environment. The EIR addresses the potential impacts of increased noise level on schools in Section 4.12.3.3, Issue 3: Permanent Increase in Ambient Noise Levels. As discussed in this section, compliance with the City's Noise Ordinance would ensure that noise levels from operation of land uses accommodated by the General Plan Update would not result in significant increases in noise levels at nearby land uses. However, the increase in vehicular noise as a result of the proposed project would have the potential to expose existing and future developments, including schools, to a substantial permanent increase in ambient noise level and noise levels in excess of the City's Noise Compatibility Standards. General Plan Policy 5.6 requires future development with the potential to substantially increase noise levels to prepare a noise technical report and attenuate increases in noise levels at nearby sensitive receptors, including schools. However, implementation of this policy would not reduce cumulative noise impacts to a less than significant level because it cannot be guaranteed that noise levels would be reduced to below the applicable threshold. No feasible mitigation measures have been identified to reduce this impact to a less than significant level; therefore, the EIR concludes that impacts related to

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permanent increases in ambient noise levels would be significant and unavoidable. Chapter 6, Alternatives, provides a discussion of several land use alternatives to the proposed project that would result in reduced impacts associated with traffic noise as compared to the proposed project.

5. The commenter states that all recommendations regarding noise hazards to schools should follow the California Department of Education (CDE) Site Selection Guidelines. The CDE school site selection guidelines are intended to help school districts: 1) select school sites that provide both a safe and supportive environment for the instructional program and the learning process; and 2) gain state approval for the selected site¹. Regarding noise, the School Site Selection and Approval Guide recommends that if the school district is considering a potential school site near a freeway or other source of noise, it should hire an acoustical engineer to determine the level of sound that location is subjected to and to assist in designing the school, should that site be chosen². The proposed project does not propose the construction of any specific school projects; therefore, the CDE document is not applicable to the proposed project. However, the recommendations described above are consistent with proposed General Plan Community Protection Element, Noise Policy 5.6, which requires the preparation of noise studies, as deemed necessary by the City's Planning Department, to analyze potential noise impacts associated with new development. As its own lead agency under CEQA, the EUSD has the authority to determine whether a noise study is necessary for proposed school projects within its jurisdiction.

6. This comment states that the commenter's concerns related to significant and unavoidable population and housing impacts are outlined in comments #10 through #14. Refer to the responses to these comments.

¹ California Department of General Services, School Site Selection. Accessed April 30, 2012, available at http://www.excellence.dgs.ca.gov/PlanningTeamwork/53_3-3.htm
² California Department of Education, School Facilities Planning Division, School Site Selection and Approval Guide. Accessed April 30, 2012, available at <http://www.cde.ca.gov/s/fa/sf/schoolsiteguide.asp#Noise>

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4.	<p>Executive Summary, Table ES-1, Item 4.16 Transportation and Traffic. Several of these proposed changes will significantly impact the traffic congestion surrounding our existing campuses. This will create safety issues as well. We do not provide bus service for our regular education students, so there is a significant amount of foot and bike traffic in the area. The listed impact is "significant and unavoidable," which is not acceptable for the safety of our students and the community as a whole.</p>	<p>7. This comment states that several of the proposed changes will significantly impact the traffic congestion surrounding existing EUSD campuses, and that this will create safety issues. The commenter does not specify which changes associated with the General Plan Update they are referring to, or which campuses within the EUSD would be affected. The traffic analysis and mitigation measures provided in Section 4.16, Transportation and Traffic, of the EIR summarize the information provided in the Escondido General Plan Update Traffic Impact Analysis (TIA), prepared by Linscott Law & Greenspan (LLG), which is included in Appendix I1 to the EIR. Based on the analysis of the worst-case traffic scenario that could result from growth under the proposed project through year 2035, the TIA identified mitigation measures that would improve traffic conditions compared to unmitigated conditions. The methodology of the traffic analysis is outlined in detail in Appendix I1. The commenter does not provide any specific evidence that the methodology or conclusions of the traffic impact analysis are inaccurate. This comment does not identify any deficiencies in the traffic analysis; therefore, it does not identify any new impacts related to safety. However, road safety is addressed in Section 4.16.3.3, Issue 3: Road Safety of the EIR. The EIR concludes that the construction of driveways and private roadways may create traffic hazards if adequate vehicle storage space is not provided at the entrances to a development so that waiting vehicles would extend into roadways; or if the internal street system does not contain adequate traffic controls such as stop signs. Additionally, implementation of the proposed General Plan Update would include improvements to the public circulation network and construction of new sidewalks throughout the proposed project area. Dangerous intersections or sidewalks would be considered hazards if not equipped with proper safety features such as setbacks or curbs and be ADA-accessible. However, the proposed General Plan Update and Downtown Specific Plan Update include policies that would sufficiently prevent transportation hazards within the proposed project area. Therefore, safety issues from traffic congestion would be less than significant and no mitigation is proposed.</p>
5.	<p>Population and Housing, Item 4.13, Table Summary of Impacts – Issue 2: 4.13.3.2 Issue 2: Displacement of Housing, 4.13.6 Issue 2: Displacement of People and Housing and 4-13-7 Issue 2: Conclusion Displacement of Housing and People</p>	<p>8. This comment states that there is a significant amount of foot and bike traffic surrounding EUSD campuses because they do not provide bus service for regular education students. Refer to response to comment #7. The comment does not identify any deficiencies in the traffic analysis; therefore, it does not identify any new impacts related to safety that are not identified in the Draft EIR. Road safety is addressed in Section 4.16.3.3, Issue 3: Road Safety of the EIR. The EIR concluded that the proposed General Plan Update and Downtown Specific Plan Update include policies that would sufficiently prevent transportation hazards within the proposed project area, including hazards to pedestrians and cyclists.</p>
6.	<p>Public Services 4.14, Table Public Services Summary of Impacts – Issue 3</p>	<p>9. This comment states that significant and unavoidable impacts related to transportation and traffic are not acceptable for the safety of EUSD students and the community as whole. This comment does not pertain to the accuracy or adequacy of information presented in the Draft EIR. The City Council will consider all of the potential impacts of the proposed project when making a decision regarding project approval. Pursuant</p>
7.	<p>Several of these proposed changes will significantly impact the traffic congestion surrounding our existing campuses. This will create safety issues as well. We do not provide bus service for our regular education students, so there is a significant amount of foot and bike traffic in the area. The listed impact is "significant and unavoidable," which is not acceptable for the safety of our students and the community as a whole.</p>	
8.	<p>Population and Housing, Item 4.13, Table Summary of Impacts – Issue 2: 4.13.3.2 Issue 2: Displacement of Housing, 4.13.6 Issue 2: Displacement of People and Housing and 4-13-7 Issue 2: Conclusion Displacement of Housing and People</p>	
9.	<p>While the district's current school facilities are adequate to accommodate the current student population, the City's plan to displace and increase density will impact the district. Not only could the displacement create immediate imbalance among our school sites mid-year and directly affect multiple campuses, the potential for critical impact to the student learning cycles mid-year must be considered. There is also the potential for families, when displaced, to relocate out of the Escondido area, affecting district total enrollment and funding. Our current school sites that would be most affected in the Downtown Specific Plan are our smallest sites and would not adequately accommodate the planned student population growth. The availability of adequate land upon which to build larger campuses will decrease exponentially due to a multitude of variables. Acquiring property through eminent domain is extremely costly and would most likely need to occur in an area deemed non-conforming to the General Plan proposed. Implementation of a General Plan by the City that has such extremely significant financial impacts to the district would be devastating and have lasting effects on our ability to provide the necessary educational opportunities the community deserves. The Escondido Union School District has expressed concerns regarding increasing density in the downtown area for many years.</p>	
10.	<p>Displacement of Housing and People</p>	
11.	<p>While the district's current school facilities are adequate to accommodate the current student population, the City's plan to displace and increase density will impact the district. Not only could the displacement create immediate imbalance among our school sites mid-year and directly affect multiple campuses, the potential for critical impact to the student learning cycles mid-year must be considered. There is also the potential for families, when displaced, to relocate out of the Escondido area, affecting district total enrollment and funding. Our current school sites that would be most affected in the Downtown Specific Plan are our smallest sites and would not adequately accommodate the planned student population growth. The availability of adequate land upon which to build larger campuses will decrease exponentially due to a multitude of variables. Acquiring property through eminent domain is extremely costly and would most likely need to occur in an area deemed non-conforming to the General Plan proposed. Implementation of a General Plan by the City that has such extremely significant financial impacts to the district would be devastating and have lasting effects on our ability to provide the necessary educational opportunities the community deserves. The Escondido Union School District has expressed concerns regarding increasing density in the downtown area for many years.</p>	
12.	<p>Public Services 4.14, Table Public Services Summary of Impacts – Issue 3</p>	
13.	<p>This table summarizes that the "plan will have less than significant impacts directly, cumulative and after mitigation" to school services in the community. We strongly disagree with this evaluation and feel all impacts have not been identified and properly evaluated. This plan would have so many impacts to our district (financial, continuity of educational programs, growth, traffic/safety) that it would be impossible for the district to adequately comment or quantify total impact, especially during these volatile budgetary times.</p>	
14.	<p>Public Services 4.14, Table Public Services Summary of Impacts – Issue 3</p>	
15.	<p>This table summarizes that the "plan will have less than significant impacts directly, cumulative and after mitigation" to school services in the community. We strongly disagree with this evaluation and feel all impacts have not been identified and properly evaluated. This plan would have so many impacts to our district (financial, continuity of educational programs, growth, traffic/safety) that it would be impossible for the district to adequately comment or quantify total impact, especially during these volatile budgetary times.</p>	
16.	<p>Public Services 4.14, 1.3 Schools, Pg. 4.14-13 Escondido Union School District</p>	
16.	<p>Our district has seventeen elementary schools (not eighteen), five middle schools, and one community day school. The spelling for Fair</p>	

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- to CEQA Guidelines Section 15092(b)(2)(B), the City Council must determine that any remaining significant impacts on the environmental found to be unavoidable under Section 15091 (Findings) are acceptable due to the overriding concerns as described in Section 15093 (Statement of Overriding Considerations).
10. This comment states that the displacement of people and housing that would potentially occur under the proposed project would have the potential to create imbalances among school sites mid-year and directly affect multiple campuses. The proposed project does not propose the construction of any specific development projects; therefore, it would be speculative to state when during the school year displacement would occur, or which existing or future schools would be affected. This comment also states that the impact to student learning cycles must be considered. Impacts to learning cycles are not related to physical impacts on the environment; therefore, the EIR is not the appropriate place for consideration of such impacts.
11. This comment states that families displaced by implementation of the proposed project may leave Escondido, which would affect the EUSD's total enrollment and funding. As discussed in Section 4.13.3.2, Displacement of Housing, of the EIR, implementation of the General Plan Update would accommodate an additional 9,924 dwelling units by year 2035 within the proposed project area, which would offset the displacement of up to 142 residences resulting from implementation of the General Plan Update. Therefore, implementation of the proposed project is not expected to result in a decrease in EUSD enrollment or funding.
12. This comment states that the EUSD school sites in the Downtown Specific Plan Area (SPA) would be most affected by the proposed project because they are the EUSD's smallest sites and would not be able to adequately accommodate the proposed growth in the SPA. The discussion in the EIR agrees with this statement. As identified in Section 4.14.3.3, Issue 3: School Services, of the EIR, existing EUSD school facilities would not have adequate classroom capacity to serve buildout of the proposed project, including growth in the Downtown SPA. Specifically, the incorporation of smart growth principals and policies within the City's downtown core would severely impact the smaller school facilities that currently exist in these areas because they would concentrate development density and growth in these areas. Implementation of the General Plan Update would increase growth within the EUSD service area, which would increase student enrollment and potentially require the expansion or construction of new school facilities to serve buildout of the proposed project. To maintain acceptable service ratios, the construction of new or expanded school facilities would be required. The construction of these facilities would be subject to CEQA review, which would minimize environmental impacts. Additionally, the proposed General Plan Update includes policies that are intended to reduce impacts associated with provision of school facilities. Therefore, the proposed project would result in less than significant impacts related to school facilities.

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13. This comment states that the availability of land for the EUSD to build larger campuses will decrease with implementation of the proposed project due to a multitude of variables; however, only one variable is provided in the comment. The comment states that property acquired through eminent domain is costly and would need to occur in areas deemed non-conforming for school uses in the General Plan Update. The proposed project does not require school sites to be acquired by eminent domain. Schools would be permitted uses in areas designated for residential development, as stated in General Plan Update Land Use and Community Form Element, Residential Development Policy 3.2. Therefore, schools would be accommodated near residences and would not need to occur in areas that would be inappropriate for school facilities. Further the EUSD is responsible for the siting, design and construction of new schools, not the City.
14. This comment states that implementation of the General Plan Update would have significant financial impacts to the EUSD, which would have lasting effects on the EUSD's ability to provide educational opportunities. The commenter's statement that the project would have a significant financial impact appears to be based on comment #11, which expresses concern that displaced families will leave Escondido and affect EUSD funding. As discussed in the response to this comment, the potentially displaced homes would be more than replaced by residential growth accommodated under the proposed plan. As discussed in Section 4.14.3.3 of the EIR, Issue 3: School Services, future development would be required to pay applicable development fees, including the City of Escondido School District Residential Impact Fee. Therefore, residential development consistent with the proposed project would provide a funding source for the EUSD.
15. This comment states that the EUSD disagrees with the conclusion that direct and cumulative impacts to school services would be less than significant. The commenter states that the project would result in impacts to EUSD related to finances, continuity of educational programs, growth, and traffic/safety. The purpose of the EIR is to determine the potential physical environmental impacts that would result from implementation of the proposed project. As such, the analysis of potential impacts related to school services in Section 4.14.3.3 of the EIR, Issue 3: School Services, is focused on whether the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools within the EUHSD, EUSD or other school districts serving the proposed project planning area.
- As discussed in EIR Section 4.14.3.3, implementation of the proposed project would increase growth within the EUSD service area, which would increase student enrollment and potentially require the expansion or construction of new school facilities to serve buildout of the proposed project. However, future development of school facilities proposed by the EUSD would be required to undergo environmental review pursuant to CEQA prior to approval. To the extent feasible, significant environmental impacts would be mitigated to a less than significant level, as required by CEQA. As its own lead agency,

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the EUSD would be required to comply with CEQA for any future school facilities that it proposes. No specific projects are proposed at this time by the EUSD; therefore, it would be speculative to address impacts that may result from individual school projects. The construction of facilities would be subject to CEQA review, which would minimize environmental impacts. Therefore, the EIR concludes that the proposed project would result in less than significant impacts related to school facilities.

Impacts related to finances, continuity of educational programs, growth, and traffic/safety are addressed in responses to comments #11, #10, #12, and #7, respectively. As discussed in these responses, the EIR adequately addresses these issues to the extent appropriate under CEQA.

16. The City acknowledges that San Pasqual Elementary School should not be included in the list of elementary schools in the EUSD, and Farr should not be capitalized. The requested revisions do not have any effect on the environmental analysis in the EIR. Therefore, no revisions have been made to the Final EIR.

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16.	should not be all capitals. San Pasqual is not included in our boundaries. Table 4.14-7 needs the name of Farr changed from all capitals and Avenue removed. San Pasqual Union Elementary should not be included in this chart for our district.	
17.	Public Services, 4.14.2.1 State Assembly Bill 16 (AB 16)	17. This comment provides additional information regarding Assembly Bill 16 and financing for future EUSD projects. The details provided by the commenter do not have any effect on the environmental analysis in the EIR. Therefore, additional detail has not been added to the discussion of Assembly Bill 16 in Section 4.14.2.1, State (Regulatory Framework), of the EIR.
17.	8. The Critically Overcrowded Schools Program is a highly specialized program with very specific eligibility requirements, is not accepting applications any longer, and is nearing its end. While the School Facilities Program (SFP), also very complex in structure, is still operational, funding is sporadic and dependent upon successful state bond measures. Typically, the receipt of state funding for new construction and modernization of existing facilities requires a local funding match (i.e., local bond measures, developer fee collections, etc.). Attached is literature from the state's website regarding the State Facilities Program that will outline processes related to school funding. It is imperative to understand that while the district currently shows eligibility in the SFP New Construction program, this could change dramatically when a new updated application is filed. Financing future projects in our district is a grave concern, especially since SFP funding for New Construction is unpredictable and inadequate to meet the facilities needs of school districts statewide.	18. This comment states that school facilities are governed by Parts 1 through 12 of Title 24 of the California Code of Regulations (CCR), not just Parts 2 and 9. The discussion of Part 2 and Part 9 in Section 4.14.2.1 of the EIR was not intended to be a comprehensive list of CCRs applicable to school facilities. This discussion is intended to discuss fire safety regulations applicable to new development. No revisions have been made to the Final EIR.
18.	9. Public Services, Pa. 4.14-18, California Code Of Regulations (CCR) Title 24, Part 2 and Part 9 School districts are actually governed by Parts 1 through 12, not just parts 2 and 9.	19. This comment states that the City of Escondido School District Residential Impact Fee does not cover all of the financial impacts to the EUSD to ensure that adequate school facilities are available. The EIR does not make this claim. This discussion states that it is the intent of the fee to ensure that adequate school facilities are available, and that fees are set as the maximum amount permitted by Government Code Section 65995. As discussed in response to comment #15, the EIR conclusion that the proposed project would result in less than significant impacts to school facilities is based on future compliance with CEQA, which would minimize future physical environmental impacts that would potentially result from school facility construction. Pursuant to CEQA Guidelines Section 16126.2, Consideration and Discussion of Significant Environmental Effects, the financing of future school projects would not affect the assessment of the proposed project's impact on the environment; therefore, the EIR does not address the potential financial impacts of future EUSD facilities.
19.	10. Public Services, 4.14-2.2 Regional/Local City of Escondido School District Residential Impact Fee This fee alone does not cover all of the financial impacts to our district to ensure that adequate school facilities are available to new residential developments.	20. This comment states that the General Plan Update and Downtown Specific Plan would increase the need for school services, which would have adverse environmental impacts. Refer to response to comment #15 for a response to this comment.
20.	11. Public Services, 4.14.3.3 Issue 3: School Services The General Plan Update and Downtown Specific Plan would increase the need for school services, which would have adverse environmental impacts. The lack of policies in the Downtown Specific Plan to address the significant impacts to school services that will occur is of great concern to the district. There are not any policies outlined in the Downtown Specific Plan to ensure that our district can achieve required agency clearances and have adequate financial resources to address the proposed impacts, which are significant. The implementation for the Quality of Life Standard #2 is the responsibility of the school district. However, without defined policies to support schools through the planning and development process, the district does not have adequate means for implementation. It has been identified in the Impact analysis by both districts that the General Plan would have a significant impact with no mitigation measures available to either district to offset this impact. It is necessary to understand that while school districts are considered their own "lead agency" in the	21. This comment states that the Downtown Specific Plan should include policies to ensure that the EUSD can achieve required agency clearance and have adequate financial resources to address potential significant impacts. The Downtown Specific Plan is not the appropriate document to address EUSD agency clearance and financial resources. These issues are the responsibility of the EUSD, not the City. The commenter's reference to significant impacts is based on the previous comments in the letter. As discussed in previous responses, the commenter's letter has not identified any new environmental impacts that were not already addressed in the EIR. EIR Section 4.14.3.3, Issue 3: School Services, states that future development would be required to pay applicable development fees, including the City of Escondido School District Residential Impact Fee. Additionally, the City cannot guarantee the approval of projects within the jurisdiction of another agency or the availability of funding resources for other agencies.
23.		22. This comment requests that the General Plan Update include defined policies to support the school districts in meeting Quality of Life Standard #2, Public Schools. The General Plan Update does include a number of policies that pertain to the provision of public schools. The Community Health and Service Element, Schools and Education Policies 5.1,
24.		

Comments

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24. CEQA process, acceptable mitigation measures are not always available and/or attainable for a district. This can result in lack of an approved site by the California Department of Education and/or the ability to even proceed with a project. The General Plan Update policies outlined to reduce impacts to school services are not only inadequate, but they do not include all impacts that would need to be addressed by the district. The district feels it is imperative that funding solutions be outlined specifically, as well as all impacts related to this planned population increase be addressed completely, in order for the district to provide the quality of life within our educational community that is expected by our community.

25. If you have any questions please feel free to contact me directly at 760-432-2127.

Respectfully,

Gina Manusov
Assistant Superintendent
Business Services Division

5.2 and 5.3 encourage efforts of the school districts to accommodate sufficient teacher/student ratios; and require the inclusion of school districts in the review of residential development applications and development proposals larger than 10 acres. Schools and Education Policies 5.4, 5.5, and 5.6 require that the City work with school districts to locate facilities; explore the use of smaller sites to accommodate lower enrollments and higher intensity facilities; and promote joint use of playgrounds, ball fields, and other recreational facilities. Schools and Education Policies 5.7, 5.8, and 5.10 inform school districts of growth plans and capital improvement projects; provide City demographic data to school districts to assist in their master planning efforts; and promote energy and water efficient land development practices. Schools and Education Policies 5.11, 5.14, and 5.15 promote East Valley Parkway as an area to locate higher education; require cooperation with systems of higher education; and encourage the development, expansion, and upgrade of higher education facilities.

23. This comment states that the General Plan Update would have a significant impact to school districts with no mitigation measures identified. This statement is incorrect. The EIR concludes that the General Plan Update and Downtown Specific Plan Update would accommodate increases in population and housing within the proposed project area, which would result in an increase in school enrollment. To maintain acceptable service ratios, the construction of new or expanded school facilities would be required. The construction of these facilities would be subject to CEQA review, which would minimize environmental impacts. Additionally, the proposed General Plan Update includes policies that are intended to reduce impacts associated with provision of school facilities. Implementation of these policies would result in a less than significant impact related to school facilities. Because no significant impact would occur, no mitigation measures are necessary.

24. This comment states that while school districts are their own lead agency under CEQA, they aren't always able to identify acceptable mitigation measures or obtain approval for a site by the California Department of Education. The City acknowledges this statement. However, no specific school projects are proposed; therefore, it would be speculative for the EIR to address specific impacts that may result from future school projects, or whether the future projects would be approved by the CDE. The CEQA process requires that significant environmental impacts be mitigated to below a level of significance to the extent feasible. At the Program EIR level, compliance with CEQA is adequate to determine that future school development would not result in substantial adverse physical environmental impacts.

25. This comment summarizes the concerns expressed by the EUSD is comments #2 through #24. Specifically, refer to response to comment #22 regarding General Plan policies; response to comments #11, #14, and #12 regarding financial impacts; and response to comment #15 related to impacts to school services that would result from future growth accommodated by the proposed project.

Jay Petrek

From: Bryand Duke <BDuke@dfg.ca.gov>
Sent: Thursday, April 26, 2012 3:40 PM
To: Jay Petrek
Cc: Randy Rodriguez
Subject: Draft Environmental Impact Report for the Escondido General Plan Update, Downtown Specific Plan update and Climate Action Plan Project
Attachments: Responses to DFG comment letter.pdf

Mr. Petrek,

The California Department of Fish and Game (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report for the Escondido General Plan Update, Downtown Specific Plan update and Climate Action Plan Project. However, the Department does not feel as though specific comments have been adequately addressed in the FEIR. The Department feels as though comments S4-7, and S4-9 through S4-12 of the attached comment letter are important and relative points that should be adequately addressed and added to the FEIR before certification takes place.

I have been in contact with Mr. Randy Rodriguez of the Department's NCCP team concerning the comments in the preceding paragraph and I have also copied him in this email. We look forward to working with the Planning Department of the City of Escondido to resolve the above stated concerns.

Sincerely,

Bryand

Bryand M. Duke, Ph.D.
Staff Environmental Scientist
Habitat Conservation Program
California Department of Fish and Game
South Coast Region
3883 Ruffin Road
San Diego, CA 92123

Voice: 858.637.5511
fax: 858.467.4299

BDuke@dfg.ca.gov

>>> Jay Petrek <jpetrek@ci.escondido.ca.us> 4/25/2012 10:48 AM >>>

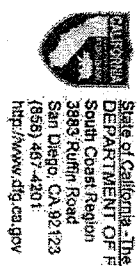
ESCONDIDO GENERAL PLAN

PLANNING COMMISSION AND CITY COUNCIL PUBLIC HEARINGS Planning Case No.: PHG 09-0020

Greetings!

Responses

Comments



State of California - The Natural Resource Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
3885 Ruffin Road
San Diego, CA 92123
(858) 467-4201
<http://www.dfg.ca.gov>

ERIKUMD G. BROWN, JR., Governor
CHARLOTTE H. BOWMAN, Director



March 2, 2012

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

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

Dear Mr. Petrek:

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

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

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

Letter 54: California Department of Fish and Game (CDFG)

S4-1 This comment summarizes information about the proposed project and provides background information about CDFG. It does not address the adequacy or accuracy of information presented in the Draft EIR. Therefore, no further response is necessary.

ATKINS

Escondido General Plan, Downtown Specific Plan and Climate Action Plan EIR
Page RIC-15

April 23, 2012

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SA-1- cont.	<p>The project has three components: an update to the existing City General Plan (General Plan Update) including the Housing Element (General Plan Update), implementation of an update to the existing City's Downtown Specific Plan (Downtown Specific Plan Update), and creation and implementation of an Escondido Climate Action Plan.</p> <p>The Department offers the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.</p>	<p>This comment recommends consultation with the U.S. Fish and Wildlife Service (USFWS) to initiate a Habitat Loss Permit for future developments that would impact coastal sage scrub while the City's Multiple Habitat Conservation Program Subarea Plan is in progress. As discussed in Section 4.4, Biological Resources, of the Draft EIR, future development would be required to obtain all required take permits from the USFWS, Army Corps of Engineers, Regional Water Quality Control Board, and/or CDFG until the City's Subarea Plan is adopted. Therefore, this comment has been addressed in the Draft EIR.</p>
SA-2.	<p>1. The draft EIR (Section 4.4) provides a good summary of the MHQP and City's SAP, which is still in progress. Currently the U.S. Fish and Wildlife Service (Service) 4 (d) Interim Habitat Loss Permit is not available to the City. Therefore the draft EIR should recommend consulting with the Service to determine the appropriate steps to initiate the process for acquiring a 4 (d) Interim Habitat Loss Permit (IHL P) from the Wildlife Agencies (Service and Department) for any impacts to coastal sage scrub while the plan is in-progress. Projects under the General Plan Update that result in impacts to sensitive habitat should also provide adequate mitigation following the City's draft SAP and ensure adequate funding for long-term management of the mitigation site.</p>	<p>This comment also recommends that future projects under the General Plan Update resulting in impacts to sensitive habitat provide adequate mitigation following the City's Draft Subarea Plan. As discussed in Section 4.4 of the Draft EIR, Biological Resources, future development within the project planning area would result in potential significant impacts to sensitive plant and animal species. However, as stated in the same Draft EIR section, existing federal and state regulations prohibit the take of sensitive species without permitting from the wildlife agencies. Existing City regulations limit the amount of habitat that can be impacted by new development. Additionally, the goals and policies in the General Plan Update require projects with the potential to impact sensitive species to prepare a biological survey and mitigate any impacts that would occur. For example, Biological and Open Space Resources Policy 1.8 in the Resource Conservation Element requires consultation with state and federal agencies and mitigation of resources either onsite or offsite at ratios consistent with state and federal regulations. Appropriate mitigation would be determined through consultation with the wildlife agencies. While the City's Draft Subarea Plan would be a source of information upon which to base consultation with the City and wildlife agencies to develop appropriate mitigation for future project impacts to biological resources, the City cannot require future applicants to comply with an unadopted plan (County of Amador v. El Dorado County Water Agency and Pacific Gas & Electric Company, 1999). Therefore, the suggestion for the Draft EIR to identify mitigation that requires future project applicants to comply with the City's Draft Subarea Plan is not appropriate or consistent with CEQA case law.</p>
SA-3.	<p>2. The draft EIR identifies (Section 4.4.3.1) that impacts to sensitive species could be potentially significant because some study areas currently include open space (e.g., Nutmeg Street Study Area and the Imperial Cakes Specific Planning Area while other study areas are located adjacent to open space areas (e.g., Escondido Research and Technology Center North and South SPA, the I-15/Felicitia Road Corporate Target Area, the Westfield Shopping Town Target Area and Ktr Carson Park). Additionally, development that would occur outside of the study areas and growth that will be accommodated in the City's sphere-of-influence could impact sensitive species and habitat. Although development within the urban core would generally not result in the removal of natural habitat, development (including nurseries) would have the potential to remove stands of trees or other vegetation that provides nursery sites to wildlife, particularly birds. The proposed General Plan Update circulation network also proposes new roadways in undeveloped areas that would have the potential to impede wildlife movement. Roads that may impact wildlife movement include the proposed extension of Mountain Meadow Road (crosses through the northern habitat area, slightly north of Daley Ranch) and the extensions of Chitracado Parkway and Lariat Drive (would cross a small portion of the southwestern habitat area). Until the City's SAP is completed, the City does not have incidental take authorization for impacts to listed species. Accordingly, if the project, project construction, or any project-related activity during the life of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Additionally, a 10 (a) permit from the Service may be required for take of federally-listed species. For impacts to coastal sage scrub, an Interim 4 (d) permit would be required (see comment 1).</p>	<p>This comment summarizes potential environmental impacts that are presented in Section 4.4, Biological Resources, of the Draft EIR and states that until the City's Draft Subarea Plan is adopted, future development would be required to obtain permits from CDFG and the USFWS. Refer to response to comment SA-2. The Draft EIR includes the requirements for future development projects consistent with the proposed project to consult with the wildlife agencies and obtain all applicable biological resource permits, including a 10(a) or 4(d) permit from the USFWS. Therefore, this comment has been addressed in the Draft EIR.</p>
SA-4.	<p>3. The draft EIR states on page 4.4-22 that "protection and replacement standards include making every feasible effort to preserve sensitive biological habitat and species and onsite or offsite mitigation at a ratio of 1:1 or higher." While 1:1 may be an acceptable mitigation ratio for impacts to some habitats (e.g., unoccupied non-native grassland), it would not be acceptable, for example, for impacts to CSS while the City's SAP is still in-progress.</p>	

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<p>54-5.</p> <p>4. The draft EIR (Section 4.4, page 4.4-21) concludes that golden eagles (<i>Aquila chrysaetos</i>) potentially occur in the General Plan Update planning areas and that impacts to the eagle may be significant. If impacts to golden eagle nesting or foraging habitat may occur from the General Plan Update, the Wildlife Agencies recommend that the City consult with the Service on the need to obtain a Golden Eagle permit pursuant to the Bald and Golden Eagle Protection Act and related new regulations (74 FR 46835-4687, "Eagle Act Regulations") that went into effect on November 10, 2009.</p>	<p>54-4</p> <p>This comment summarizes text provided in Section 4.4, Biological Resources, of the Draft EIR and focuses specifically on the identification of a minimum mitigation ratio of 1:1 for impacts to sensitive biological habitat. The 1:1 mitigation ratio is the minimum ratio found in the City's zoning Ordinance, which states that some sensitive habitats and species require higher mitigation ratios, in accordance with state and federal regulations. No maximum mitigation ratio is specified in the Draft EIR. Accordingly, future developments would not be precluded from mitigating impacts to coastal sage-scrub (CSS) or other sensitive habitats at a ratio higher than 1:1. Therefore, this comment has been addressed in the Draft EIR.</p>
<p>5. The General Plan provides many policies to provide interim resource protection until the City's SAP is completed and approved. Some of these include, but are not limited to, the following:</p> <p>a. Quality of life standard 8 (Open Space System) which requires a system of open space corridors, easements, acquisition programs and trails to be established in the Resource Conservation and Community Health and Services Elements. Further, quality of life standard 8 states that significant wetlands, riparian or woodland habitat, and habitat for rare or endangered species shall be protected in coordination with state and/or federal agencies having jurisdiction over such areas.</p> <p>b. Biological and Open Space Resources Policies 1.2, 1.6 through 1.9, 1.11, and 1.13 require the City to maintain open space and rural residential uses around the perimeter of the City, preserve and protect significant wetlands, riparian, and woodland habitats and rare, threatened or endangered plants and animals, and their habitats; require mitigation of resources either onsite or offsite at ratios consistent with state and federal regulations; require surveys be prepared for proposed development projects located in areas potentially containing significant biological resources; prohibit the removal of significant stands of trees unless needed to protect public safety; require appropriate barriers to be constructed to restrict access to areas containing sensitive biological resources; and promote the use of native plants for public and private landscaping purposes within the City.</p>	<p>54-5</p> <p>This comment states that consultation with the USFWS is recommended for potential impacts to golden eagle nesting or foraging habitat, and a permit may be required. Refer to response to comment 54-2. The Draft EIR includes the requirements for future development projects consistent with the proposed project to consult with the wildlife agencies and obtain all applicable biological resource permits, including a Golden Eagle permit from the USFWS. Therefore, this comment has been addressed in the Draft EIR.</p> <p>54-6</p> <p>This comment summarizes policies that are included in the General Plan Update. It does not address the adequacy or accuracy of information presented in the Draft EIR. Therefore, no further response is necessary.</p>
<p>54-6.</p> <p>c. Open Space Land Use Policy 12.1, which establishes the Open Space/Park land use designation to identify properties reserved for active and passive parks, habitat preservation, and public safety purposes.</p> <p>d. Residential Clustering Policies 5.2 and 5.6, which encourage utilization of clustering as a tool to preserve slopes, ridgelines and sensitive habitats, and require the City to limit density transfers from areas containing sensitive biological resources.</p> <p>e. Planned Development Policy 6.3, which identifies requirements for planned development proposals such as minimization of grading and removal of native vegetation; preservation of the creeks and their adjoining vegetation; and the protection and management of areas supporting rare and endangered plant and animal species.</p> <p>f. Open Space Land Use Policies 12.3 and 12.4, which encourage the preservation of land within the planning area and require the City to explore options to purchase land for recreation or open space purposes that is owned by other public agencies and available for acquisition, as appropriate.</p>	

Responses

Comments

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

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

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

54-7

This comment provides recommendations for new and revised policies in the proposed General Plan Update. It does not address the adequacy or accuracy of information presented in the Draft EIR. Therefore, no further response is necessary.

54-7.

ATKINS

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m. A policy to integrate the City's draft SAP with watershed planning, greenhouse gas reductions (global climate change) and other regional planning involving natural resources. This would potentially allow the City to maximize access to multiple sources of grant funding for conservation-related purposes.

n. A policy that all existing and planned SAP conserved lands that contribute to biological preservation will be redesignated to open space-conservation as part of the General Plan Update and Implementation Plan/Action Plan. The underlying zoning could remain unchanged under the General Plan Update, but then be rezoned as an action item in the Implementation Plan/Action Plan (e.g., as part of Community Plan updates). This would shift the land use development in the SAP preserve areas from a land development first focus to a biological minimization focus that is more sensitive to the natural environment.

o. A policy for fire protection that emphasizes that for optimal protection against wildfires, "hardening of the structure" should occur first, and then defensible space can supplement structural design requirements. A policy called "Building and Site Design" (or equivalent) should be added that requires UBC/structural "hardening" measures (e.g., boxed eaves, fire rated windows/walls, fire retardant native vegetation, etc.) in project design as part of, and preceding, defensible space measures, especially where located within or adjacent to City SAP preserve and/or Wildlife Agency (Department and Service) lands. All defensible space should be included within the project footprint and property boundary of project applicants. The General Plan Update should establish a policy that the City will not allow variances or other project approvals where it would necessitate impact to Wildlife Agency and/or SAP-preserve lands (e.g., brush management).

p. A policy that monitoring and enforcement is a critical part of natural resource planning and implementation (e.g., encroachment, trail management). Without enforcement (e.g., adequate number of rangers, ensuring that new, unauthorized trails are not being cut/maintained, etc.), realization of conservation goals set forth in the Resource and Conservation Element and other goals in the General Plan Update may be problematic.

q. A policy (e.g., Resource Conservation Element) that provides adequate interim protection of biological resources from the period between the discretionary approval and issuance of grading permits. This time period should also be tracked in City records. Often, there is a considerable lag time between the hearing approval and ministerial permits, which leaves "protected" resources at risk. In most cases, the applicant needs to be clearly held responsible for protecting these resources until the transfer of management responsibility has been transferred (along with any endowment or funding mechanism) to another entity approved by the City and the Wildlife Agencies. Failure to account for this interim protection potentially results in management organizations refusing to assume unanticipated clean-up or restoration obligations and could affect the City from achieving conservation goals for MHCP covered species and habitats.

S4-7, cont.

Comments

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S4-7. cont.	<p>7. The General Plan Update should take into account all proposed fuel modification zones and maintenance activities (including a buffer area) when planning conservation goals and habitat preserves, and acknowledge that these zones/activities should be undertaken outside the preserve boundaries, consistent with the obligations of the City's draft SAP. If such zones/activities have to occur in the preserve boundaries due to new fire regulations, then the General Plan Update should identify a policy of no net habitat loss from fuel modification within the preserves.</p> <p>s. To address potential impacts from wildlife movement corridors, a policy to limit brush management in wildlife movement and corridor areas as well as provide bridge and crossing to facilitate movement.</p>	<p>S4-8 This comment recommends that the EIR be updated to provide a status of Daley Ranch and the conservation credits available. The City provides an annual report to the wildlife agencies regarding the status of the credit sales at the Daley Ranch Conservation Bank, as required by the conservation agreement. The discussion of Daley Ranch on page 4.4-5 of the Draft EIR has been revised as follows in response to this comment:</p> <p>Daley Ranch is located in the northeastern portion of the City, north of Dixon Lake and west of Valley Center Road. The Daley Ranch Conservation Bank is an approved mitigation bank to satisfy the environmental mitigation requirements of development projects throughout all of western San Diego County. This 3,058-acre property is heavily covered with a variety of threatened and endangered species. There are thousands of acres of chaparral and coastal sage scrub, several large stands of coast live oak and Engelmann-oak woodland, wetlands and non-native grasslands. Within the Conservation Bank there are 2,842 Conservation Credits approved for use as mitigation for five categories of species and habitat: <u>Chaparral and Unoccupied Coastal Sage Scrub</u>, <u>Coast Live Oak Woodland</u>, <u>Engelmann Oak Woodland</u>, and <u>Non-Native Grassland</u>.</p>
S4-8.	<p>6. The Department recommends that the draft EIR for the General Plan Update provide an updated status of Daley Ranch and credits available (e.g. page 4.4-5/Focused Planning Areas).</p>	<p>This comment pertains only to the proposed General Plan Update. It does not address the adequacy or accuracy of information presented in the Draft EIR. Therefore, no response is necessary.</p>
S4-9.	<p>7. The General Plan should clearly distinguish between "active" and "passive" recreational uses (i.e., provide an inclusive list of both) and describe which uses would be allowed on and adjacent to various types of open space (e.g., City's SAP preserve lands, active parks, urban amenity, etc.). Moreover, the General Plan Update and Implementation/Action Plan should describe how much annual funding goes into administrative versus stewardship and monitoring, management and enforcement.</p>	<p>This comment pertains only to the proposed General Plan Update. It does not address the adequacy or accuracy of information presented in the Draft EIR. Therefore, no response is necessary.</p>
S4-10.	<p>8. The General Plan combines several important areas commonly associated with open space, including recreation, trails, biological conservation, water resource issues, global climate change, etc. The Department recommends including language in the General Plan Update that would establish biological conservation as the primary objective within the SAP preserve system wherever potential recreation or other resource conflicts may become an issue.</p>	<p>This comment pertains only to the proposed General Plan Update. It does not address the adequacy or accuracy of information presented in the Draft EIR. Therefore, no response is necessary.</p>
S4-11.	<p>9. The General Plan Update should acknowledge the City's open space network (including MHCIP preserve lands) as "green capital or infrastructure." This infrastructure is essential to the City's responsibility to balance the preservation of environmental resources with its obligation to meet the region's growth needs. The General Plan Update should include policy language that clearly defines and demonstrates that adequate funding (aside from speculative regional funding sources) is available to carry out the Plan's "green infrastructure," including implementing the conservation actions, management activities, and necessary enforcement in the SAP.</p>	<p>This comment pertains only to the proposed General Plan Update. It does not address the adequacy or accuracy of information presented in the Draft EIR. Therefore, no response is necessary.</p>
S4-12.	<p>10. The General Plan and/or Implementation/Action Plan should identify the target number of rangers and preserve managers per 1,000 acres of open space (categorized into biological, active, passive, etc.) and identify an overall goal to have at least one preserve manager in each region or SAP plan area of the City.</p>	<p>This comment states that annexation of any lands within the County of San Diego's North County MSCP or South County MSCP into the City would require the approval of the wildlife agencies, and provides contact information for CDG. The planning area does include lands within the County of San Diego's Draft North County MSCP and South County MSCP. If any of these lands are proposed to be annexed in the future, the annexation process would include obtaining all required approvals, including approval from the wildlife agencies.</p>
S4-13.	<p>11. The planning boundaries for the County's North County (in-progress) and South County (approved) MSCP are located adjacent to the City in various locations. Any annexation of these lands by the City would require approval from the Wildlife Agencies to ensure it would not significantly impact the NC MSCP. Including, but not limited to, wildlife movements, covered species, conservation goals and biological core and linkage areas.</p>	<p>This comment states that annexation of any lands within the County of San Diego's North County MSCP or South County MSCP into the City would require the approval of the wildlife agencies, and provides contact information for CDG. The planning area does include lands within the County of San Diego's Draft North County MSCP and South County MSCP. If any of these lands are proposed to be annexed in the future, the annexation process would include obtaining all required approvals, including approval from the wildlife agencies.</p>

COMMENTS RECEIVED ON THE DRAFT EIR AND RESPONSES

Responses

Comments

S4-13, cont.

The Department appreciates the opportunity to comment on this draft EIR. We are hopeful that further coordination with us will ensure the protection we find necessary for the biological resources that would be affected by this project. If you have questions or comments regarding this letter, please contact Bryan Duke (858) 637-8514, Eduke@dfg.ca.gov or Randy Rodriguez of the Department (896) 467-4201, RRRodriguez@dfg.ca.gov.

Sincerely,

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

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

ATKINS

Supplemental response to 03/02/12 letter from California Department of Fish and Game:

Comment 5 h: A policy to complete the City's SAP should be identified as a high priority in the General Plan Update and the associated Implementation Plan/Action Plan. The Department recommends that 3-5 years be identified as a reasonable time period to substantially or entirely complete the SAP. Moreover, the draft EIR concludes in Section 4.4 and on page 4.4-39 (Issue 4) that many impacts to sensitive species and to habitat conservation planning from the General Plan Update would be less than significant when the City's SAP is completed and approved. Until that time, the federal and state permitting processes would be the method to ensure that any impacts to listed species are less than significant. This underscores the importance of completing the City's SAP and of including such a policy in the General Plan Update and Implementation Plan/Action Plan.

Response: The General Plan includes the following policy regarding this comment. Implementation Schedule (page X-59) identifies a 10-year timeframe for accomplishing this feature which takes into account the city's budgetary, staffing, and scheduling constraints:

Biological and Open Space Resources Policy 1.1

Establish and maintain an interconnected system of open space corridors, easements, trails, public/quasi-public land, and natural areas that preserves sensitive lands, permanent bodies of water, floodways, and slopes over 35 percent, and provides for wildlife movement.

Comment 5 i: A fire protection policy that minimizes the removal of native cacti in areas located within or adjacent to areas identified for conservation in the City's SAP, especially where populations of coastal cactus wren (*Campy/orhynchus brunneicapillus*, "cactus wren") occur. The City contains one of the core populations of cactus wren in the MHCP Planning area. Retaining native cacti (a low-combustive plant) can contribute to preserving habitat for the cactus wren and help to ensure that additional development authorized under the General Plan Update would not result in a significant impact to cactus wren.

Response: The General Plan includes the following policy regarding this comment.

Fire Protection Policy 2.17

Maintain programs to minimize impacts on sensitive biological habitat and species when suppressing wildland fires, when feasible.

Comment 5 j: Policies that direct locating public use trails along the edges and perimeter of proposed core lands and linkages included in the City's draft SAP and to avoid encroachment into sensitive habitats or defined (or subsequently identified) wildlife movement areas. The Department recommends that, for any trails designated in the City's SAP preserve, that a Public Access Plan (PAP) to be developed for the trail. The PAP should include a trail compatibility analysis to ensure that impacts to species (e.g., golden eagle, cactus wren, etc.) are avoided, impacts to habitat are minimized and, where appropriate, performing additional monitoring of public trail usage where problems exist.

Response: The General Plan includes the following policy regarding this comment.

Trail Network Policy 2.5

Ensure safe and efficient maintenance of trails that minimize impacts to the environment.

Comment 5 k: A policy that the City will actively consult and work with the California Department of Forestry and Fire Protection and the Wildlife Agencies to incorporate appropriate review and mitigation (e.g., CEQA) for impacts to habitat and species into vegetation management projects.

Response: The General Plan includes the following policy regarding this comment.

Biological and Open Space Resources Policy 1.6

Preserve and protect significant wetlands, riparian, and woodland habitats as well as rare, threatened or endangered plants and animals and their habitats through avoidance. If avoidance is not possible, require mitigation of resources either on- or off-site at ratios consistent with State and federal regulations, and in coordination with those agencies having jurisdiction over such resources.

Comment 5 l: A policy that actions to meet the requirements of AB 375 for sustainable community planning should not be at the expense of multi-species preservation or implementation of the City's draft SAP. For instance, green infrastructure should be viewed as less sustainable in the backcountry versus in existing urban area (viewed as more sustainable). In this case, the latter would be more sustainable because there is no green infrastructure should not conflict with the City's draft SAP or other regulations that promote species and habitat protection. As an example, although a "wind farm" may be a "green project," it may not be consistent with the goals and objectives of MHCP.

Response: The General Plan includes the following policy to address this comment.

Biological and Open Space Resources Policy 1.8

Require that proposed development projects implement appropriate measures to minimize potential adverse impacts on sensitive habitat areas, such as buffering and setbacks. In the event that significant biological resources are adversely affected, consult with appropriate state and federal agencies to determine adequate mitigation or replacement of the resource.

Comment 5 m: A policy to integrate the City's draft SAP with watershed planning, greenhouse gas reductions (global climate change) and other regional planning involving natural resources. This would potentially allow the City to maximize access to multiple sources of grant funding for conservation-related purposes.

Response: The General Plan includes the following policies regarding this comment.

Biological and Open Space Resources Policy 1.4

Coordinate the planning and development of the overall open space system with other public facilities and services within Escondido.

Biological and Open Space Resources Policy 1.5

Participate in the planning and preservation of an interconnected biological resources and open space plan with appropriate federal, state, and local agencies that enhances the viability of the regional ecosystem.

Comment 5 n: A policy that all existing and planned SAP conserved lands that contribute to biological preservation will be redesignated to open space-conservation as part of the General Plan Update and Implementation Plan/Action Plan. The underlying zoning could remain unchanged under the General Plan Update, but then be rezoned as an action item in the Implementation Plan/Action Plan (e.g., as part of Community Plan updates). This would shift the land use development in the SAP preserve areas from a land development first focus to a biological minimization focus that is more sensitive to the natural environment.

Response: The City appreciates the suggestion of redesignating existing and planned Subarea Plan (SAP) lands to Open Space Conservation. However, this is not consistent with City Council direction to staff for updating the City's General Plan .

Comment 5 o: A policy for fire protection that emphasizes that for optimal protection against wildfires, "hardening of the structure" should occur first, and then defensible space can supplement structural design requirements. A policy called "Building and Site Design" (or equivalent) should be added that requires UBC/structural "hardening" measures (e.g., boxed eaves, fire rated windows/walls, fire retardant native vegetation, etc.) in project design as part of, and preceding, defensible space measures, especially where located within or adjacent to City SAP preserve and/or Wildlife Agency (Department and Service) lands. All defensible space should be included within the project footprint and property boundary of project applicants. The General Plan Update should establish a policy that the City will not allow variances or other project approvals where it would necessitate impacts to Wildlife Agency and/or SAP-preserve lands (e.g., brush management).

Response: The General Plan includes the following policies regarding this comment. Please note that the Fire and Building Departments have provisions in their codes that require the features described above for developments in areas of fire hazard concern.

Fire Protection Policy 2.7

Continue to include the Fire Department in the review of development proposals to ensure that projects adequately address safe design and on-site fire protection.

Fire Protection Policy 2.14

Require new development in high wildfire risk areas to incorporate site design, maintenance practices, and fire resistant landscaping to protect properties and reduce risks.

Fire Protection Policy 2.16

Require fire protection plans for mitigation of potential grass and wildland fires within designated high fire hazard areas and other areas required by the Fire Department, that address the need for fire systems, water availability, secondary emergency access routes, construction requirements, and fire resistant landscaping and appropriate defensible space around structures.

Comment 5 p: A policy that monitoring and enforcement is a critical part of natural resource planning and implementation (e.g., encroachment, trail management). Without enforcement (e.g., adequate number of rangers, ensuring that new, unauthorized trails are not being cut/maintained, etc.), realization of conservation goals set forth in the Resource and Conservation Element and other goals in the General Plan Update may be problematic.

Response: The City appreciates the suggestion of prescribing a number of rangers for monitoring and enforcing natural resource planning and implementing. The City currently allocates resources for this effort and general plan policies for preserving, protecting and planning open space systems are included in the document.

Comment 5 q: A policy (e.g., Resource Conservation Element) that provides adequate interim protection of biological resources from the period between the discretionary approval and issuance of grading permits. This time period should also be tracked in City records. Often, there is a considerable lag time between the hearing approval and ministerial permits, which leaves "protected" resources at risk. In most cases, the applicant needs to be clearly held responsible for protecting these resources until the transfer of management responsibility has been transferred (along with any endowment or funding mechanism) to another entity approved by the City and the Wildlife Agencies. Failure to account for this interim protection potentially results in management organizations refusing to assume unanticipated clean-up or restoration obligations and could affect the City from achieving conservation goals for MHCP covered species and habitats.

Response: The City appreciates the suggestion of providing interim protection of biological resources between the discretionary approval and issuance of grading permits. The city is concerned that this would limit the ability of projects to develop on a prescribed schedule. It is recognized that removing vegetation requires certain clearing permits and that such clearing is subject to specific timeframes stipulated by the resource agencies. It is the city's intent to comply with these provisions.

Comment 5 r: The General Plan Update should take into account all proposed fuel modification zones and maintenance activities (including a buffer area) when planning conservation goals and habitat preserves, and acknowledge that these zones/activities should be undertaken outside the preserve boundaries, consistent with the obligations of the City's draft SAP. If such zones/activities have to occur in the preserve boundaries due to new fire regulations, then the General Plan Update should identify a policy of no net habitat loss from fuel modification within the preserves.

Response: The General Plan includes the following policies regarding this comment.

Fire Protection Policy 2.14

Require new development in high wildfire risk areas to incorporate site design, maintenance practices, and fire resistant landscaping to protect properties and reduce risks.

Fire Protection Policy 2.16

Require fire protection plans for mitigation of potential grass and wildland fires within designated high fire hazard areas and other areas required by the Fire Department, that address the need for fire systems, water availability, secondary emergency access routes, construction requirements, and fire resistant landscaping and appropriate defensible space around structures.

Fire Protection Policy 2.17

Maintain programs to minimize impacts on sensitive biological habitat and species when suppressing wildland fires, when feasible.

Biological and Open Space Resources Policy 1.4

Coordinate the planning and development of the overall open space system with other public facilities and services within Escondido.

Comment 5 s: To address potential impacts from wildlife movement corridors, a policy to limit brush management in wildlife movement and corridor areas as well as provide bridge and crossing to facilitate movement.

Response: The General Plan includes the following policies regarding this comment.

Biological and Open Space Resources Policy 1.5

Participate in the planning and preservation of an interconnected biological resources and open space plan with appropriate federal, state, and local agencies that enhances the viability of the regional ecosystem.

Biological and Open Space Resources Policy 1.6

Preserve and protect significant wetlands, riparian, and woodland habitats as well as rare, threatened or endangered plants and animals and their habitats through avoidance. If avoidance is not possible, require mitigation of resources either on- or off-site at ratios consistent with State and federal regulations, and in coordination with those agencies having jurisdiction over such resources.

Biological and Open Space Resources Policy 1.7

Require that a qualified professional conduct a survey for proposed development projects located in areas potentially containing significant biological resources to determine their presence and significance. This shall address any flora or fauna of rare and/or endangered status, declining species, species and habitat types of unique or limited distribution, and/or visually prominent vegetation.

Biological and Open Space Resources Policy 1.8

Require that proposed development projects implement appropriate measures to minimize potential adverse impacts on sensitive habitat areas, such as buffering and setbacks. In the event that significant biological resources are adversely affected, consult with appropriate state and federal agencies to determine adequate mitigation or replacement of the resource.

Comment 7: The General Plan should clearly distinguish between "active" and "passive" recreational uses (i.e., provide an inclusive list of both) and describe which uses would be allowed on and adjacent to various types of open space (e.g., City's SAP preserve lands, active parks, urban amenity, etc.). Moreover, the General Plan Update and Implementation/Action Plan should describe how much annual funding goes into administrative versus stewardship and monitoring, management and enforcement.

Response: Distinguishing between "active" and "passive" recreation activities and facilities is featured in the City's Master Plan for Parks, Trails and Open Space.

Comment 8: The General Plan combines several important areas commonly associated with open space, including recreation, trails, biological conservation, water-resource issues, global climate change, etc. The Department recommends including language in the General Plan Update that would establish biological conservation as the primary objective within the SAP preserve system wherever potential recreation or other resource conflicts may become an issue.

Response: The city appreciates the suggestion to establish conservation as the primary objective within the SAP preserve system wherever potential recreation or other resource conflicts may become an issue and feels that this is implicit in the various general plan policies. Explicitly establishing biological conservation as the primary objective within the SAP preserve system wherever potential recreation or other resource conflicts may become an issue is not consistent with current City Council direction regarding this General Plan update.

Comment 9: The General Plan Update should acknowledge the City's open space network (including MHCP preserve lands) as "green capital or infrastructure." This infrastructure is essential to the City's responsibility to balance the preservation of environmental resources with its obligation to meet the region's growth needs. The General Plan Update should include policy language that clearly defines and demonstrates that adequate funding (aside from speculative regional funding sources) is available to carry-out the Plan's "green infrastructure," including implementing the conservation actions, management activities, and necessary enforcement in the SAP.

Response: the city appreciates the suggestion to establish a policy that demonstrates adequate funding for the purchase of additional open space associated with the SAP, however, this is not consistent with City Council direction.

Comment 10: The General Plan and/or Implementation/Action Plan should identify the target number of rangers and preserve managers per 1,000 acres of open space (categorized into biological, active, passive, etc.) and identify an overall goal to have at least one preserve manager in each region or SAP plan area of the City.

Response: the city appreciates the suggestion to establish a policy that prescribes a target number of rangers and preserve managers in each regions or SAP plan area of the City. However, given budgetary, staffing constraints and City Council direction, this suggestion cannot be incorporated into the plan.

To The City of Escondido Planning Division (ATTN: Jay Petrek) From the Residents of Ross Dr. and Ginger Way

In regard to the notice of The Planning Commission and City Council Public Hearings on May 7, 2012 and May 23, 2012: we, the undersigned, have concerns with the upcoming general plan, namely "Proposed General Land Use Changes" pertaining to our combined neighborhood and community.

- 1. We have no wish to be annexed or incorporated into the City of Escondido or The New Palomar Hospital West Development/Commercial/Sales zones or any commercial/sales zones.
2. It is our wish to be left alone as is, in the County and kept residential, without being put in the position of Eminent Domain now or in the future by a City Development Project(s) or Hospital District that does not represent us in a vote.
3. As required by the City notice sent out to our residents, we bring these concerns to your attention respectfully, prior to the May 7, 2012 meeting, in the event we have need of bringing legal challenges to the powers that be, in the future on this subject, should the need arise.

Signed respectfully by the residents of Ross Dr. and Ginger Way:

Handwritten list of names and addresses: Jeff Sappier 511 Ross Dr Escondido, CA 92029; 504 Ross DR Escondido, CA. 92029 (Wiche); 504 Ross drive Escondido, CA 92029; James D. Claudio - 475 Ross Dr. Escondido Ca 92029; William F. Reed 518 Ross Dr. 92029; Sonya Reed 518 Ross Dr. 92029; Nicole Cavallero 610 Ross Dr 92029; Eric Ray Engelbrecht 603 Ross Dr. 92029; Christine Gonzalez Engelbrecht 603 Ross Dr. 92029; Beverly Swingle 2638 Ginger Way Escondido 92029; 2638 Ginger Way Escondido 92029; Rhannon Indrieri 1023 Ross Dr. Escan. 92029; 618 Ross Dr. Escondido 92029; Casey Tompkins 511 Ross Dr. Escondido 92029; James Tompkins 511 Ross Dr. Escondido 92029; Jennifer Tompkins 511 Ross Dr. Escondido 92029; 481 Ross Dr Escondido 92029; 481 Ross Dr. Escondido 92029; Rosalinda Castaneda 515 Ross drive Escondido 92029; JMBadaque Cabrea 618 Ross Dr. Escondido. CA 92029; 618 Ross Dr. Escondido. CA 92029; 618 Ross Dr. Escondido CA 92029; Gabriella B. Cabrea 618 Ross Dr. Escondido CA 92029; 2628 Ginger Way Esc 92029; 524 Ross Dr. Esc CA 92029; 524 Ross Dr. Esc. CA 92029; 510 Ross Dr Esc CA 92029; 529 Ross Dr Esc CA 92029; Elizabeth Rose Wilko, 504 Ross DR Esc CA 92029

Jay Petrek

From: bcarnett <briancarnett@sbcglobal.net>
Sent: Monday, May 07, 2012 6:18 PM
To: Jay Petrek
Subject: Rezoning residential property

Dear Mr. Petrek,

I would like to go on record as opposing the rezoning of my neighborhood from residential to commercial. I have lived in my house for the past 28 years and have seen the surrounding area become more and more commercialized. We have endured these changes and still enjoy our relatively quiet neighborhood. I really feel it is unfair of the City of Escondido to rezone land that is in fact largely county land. As county residents, we do not even get the chance to vote for the elected officials that are making the decisions that will have such a negative impact on our lives. I really think that a more thoughtful and respectful rezoning could be accomplished without destroying our entire neighborhood. Perhaps allowing some undeveloped properties that abut existing commercial parcels could be rezoned while maintaining residential zoning on the undeveloped land that falls within existing residential areas. Surely there are some viable alternatives that don't completely destroy the homes and neighborhoods we have spent many years building.

Thank you for your consideration regarding this important matter.

Sincerely,

Brian Carnett

1747 South Iris Lane
Escondido, 92026

Jay Petrek

From: Griff Peters <griff@griffpeters.com>
Sent: Sunday, May 06, 2012 7:45 PM
To: Jay Petrek
Cc: Griff Peters
Subject: General Plan Update

May 6th, 2012

To Jay Petrek, Principal Planner, City of Escondido

Dear Mr. Petrek,

I am opposed to the Escondido General Plan Update currently under review. My family and I would be adversely affected by the potential changes as listed in the General Plan Update. I am concerned that future development would bring my neighborhood many negative setbacks such as 1 - Increased traffic 2 - Loss of open rural space 3- Loss of the view that is very precious to me and my family 4- Increased noise 5- Loss of the unique and private country feel that is increasingly rare in southern California.

I understand that growth and progress is necessary for a community as a whole. I ask that the planning commission and the city council keep these comments on record and consider removing SPA-13 from the General Plan Update. I am especially opposed to any development or zoning changes whatsoever between Rod McLeod Park and Iris Lane.

Sincerely,

Griff Peters
1785 S. Iris Ln
Escondido, Ca 92026

This space is for the County Clerk's Filing Stamp

**PROOF OF PUBLICATION
(2010 & 2011 C.C.P.)**

RECEIVED

MAY 17 2012

CITY OF ESCONDIDO
CITY CLERK

**STATE OF CALIFORNIA
County of San Diego**

Proof of Publication of

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal author of the printer of

North County Times

Formerly known as the Blade-Citizen Times-Advocate and which newspapers have been adjudicated newspapers of general circulation by the Superior Court of the County of San Diego, State of California, for the City of Ocean Beach, the City of Escondido, Court Decree No. 171349, for the County of San Diego, and the notice of which the annexed is a printed copy in type not smaller than nonpareil), has been published in each regular and entire issue of this newspaper and not in any supplement thereof on the following dates, to-wit:

May 13th, 2012

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at **Escondido**, California
On This 14th day May, 2012

Jane Allshouse
NORTH COUNTY TIMES
Legal Advertising

ESCONDIDO
City of Choice

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN on May 23, 2012 at 4:30 p.m., the Escondido City Council of the City of Escondido will hold a Public Hearing to consider the following item:

General Plan Update (excluding the Housing Element), Environmental Impact Report -- PHG 09-0020:

REQUEST: A comprehensive update to the General Plan including Land Use & Community Form, Mobility & Infrastructure, Community Protection, Resource Conservation, Health & Services, Growth Management, and Economic Prosperity Elements; Final Environmental Impact Report (EIR), CEQA Findings, Statement of Overriding Considerations for significant and unavoidable air quality, biological resources, noise, vibration, housing, traffic, utilities impacts; and a Mitigation Monitoring and Reporting Program. No development proposals, annexations, or eminent domain are associated with this request. The General Plan will guide the use of public and private lands and serve as a "blue-print" for Escondido's build-out. The plan proposes changing up to 458 acres from residential land to employment land, and up to 66 acres from 24 dwelling units (d.u.) / acre to 45 d.u./acre (see map). Policy changes include deleting one residential clustering policy, and establishing a new policy for a multi-family residential category that allows up to 45 d.u./acre. **Voter approval is required for certain General Plan land use and policy changes.**

PROPERTY SIZE / LOCATION: Citywide and adjacent unincorporated lands.

ENVIRONMENTAL STATUS: A Draft EIR (Case No: PHG 09-0020) was issued for a 45-day public review period on January 13, 2012. Responses to comments received have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts. Impacts described above remain significant and unavoidable despite the implementation of feasible measures.

PLANNING COMMISSION ACTION:
The Planning Commission recommended the following actions on May 7, 2012:
Certification of the Final EIR, Statement of Overriding Findings and Mitigation Monitoring and Reporting Program; Vote: 5-0-0;
Denial of the proposed Urban V General Plan land use amendment; Vote: 5-0-0;
Approval of the proposed Office General Plan land use amendment on 7 acres located at Nutmeg Street and Centre City Parkway; Vote: 4-1-0;
Approval of the comprehensive General Plan Update and remaining land use changes including modification of SPA #13 (Imperial Oaks Corporate Center) to further refine the map and text delineating residential and employment areas; Vote: 5-0-0 (Commissioner Spann absent).

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

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

ALL INTERESTED PERSONS are invited to attend said Public Hearing to express their opinion in this matter. Said Public Hearing will be held in the Council Chambers, 201 N. Broadway, Escondido, 92025. For additional information, please contact Jay Petrek at (760) 839-4556 and refer to the General Plan Update.

DIANE HALVERSON, City Clerk
City of Escondido
Date: May 9, 2012

5-13-12
Ad# 2314972
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CITY OF ESCONDIDO
 OFFICE OF THE CITY CLERK
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 (760) 839-4617

NOTICE OF PUBLIC HEARING

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General Plan Update (excluding the Housing Element), Environmental Impact Report – PHG 09-0020:

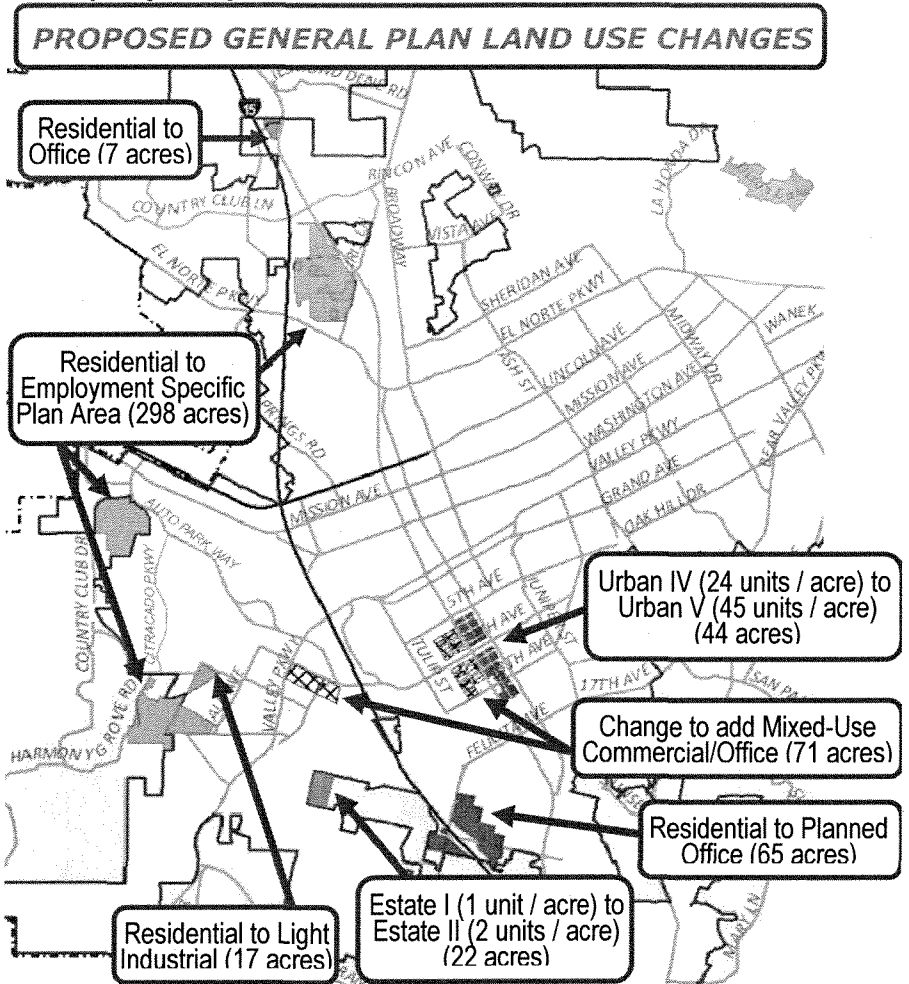
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PROPERTY SIZE / LOCATION: Citywide and adjacent unincorporated lands.

ENVIRONMENTAL STATUS: A Draft EIR (Case No: PHG 09-0020) was issued for a 45-day public review period on January 13, 2012. Responses to comments received have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts. Impacts described above remain significant and unavoidable despite the implementation of feasible measures.

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 Approval of the proposed Office General Plan land use amendment on 7 acres located at Nutmeg Street and Centre City Parkway; Vote: 4-1-0;
 Approval of the comprehensive General Plan Update and remaining land use changes including modification of SPA #13 (Imperial Oakes Corporate Center) to further refine the map and text delineating residential and employment areas: Vote: 5-0-0 (Commissioner Spann absent).

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ALL INTERESTED PERSONS are invited to attend said Public Hearing to express their opinion in this matter. Said Public Hearing will be held in the Council Chambers, 201 N. Broadway, Escondido, 92025. For additional information, please contact Jay Petrek at (760) 839-4556 and refer to the General Plan Update.

Diiane Halverson
 DIANE HALVERSON, City Clerk
 City of Escondido

Date: May 9, 2012

In the Matter of the Notice of Meeting for
General Plan Update (excluding the Housing Element), Environmental Impact Report – PHG 09-0020

For Property Located in the City of Escondido, California


**DECLARATION OF SERVICE BY MAIL
OF
NOTICE OF PUBLIC HEARING**

I, Megan Grimm, declare:

That I am a Citizen of the United States over the age of eighteen years, that I am employed within the County of San Diego, California, by the City Clerk for the City of Escondido, and my business address is 201 North Broadway, Escondido, California, that I mailed a Notice of Public Hearing, a true and correct copy of which is ATTACHED HERETO and made a part hereof, that such notices were mailed in the manner prescribed by law to all property owners as shown on the ATTACHED list, and that all notices were deposited, postage prepaid, in the United States Mail at Escondido, California on this **9th day of May 2012**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2012 at Escondido, California.



Megan Grimm
City Clerk's Office

2242602300
A D J HOLDINGS L L C
C/O HILLTOP GROUP INC
807 E MISSION RD
SAN MARCOS CA 92069

GenPlan Area A

PHG 09-0020

2242205800
WOLF-ESCONDIDO VILLAS LTD
C/O W WOLFE INDUSTRIES
10515 VISTA SORRENTO PKWY
SAN DIEGO CA 92121

2243102700
HENDERSON CAROLYN S
642 IMPERIAL DR
ESCONDIDO CA 92026

2243103000
CORNWALL ROGER E&CANDELARIA I
636 IMPERIAL DR
ESCONDIDO CA 92026

2243103100
HUMES JANICE D TR
630 IMPERIAL DR
ESCONDIDO CA 92026

2243104900
SAN DIEGO GAS&ELECTRIC CO
ATtn: Project Management
8315 Century Park Court CP22A
San Diego, CA 92123

2243105000
ESCONDIDO CALIFORNIA ASSEMBLY
C/O LEON A OPOLSKI
5151 MURPHY CANYON RD #200
SAN DIEGO CA 92123

2243105300
RAGER CHARLES E&BARBARA A
658 IMPERIAL DR
ESCONDIDO CA 92026

2243105400
SANDERS JULIE M
654 IMPERIAL DR
ESCONDIDO CA 92026

2243105500
HALLAM RICHARD L J
650 IMPERIAL DR
ESCONDIDO CA 92026

2263301300
POWELL FAMILY TRUST 04-18-08
736 IMPERIAL DR
ESCONDIDO CA 92026

2263301400
SMITH JAY&JESSICA
708 IMPERIAL DR
ESCONDIDO CA 92026

2263301500
HORATIO DENNIS FAMILY TRUST 08-
C/O DHFT
7660 FAY AVE #405
LA JOLLA CA 92037

2263301600
BIRCHFIELD DAVID W&SHERRY L
743 IMPERIAL DR
ESCONDIDO CA 92026

2263302000
HEARD NATHAN E&DOWNEY SHIRLIE I
11085 WYNDEMERE LN
ESCONDIDO CA 92026

2263302100
MILKS JOHN F&LUCINDA H
303 GREENVIEW RD
ESCONDIDO CA 92026

2263302200
DAVIS DONALD&NANCY TRUST 11-04-03
307 GREENVIEW RD
ESCONDIDO CA 92026

2263302400
HALL LAND CO INC
740 LOMAS SANTA FE DR #204
SOLANA BEACH CA 92075

2263302500
SECURITY SYSTEM TECHNIQUE 401
1842 GREENVIEW RD
ESCONDIDO CA 92026

2263302600
GROSE DAVE W&BRENDA L
1820 GREENVIEW RD
ESCONDIDO CA 92026

2263304900
WIERSMA STEVEN S
740 IMPERIAL DR
ESCONDIDO CA 92026

2263503100
J W INVESTMENTS TRUST 06-12-95
6735 LA JOLLA SCENIC DR S
LA JOLLA CA 92037

2263507400
NGUYEN ANDY HIEN HUY&DANG MY THI
1790 SEVEN OAKES RD
ESCONDIDO CA 92026

2263507500
SPOUSE DAVID
2106 EMBERWOOD WAY
ESCONDIDO CA 92029

2263507600
MCCLLOUD DAVID A&CARLON T
1786 SEVEN OAKES RD
ESCONDIDO CA 92026

2263507800
IRVING JOHN
924 RICHLAND RD
SAN MARCOS CA 92069

2263507900
MARTINEZ JESUS J&BLANCA E
1780 SEVEN OAKES RD
ESCONDIDO CA 92026

2263600400
GIORDANO ARTHUR J&GERTRUDE
1841 S IRIS LN
ESCONDIDO CA 92026

2263600600
VANDERVORT LIVING TRUST 03-08-06
12547 TAUNT RD
POWAY CA 92064

2263600700
HEATON MICHAEL T
1811 S IRIS LN
ESCONDIDO CA 92026

2263601100
SNADDEN JOHN D
1829 S IRIS LN
ESCONDIDO CA 92026

PHG 09-0020

GP Area B

2263601600
SCHOOLEY RAY INC
3929 VICKSBURG CT
HEMET CA 92545

2263601700
KLAMMER MARK D REVOCABLE TRUST 0
729 4TH ST
ENCINITAS CA 92024

2263601900
CAMPOS LUIS C&MARIA A
1853 S IRIS LN
ESCONDIDO CA 92026

2263602000
YTREUS DAVID A
1849 S IRIS LN
ESCONDIDO CA 92026

2263602100
SCHEMPP LEONARD F&KATHERINE M
1851 S IRIS LN
ESCONDIDO CA 92026

2263700200
FEDERAL HOME LOAN MORTGAGE C
C/O WASHINGTON MUTUAL BANK
7255 BAYMEADOWS WAY
JACKSONVILLE FL 32256

2263700300
PETKOV DIMITRIE&IRMA
1947 GREENVIEW RD
ESCONDIDO CA 92026

2263700400
CHRISOPULOS THOMAS G&NANCY L
1959 GREENVIEW RD
ESCONDIDO CA 92026

2263700600
SUNWEST BANK
4 HUTTON CENTRE DR #300
SANTA ANA CA 92707

2263700900
MANZANO JOSE D J&MARIA E
1980 GREENVIEW RD
ESCONDIDO CA 92026

2263701000
50% SCHWAB PHILIP M
628 LOMA LN
ESCONDIDO CA 92026

2263701300
QUY HOA
1967 GREENVIEW RD
ESCONDIDO CA 92026

2263701400
ESCONDIDO ASSEMBLY HALL OF JEHOV/
521 IMPERIAL DR
ESCONDIDO CA 92026

2263701700
MOSS BELINDA L
1935 GREENVIEW RD
ESCONDIDO CA 92026

2263701900
WATSON FAMILY TRUST 11-06-01
1984 GREENVIEW RD
ESCONDIDO CA 92026

2263702500
GARCIA FAMILY TRUST 08-13-05
556 RANCHO DE ORO RD
ESCONDIDO CA 92026

2263702600
SCEVILLE FAMILY TRUST 06-15-05
546 RANCHO DE ORO RD
ESCONDIDO CA 92026

2263702700
STOUT FAMILY TRUST 02-07-00
2337 DOUGLASTON GLN
ESCONDIDO CA 92026

2263702900
MILLER LINSEY A
590 RANCHO DE ORO RD
ESCONDIDO CA 92026

2263800100
E S C R V L L C
P O BOX 9025
LA JOLLA CA 92038

2263802300
MIMS NANCY J REVOCABLE LIVING T
1725 S IRIS LN
ESCONDIDO CA 92026

2263802600
RICHARD ZOSIMA
1749 S IRIS LN
ESCONDIDO CA 92026

2263802900
CARNETT FAMILY TRUST 10-08-09
1747 S IRIS LN
ESCONDIDO CA 92026

2263803000
TERRAZAS EMMA F
1755 S IRIS LN
ESCONDIDO CA 92026

2263803100
POOL ROBERT O&ESTHER
1745 S IRIS LN
ESCONDIDO CA 92026

2263803300
JOERIN GEORGE T&YOLANDA
1719 S IRIS LN
ESCONDIDO CA 92026

2263803400
SIMONS DOUGLAS B&SIMON LESLEE
1717 S IRIS LN
ESCONDIDO CA 92026

2263803500
ORNELAS TERESA
1715 S IRIS LN
ESCONDIDO CA 92026

2263803600
ROMERO HORTENSIA
5297 HANOVER DR
CYPRESS CA 90630

2263803800
PETERS FAMILY TRUST 02-18-11
1785 S IRIS LN
ESCONDIDO CA 92026

GP Area B

PHG 09-0020

2263803900
CITY OF ESCONDIDO
C/O ENGINEERING DEPARTMENT
201 N BROADWAY
ESCONDIDO CA 92025

2263804300
OKEL JAMES J SR&LAURA B
1797 S IRIS LN
ESCONDIDO CA 92026

2263804400
MCCORMICK MARC C&TRINE N
1791 S IRIS LN
ESCONDIDO CA 92026

2263804500
ADAMS LAWRENCE A&ANDREA L
1799 S IRIS LN
ESCONDIDO CA 92026

GP Area B

PHG 09-0020

2283900200
RODRIGUEZ SANDRA
335 ROSS DR
ESCONDIDO CA 92029

2283900600
ST CLAIR VALERIE J <DVA>
510 ROSS DR
ESCONDIDO CA 92029

2283900700
REED FAMILY TRUST 08-09-02
518 ROSS DR
ESCONDIDO CA 92029

2283901100
HOVEY CHARLES D
2628 GINGER WAY
ESCONDIDO CA 92029

2283901200
COWLES MARY M TR
529 ROSS DR
ESCONDIDO CA 92029

2283901300
SCHOFIELD FAMILY TRUST 11-29-07
524 ROSS DR
ESCONDIDO CA 92029

2283901400
SOLANO SANTIAGO
530 ROSS DR
ESCONDIDO CA 92029

2283901700
ENGELBRECHT ERIK
603 ROSS DR
ESCONDIDO CA 92029

2283901800
HOLMES CHARLOTTE C FAMILY TRUS
C/O LINDA HOLMES
P O BOX 5005
RANCHO SANTA FE CA 92067

2283901900
FISHER CHAD W&HOLLY C
2625 GINGER WAY
ESCONDIDO CA 92029

2283902000
FERRICK THEODORE P&MARY R FAMILY
2635 GINGER WAY
ESCONDIDO CA 92029

2283902300
SHERMAN JUSTIN&BEAMISH DANIELI
542 ROSS DR
ESCONDIDO CA 92029

2283902400
ARELLANO MARTIN
610 ROSS DR
ESCONDIDO CA 92029

2283902500
CABRERA ESAU O&BADAGLIACCO-CABRI
618 ROSS DR
ESCONDIDO CA 92029

2283902700
FITZGERALD RHIANNON
623 ROSS DR
ESCONDIDO CA 92029

2283902800
1/2 ENGELBRECHT LIVING TRUST 07-10-0
C/O DANIEL ENGELBRECHT
1732 MUDGE LN
ESCONDIDO CA 92026

2283903000
CASTANEDA ROSALINA
515 ROSS DR
ESCONDIDO CA 92029

2283903100
CASTANEDA ROSALINA
3512 9TH ST
SAN MARCOS CA 92078

2283903300
TOMPKINS TIMOTHY&JENNIFER
511 ROSS DR
ESCONDIDO CA 92029

2283903400
VANDERPOL EUGENE&JENNY
7165 OBELISCO CIR
CARLSBAD CA 92009

2283903500
KRUEGER TREVER A
481 ROSS DR
ESCONDIDO CA 92029

2283903600
WIEBE ROBERT G
504 ROSS DR
ESCONDIDO CA 92029

2283903800
SWINGLE FAMILY TRUST 01-09-07
2638 GINGER WAY
ESCONDIDO CA 92029

2283904200
BUTTS KENNETH D&ROMELLE
347 ROSS DR
ESCONDIDO CA 92029

2283904300
CLYNCKE JAMES D
475 ROSS DR
ESCONDIDO CA 92029

2284000200
DANIELS MELODIE R
526 COUNTRY CLUB DR
ESCONDIDO CA 92029

2284000300
BEALES THOMAS F
544 COUNTRY CLUB DR
ESCONDIDO CA 92029

2284000400
NORTON FAMILY REVOCABLE TRUST 01-1
510 COUNTRY CLUB DR
ESCONDIDO CA 92029

2284000500
DAVENPORT RONALD L&DOROTHY L
1950 SILVER ST
PAHRUMP NV 89048

2284000600
FEDERAL NATIONAL MORTGAGE ASS
135 N LOS ROBLES AVE #300
PASADENA CA 91101

GP Area C

PHG 09-0020

2284000700
TORRES RAMON F&FRANCO MARIA D
412 COUNTRY CLUB DR
ESCONDIDO CA 92029

2284000800
TELLES JOSE
404 COUNTRY CLUB DR
ESCONDIDO CA 92029

2284000900
WEBBER CAMILLE
344 COUNTRY CLUB DR
ESCONDIDO CA 92029

2284001000
GREEN CARMEN C REVOCABLE LIVING T
2703 184TH ST
REDONDO BEACH CA 90278

2284001400
BRONNER GLADYS REVOCABLE TRUST 0
MERRILL LYNCH TRUST CO
BRONNER TRUST
P O BOX 810490
DALLAS TX 75381

2284001500
WELLS FARGO BANK
C/O LINDA MENICH
123 N WACKER DR #1150
CHICAGO IL 60606

2284001800
BLAKLEY WILLIAM M&GAYLE F
320 N COUNTRY CLUB DR
ESCONDIDO CA 92029

2284001900
CITY OF ESCONDIDO
C/O ENGINEERING DEPARTMENT
201 N BROADWAY
ESCONDIDO CA 92025

2284002000
DELGATTO JEREMY R&NICOLE D
304 COUNTRY CLUB DR
ESCONDIDO CA 92029

2320301400
1/2 GUIDIZI ADELINE
1851 AMIE CT
SAN MARCOS CA 92069

2320301600
DZBIKOWSKI GEORGE&CYNTHIA
2629 GINGER WAY
ESCONDIDO CA 92029

GP Area C

PHG 09-0020

2350320100
SHEPPARD CANDICE A
P O BOX 461406
ESCONDIDO CA 92046

2350320200
WEILER MARK D&ANDREA P
2354 AVENIDA DEL DIABLO
ESCONDIDO CA 92029

2350320300
WEILER FAMILY TRUST 06-16-93
2364 AVENIDA DEL DIABLO
ESCONDIDO CA 92029

2350320500
DEERFIELD LAND INVESTMENT L L C
1733 OCEAN AVE #350
SANTA MONICA CA 90401

2350320600
B&W PRECAST CONSTRUCTION INC
8440 ALLISON POINTE BLVD #300
INDIANAPOLIS IN 46250

2350400400
BURLEIGH FAMILY TRUST 06-01-11
2358 AVENIDA DEL DIABLO
ESCONDIDO CA 92029

2350400500
RADCLIFF FAMILY TRUST 01-03-08
2327 HARMONY GROVE RD
ESCONDIDO CA 92029

~~2350402100
CITY OF ESCONDIDO
PUBLIC AGENCY~~

2350403100
FORCIER JAMES D
2426 HARMONY GROVE RD
ESCONDIDO CA 92029

2350403500
BENSON IVAN&ROBERTA
2376 AVENIDA DEL DIABLO
ESCONDIDO CA 92029

2350403700
WEILER FAMILY TRUST 08-02-03
2386 AVENIDA DEL DIABLO
ESCONDIDO CA 92029

2350403900
PROMISES2KIDS FOUNDATION
9440 RUFFIN CT
SAN DIEGO CA 92123

~~2350405000
CITY OF ESCONDIDO
C/O ENGINEERING DEPARTMENT
201 N BROADWAY
ESCONDIDO CA 92025~~

2350501500
17.858% PURCELL FAMILY TRUST 07-22-9
C/O FIDELITY MTG LENDERS INC
11952 WILSHIRE BLVD
LOS ANGELES CA 90025

2350504900
BROWN FAMILY TRUST 09-30-98
25825 FOREST DR
ESCONDIDO CA 92026

2350505000
ROYER DENIS W&CAROLYN
14085 ARBOLITOS DR
POWAY CA 92064

2350505700
THICKSTEN FAMILY TRUST 05-27-04
12260 VALLEY VIEW RD
VALLEY CENTER CA 92082

2350505800
BERGHUIS FREERK FAMILY TRUST 01
1925 HARMONY GROVE RD
ESCONDIDO CA 92029

2350505900
FORMILLER JAMES G
1935 HARMONY GROVE RD
ESCONDIDO CA 92029

2350506000
OSORIA FAMILY TRUST 09-03-08
C/O FLORA O GARCIA
258 E VERMONT AVE
ESCONDIDO CA 92025

2350511200
DEL DIABLO MINI STORAGE
PMB 4498
144 RAINBOW DR
LIVINGSTON TX 77399

2350511300
BISHOP PATRICIA D TRUST 03-22-01
1555 S HALE AVE
ESCONDIDO CA 92029

2351602000
WALLER FAMILY TRUST 10-08-91
2347 AVENIDA DEL DIABLO
ESCONDIDO CA 92029

GP Area D
PHG 09-0020



2350720200
O C/S D HOLDINGS L L C
9200 E PANORAMA CIR #400
ENGLEWOOD CO 80112

2350720400
1357W 9TH AVE L P
C/O STEVEN H MOSS
300 CARLSBAD VILLAGE DR #80
CARLSBAD CA 92008

2350720800
JOHNSON FAMILY TRUST 06-25-91
991 DEL DIOS HWY
ESCONDIDO CA 92029

2350725600
AIMCO SUNSET ESCONDIDO L L C
C/O AIMCO-TTA MS 235
P O BOX 111397
CARROLLTON TX 75011

2350900400
SCHULTE AILENE W TRUST 10-26-05
1281 W 9TH AVE
ESCONDIDO CA 92029

GP Area E

PHG09-0020

2332020100
G J L PROPERTIES L L C
P O BOX 301726
ESCONDIDO CA 92030

2332020200
KROGH AVIS J TR
2241 AVENIDA DEL DIABLO
ESCONDIDO CA 92029

2332020400
LOPEZ ROBERTO M&DIANA
635 W 6TH AVE
ESCONDIDO CA 92025

2332020500
BEHRENS INVESTMENTS L P
P O BOX 8
ESCONDIDO CA 92033

2332020600
JIMENEZ ASUNCION&ALEXANDRA
3531 RYAN DR
ESCONDIDO CA 92025

2332020700
MARTINEZ AURORA
611 W 6TH AVE
ESCONDIDO CA 92025

2332020800
MAGANA EUGENIA SEPARATE PROPERT
1673 W 11TH AVE
ESCONDIDO CA 92029

2332021000
RAMIREZ EVARISTO A
610 W 7TH AVE
ESCONDIDO CA 92025

2332021100
3/4 HIGBEE DANIEL&LAURIE FAMILY
2714 COLONY PL
ESCONDIDO CA 92027

2332021200
BIAS ROBERT L II&STEPHANIE M
628 W 7TH AVE
ESCONDIDO CA 92025

2332021300
ROBERTS JIM&BETSY
634 W 7TH AVE
ESCONDIDO CA 92025

2332021400
HOSSEINI EBRAHIM
14922 BUDWIN LN
POWAY CA 92064

2332021500
ACOSTA LIVING TRUST 06-07-05
809 CHAMISE CT
SAN MARCOS CA 92069

2332021700
LOPEZ OFELIA
623 S QUINCE ST
ESCONDIDO CA 92025

2332021800
GUTIERREZ BERNARDO&GLORIA
602 W 7TH AVE
ESCONDIDO CA 92025

2332210100
CIOLFI TINA G
6670 AMBROSIA LN #523
CARLSBAD CA 92011

2332210200
1/2 GONZALEZ JESUS&MARIA H
801 MADISON AVE
ESCONDIDO CA 92026

2332210300
REYES JUAN C
1326 CALLE COLNETT
SAN MARCOS CA 92069

2332210400
ZAMORA ROBERTA R D
535 W 6TH AVE
ESCONDIDO CA 92025

2332210500
AUSTIN BERNARD L&HEATHER O
3443 MEADOW VIEW DR
OCEANSIDE CA 92058

2332210600
NAVARRO ROSA M
3212 FOURNIER ST
OXNARD CA 93033

2332210700
GALVAN MANUEL
926 MONTVIEW DR
ESCONDIDO CA 92025

2332210900
SANDOVAL TRINIDAD S
560 W 7TH AVE
ESCONDIDO CA 92025

2332211000
SILVA FAMILY TRUST 05-24-01
724 HAMILTON LN
ESCONDIDO CA 92029

2332211100
ARENAS ANTONIO G&PETRA C FAMILY TR
542 W 7TH AVE
ESCONDIDO CA 92025

2332211200
MORALES ISIDRO C&ALMA T
534 W 7TH AVE
ESCONDIDO CA 92025

2332211300
MARTINEZ FRANCISCO
528 W 7TH AVE
ESCONDIDO CA 92025

2332211400
RAMON ARNULFO&ERMES
518 W 7TH AVE
ESCONDIDO CA 92025

2332211500
MORALES PAULINA R
508 W 7TH AVE
ESCONDIDO CA 92025

2332211600
AGUILAR FAMILY TRUST 04-22-81
683 N GRAPE ST
ESCONDIDO CA 92025

GP Area F

PHG 09-0020

2333220100
CHRISTADELPHIAN ECCLESIA IN SAN DIE
651 W 7TH AVE
ESCONDIDO CA 92025

2333220200
TOLEDO NOE&GREGORIA
645 W 7TH AVE
ESCONDIDO CA 92025

2333220300
KELLER FAMILY TRUST 05-09-96
637 W 7TH AVE
ESCONDIDO CA 92025

2333220400
KELLER DAVID L&DEBORAH A JOINT LIVI
631 W 7TH AVE
ESCONDIDO CA 92025

2333220500
DIGERNESS GARY D&SHIRLEY
1503 E ALLEN RD
TAHLEQUAH OK 74464

2333220600
RANGEL MARTIN M&MAGNO MARIA S
605 W 7TH AVE
ESCONDIDO CA 92025

2333220700
RUELAS MARIA S M D
723 S QUINCE ST
ESCONDIDO CA 92025

2333220800
THORSELL FAMILY TRUST
P O BOX 235091
ENCINITAS CA 92023

2333221000
MURPHY FAMILY TRUST 12-14-99
26239 WYNDEMERE CT
ESCONDIDO CA 92026

2333221100
TAYLOR ELIZABETH
622 W 8TH AVE
ESCONDIDO CA 92025

2333221200
CORIA ROBERTO&TRINIDAD
626 W 8TH AVE
ESCONDIDO CA 92025

2333221300
NAVARRO MARIO&ROSA M
634 W 8TH AVE
ESCONDIDO CA 92025

2333221500
CRUZ MODESTO&CISNEROS ELISEA
650 W 8TH AVE
ESCONDIDO CA 92025

2333320100
CARRANZA JOSE&MARIA I
1558 S REDWOOD ST
ESCONDIDO CA 92025

2333320200
HOLM CHESTER L&JUDITH A JOINT LI
P O BOX 367
KNIGHTSEN CA 94548

2333320400
ROEMER DELIA G
629 W 8TH AVE
ESCONDIDO CA 92025

2333320500
CARPENTER BARBARA
621 W 8TH AVE
ESCONDIDO CA 92025

2333321700
KWEЕ LIVING TRUST 11-03-00
928 SANTA FLORENCIA
SOLANA BEACH CA 92075

2333321800
NATERA RODRIGO R
635 W 8TH AVE
ESCONDIDO CA 92025

2333321900
LOPEZ PEDRO&MARTHA I
1715 S IRIS LN
ESCONDIDO CA 92026

2333410100
SALDIVAR JOSE V
559 W 7TH AVE
ESCONDIDO CA 92025

2333410200
HUSAIN HABIB&SHAMIM
16813 SILVER CREST DR
SAN DIEGO CA 92127

2333410300
JOHNSON CAROLE J
543 W 7TH AVE
ESCONDIDO CA 92025

2333410400
KNUDSEN REVOCABLE LIVING TRUS
P O BOX 2801
ESCONDIDO CA 92033

2333410500
TORRES SAMUEL
527 WEST 7TH AVE
ESCONDIDO CA 92025

2333410600
BROTHERTON DAVID M&MARY J REVOCA
519 W 7TH AVE
ESCONDIDO CA 92025

2333410700
BONILLA CARLOS&MARTINA
511 W 7TH AVE
ESCONDIDO CA 92025

2333410800
20.143% BOYER ROBERT T NO 097022
C/O WEST PROPERTIES
135 W MISSION AVE #106
ESCONDIDO CA 92025

2333410900
CECI LIVING TRUST 10-30-01
1006 MONTVIEW DR
ESCONDIDO CA 92025

2333411000
AJDOUR MICHAEL
3537 MADISON ST
CARLSBAD CA 92008

GP Area F

PHG 09-0020

2333411100
LIEU FAMILY TRUST 01-16-10
12995 AMARANTH ST
SAN DIEGO CA 92129

2333411300
NAJERA FELIX
534 W 8TH AVE
ESCONDIDO CA 92025

2333411400
GONZALEZ JOSE L&ANGELICA
542 W 8TH AVE
ESCONDIDO CA 92025

2333411500
PARADA ENRIQUE
550 W 8TH AVE
ESCONDIDO CA 92025

2333411600
FRANCES GILBERT R E L L C
C/O DONALD GILBERT
P O BOX 2395
VALLEY CENTER CA 92082

2333411700
SHENOUDA ANDRO&ANDREA
552 W 8TH AVE
ESCONDIDO CA 92025

2333510100
BAKER REVOCABLE FAMILY 1998 TRUST
1128 NORTH AVE
ESCONDIDO CA 92026

2333510300
HARREBOME FAMILY TRUST 01-24-06
2932 MOUNTAIN VIEW DR
ESCONDIDO CA 92027

2333510400
MORENO JOSE R
525 W 8TH AVE
ESCONDIDO CA 92025

2333510500
TRAN-BARRY L L C
11514 NORMANTON WAY
SAN DIEGO CA 92131

2333510600
ROSEFELD STEVEN C&JOSEPHINE A
624 E 8TH AVE
ESCONDIDO CA 92025

2333510700
ROBBINS DANIEL
503 W 8TH AVE
ESCONDIDO CA 92025

2360320600
WEINSTOCK STUART M&KATHY REVOCAL
1150 MARY LANE CT
ESCONDIDO CA 92025

2360320700
MURPHY EDGAR L TRUST
2312 LITTLER LN
OCEANSIDE CA 92056

2360320800
KELLER JOSEPH L&VICTORIA L
618 W 10TH AVE
ESCONDIDO CA 92025

2360320900
MALDONADO ARMANDO&MARGARITA
626 W 10TH AVE
ESCONDIDO CA 92025

2360321000
MORGAN CLIFTON C&DIANE S
2760 SUMMIT DR
ESCONDIDO CA 92025

2360321100
SMITH KEVIN L&MARGARITA
644 W 10TH AVE
ESCONDIDO CA 92025

2360321200
ALTO SAN JUANA
650 W 10TH AVE
ESCONDIDO CA 92025

2360321300
WILSON HARRY V&IGNACIA H
353 ALDEAN AVE
MOUNTAIN VIEW CA 94043

2360321400
SOMANOTHAM ERIC&PAT
940 S REDWOOD ST
ESCONDIDO CA 92025

2360420100
LOVATO RUBEN
659 W 10TH AVE
ESCONDIDO CA 92025

2360420200
CARAPIA EMIGDIO E&ANGELA V
1020 S REDWOOD ST
ESCONDIDO CA 92025

2360420300
VELAZQUEZ RENE
643 W 10TH AVE
ESCONDIDO CA 92025

2360420400
VU KHOA D&PHUONG U
635 W 10TH AVE
ESCONDIDO CA 92025

2360420500
YOUNG RONALD D&DEBORAH L TRUST 1
625 W 10TH AVE
ESCONDIDO CA 92025

2360420600
PADILLA ALBERT T JR&JOAN M
619 W 10TH AVE
ESCONDIDO CA 92025

2360420700
KEYES GRAHAM L
613 W 10TH AVE
ESCONDIDO CA 92025

2360420800
WICKS WARREN R
744 E 4TH AVE
ESCONDIDO CA 92025

2360420900
OROZCO RAMIRO&ARCEGA AIDA L
124 AVOCADO CRST
ESCONDIDO CA 92025

GP Area F

PHG 09-0020

2360421000
50% LI GUANG MING&YUN LOK
2330 WILLOWBROOK ST
ESCONDIDO CA 92029

2360421100
MATTOX TODD J&NAVA-MATTOX CARMEN
618 W 11TH AVE
ESCONDIDO CA 92025

2360421200
BELL MARGARET TR
634 W 11TH AVE
ESCONDIDO CA 92025

2360421300
CHAVARIN JOSE&GLORIA
642 W 11TH AVE
ESCONDIDO CA 92025

2360421400
TRECROCE IVANA S
650 W 11TH AVE
ESCONDIDO CA 92025

2360421500
GLADDEN J SUE
3688 FOREST RD
OCEANSIDE CA 92058

2360510700
NOVOA LIDIA
514 W 10TH AVE
ESCONDIDO CA 92025

2360510800
PALMER DANIEL&EMILY
625 EZEE ST
ENCINITAS CA 92024

2360510900
ESTRADA FAMILY TRUST 03-02-92
39725 NOTTING HILL RD
MURRIETA CA 92563

2360511000
BERG STEVEN C
803 SANTA ROSITA
SOLANA BEACH CA 92075

2360511100
SWANSON ADRIAN L&RONELLE D
13484 SALMON RIVER RD
SAN DIEGO CA 92129

2360511400
CANELAS DAVID&ALBA LIVING TRUST
506 W 10TH AVE
ESCONDIDO CA 92025

2360511600
DOMINGUEZ IMELDA
556 W 10TH AVE
ESCONDIDO CA 92025

2360511700
HERNANDEZ MANUEL&MARIA I
942 S QUINCE ST
ESCONDIDO CA 92025

2360610100
GALVAN GREGORIO
1145 E BARHAM DR #192
SAN MARCOS CA 92078

2360610200
RIOS ANTONIO&ANTONIA
634 BEGONIA ST
ESCONDIDO CA 92027

2360610300
EDDS GERALD S
545 W 10TH AVE
ESCONDIDO CA 92025

2360610400
BARKER QUINTON T
535 W 10TH AVE
ESCONDIDO CA 92025

2360610500
SANCHEZ PEDRO&MARICRUZ
527 W 10TH AVE
ESCONDIDO CA 92025

2360610600
RAMIREZ LILIA
521 W 10TH AVE
ESCONDIDO CA 92025

2360610800
BRAND EDWARD M
C/O BRAND/MEYER APARTMENTS LLC
2821 PASATIEMPO GLN
ESCONDIDO CA 92025

2360611000
SHIMRAT OFER&BONNIE A
12823 PIMPERNEL WAY
SAN DIEGO CA 92129

2360611100
CROWDER MARIA
2504 PASATIEMPO GLN
ESCONDIDO CA 92025

2360611200
1/4 DELPY LISA A TRUST 09-14-99
C/O JAMES DELPY
439 AVALON DR
VISTA CA 92084

2360611300
CABRAL RUBEN C
542 W 11TH AVE
ESCONDIDO CA 92025

2360611400
HARPER CHRISTY L
171 LEISURE PARK CIR
SANTA ROSA CA 95401

2360611500
CONNOR E LOUISE LIVING TRUST 08-
1347 FELICITA LN
ESCONDIDO CA 92029

2360611600
MACEDO GABRIEL JR
510 W 11TH AVE
ESCONDIDO CA 92025

2360611700
HORN DON
502 W 11TH AVE
ESCONDIDO CA 92025

2360611800
FLOW-MCCORMICK FAMILY TRUST
13955 CALLE DE VISTA
VALLEY CENTER CA 92082

GP Area F

PHG 09-0020

2360611900
JOHNSON ROBERT R&MARIA
513 W 10TH AVE
ESCONDIDO CA 92025

2360910100
GRACE BIBLE CHURCH OF NORTH COUN
655 W 11TH AVE
ESCONDIDO CA 92025

2360910200
STUBBE JANE M TRUST 03-10-05
645 W 11TH AVE
ESCONDIDO CA 92025

2360910300
1/2 LIEVERS BARBARA A
1564 PEDREGAL DR
ESCONDIDO CA 92025

2360910400
GARCIA BLAS H
601 W 11TH AVE
ESCONDIDO CA 92025

2360910500
MILLER JAMES H
1137 S QUINCE ST
ESCONDIDO CA 92025

2360910600
TAMAYO CHRISTINA R
610 W 12TH AVE
ESCONDIDO CA 92025

2360910700
PREECE FAMILY TRUST 04-09-92
40768 ROBARDS WAY
MURRIETA CA 92562

2360910800
PECK DOROTHY F
P O BOX 722252
SAN DIEGO CA 92172

2360911000
ONAN LAWRENCE A&MARY E TRUST 01-2
1118 S REDWOOD ST
ESCONDIDO CA 92025

2360911200
REDWOOD SENIOR HOMES&SERVICES
710 W 13TH AVE
ESCONDIDO CA 92025

2360911300
ROBERTS CAROL A TR
3252 W CANYON AVE
SAN DIEGO CA 92123

2360920200
1/2 LOWE WAYNE D&JOSEFINA P REVOC
1034 GALE ST
ESCONDIDO CA 92027

2360920300
RIVERA RUBEN M
1132 S QUINCE ST
ESCONDIDO CA 92025

2360920400
ESTRADA VERONICA
550 W 12TH AVE
ESCONDIDO CA 92025

2360920500
MARTINEZ GUILLERMO
561 W 11TH AVE
ESCONDIDO CA 92025

2360920600
ZADORSKI VLADIMIR&ZADORSKAIA GALI
18600 CAMINITO PASADERO
SAN DIEGO CA 92128

2360940100
REDWOOD SENIOR HOMES&SERVICI
516 BURCHETT ST
GLENDALE CA 91203

2360940200
BERNARD ROBERT A&NANCY L TRS
P O BOX 2455
ESCONDIDO CA 92033

2360940300
GALINDEZ BALTAZAR JR
642 W 13TH AVE
ESCONDIDO CA 92025

2360940400
STORCK PERSEPHANIE G
2098 HALLMARK PL
ESCONDIDO CA 92029

2360940500
JARVIS FAMILY TRUST 03-15-01
622 W 13TH AVE
ESCONDIDO CA 92025

2360940600
SLEBIODA TRUST 07-18-97
2138 CHOYA CANYON RD #RE
ESCONDIDO CA 92025

2360940700
MARTINEZ JOSE I&AGUILAR EMMA
664 LANCER PARK AVE
SAN MARCOS CA 92069

2360940800
DOMINGUEZ ANTONIO&MARGARITA E
1231 QUINCE ST
ESCONDIDO CA 92025

2360940900
ART MARBLE&TILE L L C
630 JORDAN ST
ESCONDIDO CA 92027

2360941100
DONNELSON NICHOLAS B&CASANDR
611 W 12TH AVE
ESCONDIDO CA 92025

2360941200
ARELLANO IGNACIO
621 W 12TH AVE
ESCONDIDO CA 92025

2360941300
VASQUEZ MARTIN&DEBRA A
631 W 12TH AVE
ESCONDIDO CA 92025

2360941400
NUNEZ GUSTAVO
P O BOX 333
ESCONDIDO CA 92033

GP Area F

PHG 09-0020

2360941600
50% WALLER FAMILY TRUST 10-08-91
1220 S REDWOOD ST
ESCONDIDO CA 92025

2361010100
PENA GUILLERMO P&AGUSTINA N
545 W 11TH AVE
ESCONDIDO CA 92025

2361010200
FALLON DONALD E REVOCABLE TRU
1432 HIGHLAND DR
SOLANA BEACH CA 92075

2361010300
WEST ELEVENTH TWO L L C
P O BOX 28611
SAN DIEGO CA 92198

2361010500
SYLVESTER MARK H&KIMBERLY J
1105 S PINE ST
ESCONDIDO CA 92025

2361010600
DEWALL LILA M TRUST 05-25-06
1121 S PINE ST
ESCONDIDO CA 92025

2361010700
CORRAL PEDRO&GOMEZ LUCIA
1137 S PINE ST
ESCONDIDO CA 92025

2361010800
MERRICK RUDY L&DIANE L
819 MILLS ST
ESCONDIDO CA 92027

2361010900
50% ENRIQUEZ GABRIEL O&ANNA M I
520 W 12TH AVE
ESCONDIDO CA 92025

2361011000
GRIGSBY MARY LIVING TRUST 05-27-00
517 AVENIDA AGUILA
SAN MARCOS CA 92069

2361011100
PITTAM JAMES M&TERI
68 BENNINGTON
IRVINE CA 92620

GP Area F
PHG 09-0020

2332120900
DAWSON FAMILY TRUST 04-20-95
435 IDAHO AVE
ESCONDIDO CA 92025

2332121000
VASQUEZ VICTOR
428 W 6TH AVE
ESCONDIDO CA 92025

2332121100
VARGAS MIKE&AMANDA FAMILY TRU
434 W 6TH AVE
ESCONDIDO CA 92025

2332121501
DOBROWOLSKI CHERYL
402 W 6TH AVE #1
ESCONDIDO CA 92025

2332121503
PARAMORE LIDIA
402 W 6TH AVE #3
ESCONDIDO CA 92025

2332121504
OROZCO MARCOS&PERLA
402 W 6TH AVE #4
ESCONDIDO CA 92025

2332121505
VAZQUEZ GUADALUPE&ANA
402 W 6TH AVE #5
ESCONDIDO CA 92025

2332121506
VANDERVORT KELLEY
402 W 6TH AVE #6
ESCONDIDO CA 92025

2332121507
GUILLEN ANTONIO&ILDA
402 W 6TH AVE #7
ESCONDIDO CA 92025

2332220100
TREJO BARDOMIANA
443 W 6TH AVE
ESCONDIDO CA 92025

2332220200
HERNANDEZ PEDRO
437 W 6TH AVE
ESCONDIDO CA 92025

2332220300
GONZALEZ ROSEANNA
427 W 6TH AVE
ESCONDIDO CA 92025

2332220400
50% VALLE JAIME
419 W 6TH AVE
ESCONDIDO CA 92025

2332220500
LAUGHRIDGE TYLER
P O BOX 28201
SAN DIEGO CA 92198

2332220600
RODRIGUEZ THOMAS JR
403 W 6TH AVE
ESCONDIDO CA 92025

2332220700
IGLESIA DEL DIOS VIVO COLUMNA Y APO
345 W 7TH AVE
ESCONDIDO CA 92025

2332220800
WALYO II L L C
1627 CALLE PLUMERIAS
ENCINITAS CA 92024

2332220900
HERNANDEZ FAMILY TRUST 04-21-08
418 W 7TH AVE
ESCONDIDO CA 92025

2332221000
MARTINEZ ROSCHELLE TRUST 03-25-11
428 W 7TH AVE
ESCONDIDO CA 92025

2332221100
CUEVA BENJAMIN A
P O BOX 460756
ESCONDIDO CA 92046

2332311000
ORANGE GLEN CHURCH OF CHRIST
318 W 6TH AVE
ESCONDIDO CA 92025

2332311200
HOCKETT PHYLLIS
338 W 6TH ST
ESCONDIDO CA 92025

2332311300
ARENA CONCETTA FAMILY TRUST 06-06-1
342 W 6TH AVE
ESCONDIDO CA 92025

2332311400
SMITH JUDITH M REVOCABLE TRUST
350 W 6TH AVE
ESCONDIDO CA 92025

2332311500
GAMINO ROBERTO&ESTHER
360 W 6TH AVE
ESCONDIDO CA 92025

2332410100
PITZ JOSEPH A&WANG LINNA
1652 BALTIMORE PL
ESCONDIDO CA 92025

2332410200
PEREZ FERMIN
351 W 6TH AVE
ESCONDIDO CA 92025

2332410300
QUINN LORRAINE H
243 S ESCONDIDO BLVD #517
ESCONDIDO CA 92025

2332410400
POOL MARVIN M
2867 PROGRESS PL #F
ESCONDIDO CA 92029

2332411100
1/2 GORDON LORI
1332 S UPAS ST
ESCONDIDO CA 92025

PHG 09-0020

GP Area G

2332411200
RODRIGUEZ RUBEN&LILIA C
338 W 7TH ST
ESCONDIDO CA 92025

2332411300
LIEURANCE JOSHUA C&HEATHER L
344 W 7TH AVE
ESCONDIDO CA 92025

2332411600
CORREA YESENIA
1835 KENORA DR
ESCONDIDO CA 92027

2332411700
CARRANZA ALLAN J&ROXZANNE E
350 W 7TH AVE
ESCONDIDO CA 92025

2333420100
LAM KRYSTAL
10411 W ILLINI ST
TOLLESON AZ 85353

2333420200
CHAVEZ RAFAEL S&LAURA
1525 EL NORTE PKWY
SAN MARCOS CA 92069

2333420400
CASTRO DAVID M
419 W 7TH AVE
ESCONDIDO CA 92025

2333420500
CASTRO DAVID L TRUST 03-25-11
407 W 7TH AVE
ESCONDIDO CA 92025

2333420600
SWEETTOOTH INTERNATIONAL L L C
1851 EL VISTA CIR
ARCADIA CA 91006

2333420800
FLORES ERNESTINA Q
408 W 8TH AVE
ESCONDIDO CA 92025

2333420900
RENTERIA FAMILY 2006 TRUST 06-29-06
855 IDA AVE
SOLANA BEACH CA 92075

2333421000
CABRAL FAMILY REVOCABLE LIVING
428 W 8TH AVE
ESCONDIDO CA 92025

2333421300
CANO FAMILY TRUST 11-06-07
731 S ORANGE ST
ESCONDIDO CA 92025

2333421400
BERMUDEZ RAUL&PARAMO MONICA
741 S ORANGE ST
ESCONDIDO CA 92025

2333421500
LUBKAY CONRAD JR&DARLENE D
230 ALTA MESA DR
VISTA CA 92084

2333520100
1/3 NELSON KATHERYN M LIVING TRUST
3710 CARMEL VIEW RD
SAN DIEGO CA 92130

2333520200
GUZMAN JESUS&MARIA
433 W 8TH AVE
ESCONDIDO CA 92025

2333520300
MONFORTE STORY J
423 W 8TH AVE #A
ESCONDIDO CA 92025

2333520400
RODRIGUEZ JESUS A&MARIA G
419 W 8TH AVE #C
ESCONDIDO CA 92025

2333520500
LOPEZ NORBERTO&CRUZ M
417 W 8TH AVE
ESCONDIDO CA 92025

2333520600
C W A L T INC ALTERNATIVE LOAN TF
C/O RECONTRUST CO
1800 TAPO CANYON RD
SIMI VALLEY CA 93063

2333520700
VAZQUEZ GLORIA C
823 S ORANGE ST
ESCONDIDO CA 92025

2333610300
IGLESIA DELDIOS VIVO COLUMNA Y APO
347 W 7TH AVE
ESCONDIDO CA 92025

2333610400
GIRARDI INVESTMENTS L L C
1611 CORTE ORCHIDIA
CARLSBAD CA 92011

2333610700
BYRN RICK
1835A S CENTRE CITY PKY #217
ESCONDIDO CA 92025

2333610800
SENGSOURINHO VILAPHONE&LILY L
11165 DEL DIABLO WAY
SAN DIEGO CA 92129

2333610900
BRUYERE RONALD J TRUST 01-12-04
1508 RIMROCK DR
ESCONDIDO CA 92027

2333611000
CASIOCE STEVE&SHARON R
344 W 8TH AVE
ESCONDIDO CA 92025

2333611100
350 W 8TH AVENUE TRUST 01-28-04
P O BOX 34167
SAN DIEGO CA 92163

2333611200
KIM FAMILY 2009 TRUST 05-19-09
12716 SANDY CREST CT
SAN DIEGO CA 92130

GP Area G

PHG 09-0020

2333710100
1/2 WOFFORD BILLIE L FAMILY TRUST 09-
1401 EL NORTE PKWY #247
SAN MARCOS CA 92069

2333710200
IONESCU DORIN&LUMINITA
108 GREEN AVE
ESCONDIDO CA 92025

2333710300
MOXIE PROPERTIES L L C
10251 WINECREEK CT
SAN DIEGO CA 92127

2333710400
SAAVEDRA JUVENTINO
335 W 8TH AVE
ESCONDIDO CA 92025

2333710500
NUNEZ AGAPITO&LETICIA T
319 W 8TH AVE
ESCONDIDO CA 92025

2333710600
SIMMS JILLENE M
1019 ATTICUS AVE
HENDERSON NV 89015

2335010900
SCARDINO ANTHONY J
318 W 10TH AVE
ESCONDIDO CA 92025

2335011000
PERRY BRUCE TRUST 09-17-01
10446 MCKINNEY CT
SAN DIEGO CA 92131

2335011100
MORRA ROCCO&MARIA J
2601 OLD SPANISH TRL
ESCONDIDO CA 92025

2335011400
SCHRYVERS ROBERTA M
930 S ORANGE ST
ESCONDIDO CA 92025

2335011500
MARTINEZ JOSE M&FRANCISCA A
358 W 10TH AVE
ESCONDIDO CA 92025

2335011800
KNOX ULYSSES G III
4008 WOOSTER DR
OCEANSIDE CA 92056

2335110100
TRAN CUONG VINCE&VYVETTE
3234 LAURASHAWN LN
ESCONDIDO CA 92026

2335110200
RICHUISA ANTHONY J&LINDA L
351 10TH AVE
ESCONDIDO CA 92025

2335110300
LANDRUM BRIAN M&JULIE M
10562 MEADOW GLEN WAY E
ESCONDIDO CA 92026

2335110400
EADS JESSE J III&YOLANDA
794 ALLENWOOD LN
ESCONDIDO CA 92029

2335110500
SHAMLOUFARD JAMSHID&PATRICIA
11426 MONTICOOK CT
SAN DIEGO CA 92127

2335110600
BASS FAMILY TRUST 12-02-86
5100 SAVANNAH DR
BANNING CA 92220

2335110800
LUU MICHAEL MINH&HAO THAI
887 SOCIN CT
ESCONDIDO CA 92027

2335110900
THALASSA L L C
C/O PROCOPIO CORY HARGREAVES&SA
525 B ST #2200
SAN DIEGO CA 92101

2335111000
CROWDER MARIA
2504 PASATIEMPO GLN
ESCONDIDO CA 92025

2335111100
MALIK SAJJAD A&KIRAN S
13451 SUMMIT CIR
POWAY CA 92064

2335111200
KNIGHT FAMILY TRUST 10-07-09
3513 GROVE CANYON RD
ESCONDIDO CA 92025

2360520700
AGUILAR BULMARO C&CANO CONCE
945 S ORANGE ST
ESCONDIDO CA 92025

2360520800
ARELLANO PEDRO C
404 W 10TH AVE
ESCONDIDO CA 92025

2360520900
ANDREWS JENNIE 1997 LIVING TRUST
4282 35TH ST
SAN DIEGO CA 92104

2360521000
HERNANDEZ JUAN M
414 W 10TH AVE
ESCONDIDO CA 92025

2360521200
TJALKENS FAMILY INTERVIVOS REVOCAR
3079 HIDDEN CREEK LN
ESCONDIDO CA 92026

2360521300
G J L PROPERTIES L L C
P O BOX 301726
ESCONDIDO CA 92030

2360620100
CUEVA LUIS G
3050 RUE DORLEANS #302
SAN DIEGO CA 92110

GP Area G

PHG 09-0020

2360620400
SCUBA WILLIAM&CARRI
1955 AVENIDA LA POSTA
ENCINITAS CA 92024

2360620500
ROMO DAVID&JOSEFINA
5075 AVOCADO PARK LN
FALLBROOK CA 92028

2360620600
M L&D L L C
11629 TIMSFORD RD
SAN DIEGO CA 92131

2360620700
HERD CHRISTOPHER A&CINDHI R
2400 W VALLEY PKWY #38
ESCONDIDO CA 92029

2360620900
QUINTERO GREGORIO
420 11TH AVE
ESCONDIDO CA 92025

2360621000
NAGTALON MARIA D REVOCABLE TRI
426 W 11TH AVE
ESCONDIDO CA 92025

2360621100
CHEMELLO DOMINIC
1515 9TH AVE #B
SAN DIEGO CA 92101

2360621200
OROZCO DANIEL D&MARIA E
442 W 11TH AVE
ESCONDIDO CA 92025

2361020300
ELEVENTH AVENUE TOWNHOMES AS
425 W 11TH AVE
ESCONDIDO CA 92025

2361021000
WOERTZ THOMAS P&KATHRYN E
P O BOX 504093
SAN DIEGO CA 92150

2361101000
ESPINOSA FERMIN R&MARY M
2151 E MISSION
ESCONDIDO CA 92027

2361102000
WHITTEN CHARLENE P
405 W 11TH AVE
ESCONDIDO CA 92025

2361103000
NIETO RODOLFO&GLORIA A
1117 S ORANGE ST
ESCONDIDO CA 92025

2361104000
SALADO REY&MARIA T
1125 S ORANGE ST
ESCONDIDO CA 92025

2361105000
KEOMANY MANYSENG
1133 S ORANGE ST
ESCONDIDO CA 92025

2361106000
RIESTRA ALEJANDRO&MARIA G
1145 S ORANGE ST
ESCONDIDO CA 92025

2361107000
SCHRODT GERALD E TR
1226 LA PALOMA GLN
ESCONDIDO CA 92026

2361108000
RODRIGUEZ FAMILY TRUST 10-01-93
1225 S ORANGE ST
ESCONDIDO CA 92025

2361120100
PELAEZ VIOLETA C
361 W 11TH AVE
ESCONDIDO CA 92025

2361120200
RUIZ MARIA C P
351 W 11TH AVE
ESCONDIDO CA 92025

2361120300
MENERA ARACELI
1118 S ORANGE ST
ESCONDIDO CA 92025

2361120400
VILLALPANDO JULIE L
515 HOWE PL
ESCONDIDO CA 92025

2361120500
GUERRERO JOSE B
1150 S ORANGE ST
ESCONDIDO CA 92025

2361120600
ISAKOVICH GEORGE&SALLY TRS
1805 EL DORADO TER
ESCONDIDO CA 92025

2361120700
LIVOTI FAMILY TRUST 04-13-98
345 W 11TH AVE
ESCONDIDO CA 92025

2361120800
CLARK FAMILY TRUST NO 35293 11-08-78
540 BEAR VALLEY PKWY
ESCONDIDO CA 92025

2361122600
SCUBA WILLIAM S&CARRI A
1222 S ORANGE ST
ESCONDIDO CA 92025

2361122700
VITALE JOSEPH F&SARINLISA
3496 HOLLY OAK LN
ESCONDIDO CA 92027

2361123000
HOANG KHOI DINH&NGUYEN KY THI
1110 DEXTER PL
ESCONDIDO CA 92029

2361620200
15TH AVE HOUSING COOPERATIVE
1820 S ESCONDIDO BLVD #101
ESCONDIDO CA 92025

GP Area G

2361620600
50% GONZALES CHRISTOPHER R&SMITH
2334 SUNSET DR
ESCONDIDO CA 92025

2361620700
NIELSEN CRAIG A
418 W 15TH AVE
ESCONDIDO CA 92025

2361710100
BAZAN ANITA P
428 SUNRISE DR E
VISTA CA 92084

2361710200
GONZALEZ MAYOLO
1319 S ORANGE ST
ESCONDIDO CA 92025

2361710300
SAN DIEGO ORIENTAL MISSION CHURCH
1331 S ORANGE ST
ESCONDIDO CA 92025

2361710700
AUGER DAVID A
P O BOX 454
ESCONDIDO CA 92033

2361710800
BARWIG MICHAEL R TRUST 06-14-04
1202 N PACIFIC ST #105B
OCEANSIDE CA 92054

2361711000
BICKFORD MICHAEL J
10625 PALM DR
DESERT HOT SPRINGS CA 92240

2361711100
DO BRIAN LIEU
11697 WINDING RIDGE DR
SAN DIEGO CA 92131

2361711200
AMBROSIA TRUST 01-23-09
2834 SANDHURST WAY
ESCONDIDO CA 92026

2361711300
AGUIRRE VENNY
1425 S ORANGE ST
ESCONDIDO CA 92025

2361711400
GARCIA JESUS A
P O BOX 1123
ESCONDIDO CA 92033

2361711500
POTTER THOMAS A&COMPTON SUE C
3679 CAMINO MARGLESA
ESCONDIDO CA 92025

2361720100
ARAUJO DAVID&FLORES BRAULIA
357 W 13TH AVE
ESCONDIDO CA 92025

2361720200
ESTRADA VERONICA
1316 S ORANGE ST
ESCONDIDO CA 92025

2361720300
50% GARCIA PEDRO&MARIA
335 W 13TH AVE
ESCONDIDO CA 92025

2361720500
ESCONDIDO MASONIC TEMPLE ASSN
P O BOX 1210
ESCONDIDO CA 92033

2361720800
MAGANA EUGENIA SEPARATE PROPI
1673 W 11TH AVE
ESCONDIDO CA 92029

2361720900
CRUZ INDALECIO O
1336 S ORANGE ST
ESCONDIDO CA 92025

2361721100
SALDIVAR AMANDO
1348 S ORANGE ST
ESCONDIDO CA 92025

2361722000
GHAYYEM FAMILY REVOCABLE TRUS
9156 MEADOWRUN PL
SAN DIEGO CA 92129

2361722100
GARCIA DAVID
424 PLACER AVE
SAN MARCOS CA 92069

2361722200
BOWERSOCK BRIAN E REVOCABLE LIVIN
1430 S ORANGE ST
ESCONDIDO CA 92025

2361722400
50% PABLOFF RODOLPHO SR&ANGE
P O BOX 2166
SAN MARCOS CA 92079

2361722500
DELGAILLO FAMILY TRUST 03-25-04
1346 VIA CONEJO
ESCONDIDO CA 92029

2361722700
BEHRENS FAMILY TRUST 12-06-89
17735 OLD WINERY CT
POWAY CA 92064

2361722800
MARES GABRIEL&MARIA
328 W 15TH AVE
ESCONDIDO CA 92025

2361722901
ANDERSON CHRISTOPHER H&VELYN G
3314 VENADO ST
CARLSBAD CA 92009

2361722903
LIAGHAT HAMID
11016 IPAI CT
SAN DIEGO CA 92127

2361722904
60% PATTON MALCOLM
12813 TIARA ST
VALLEY VLG CA 91607

CP Area G

PHG 09-0020

2361722905
RICH SCOTT N
2658 DEL MAR HEIGHTS RD #402
DEL MAR CA 92014

2361722906
TANG SHENGYING&CHEN MINJIAN REVO
11595 COMPASS POINT DR N #10
SAN DIEGO CA 92126

2361722907
HEILAND FAMILY TRUST 12-07-05
9634 INDIAN CREEK WAY
ESCONDIDO CA 92026

2361722908
SHI FAMILY TRUST 11-15-08
340 W 15TH AVE #8
ESCONDIDO CA 92025

2361722909
FALTAOUS JOSEPH S
301 MISSION AVE #608
OCEANSIDE CA 92054

2361722910
HUGHES RUSSELL W&NHU T
670 ASTORIA PL
SAN MAROCS CA 92069

2361722911
SHI ZHI QING&XU AI PING
342 W 15TH AVE #11
ESCONDIDO CA 92025

2361722912
ALEXANDER ZOHRA FAMILY TRUST 04-30
3190 MORNING WAY
LA JOLLA CA 92037

2361722913
SHI FAMILY TRUST 11-15-08
342 W 15TH AVE #13
ESCONDIDO CA 92025

2361722914
TANG SHENGYING&CHEN MINJIAN REVO
11595 COMPASS POINT PT N #10
SAN DIEGO CA 92126

2361722917
ZHANG DAVID&TANG DIANA
11868 CANERIDGE RD
SAN DIEGO CA 92128

2361722919
ANDERSON CHRISTOPHER H&VELYN
3271 KEARNY VILLA LN
SAN DIEGO CA 92123

2361722920
GALAJYAN LUSINE
4957 ALATAR DR
WOODLAND HLS CA 91364

GP Area G

PHG 09-0020

2351803900
ESCONDIDO UNION HIGH SCHOOL DISTR
Attn: Thomas Clark
302 N. Midway Dr.
Escondido, CA 92027

2351902600
SIEFERT ROBERT J&IRIS C
13797 ROSECROFT WAY
SAN DIEGO CA 92130

2352022000
PORTIS FAMILY TRUST 11-18-94
1660 GAMBLE LN
ESCONDIDO CA 92029

2352023500
2115 AMANDA L L C
C/O GILBERT J MILTENBERGER
3660 MERCED DR
OCEANSIDE CA 92056

2352023700
HAMLIN FAMILY TRUST 11-21-05
2148 AMANDA LN
ESCONDIDO CA 92029

2352023800
SANFORD FAMILY TRUST
2180 AMANDA LN
ESCONDIDO CA 92029

2352025500
SESTO JAY L&MARTHA
2155 AMANDA LN
ESCONDIDO CA 92029

2352025600
MARTINEZ FELIPE&ANNAMARIE
2153 AMANDA LN
ESCONDIDO CA 92029

2352025700
POSTLER LAWRENCE&CLARK DIANE
2151 AMANDA LN
ESCONDIDO CA 92029

2352025800
EWING WILLIAM&CAMILLE
2149 AMANDA LN
ESCONDIDO CA 92029

2352025900
DURKIN FAMILY TRUST 06-10-99
P O BOX 8023
RANCHO SANTA FE CA 92067

2352027500
IFILL VINCENT S&GLORIA J
2161 EUCALYPTUS AVE
ESCONDIDO CA 92029

2352027600
GOSSAI PRADEEP&SUNITA
2123 EUCALYPTUS AVE
SAN MARCOS CA 92069

2352027700
EATON GARY&PAMELA TRUST 01-04-08
1516 GOLDEN CREST DR
ESCONDIDO CA 92029

2352027800
ELLIOTT JOHN R
1540 GOLDEN CREST DR
ESCONDIDO CA 92029

2352027900
HOPPAL FAMILY TRUST 01-08-10
1562 GOLDEN CREST DR
ESCONDIDO CA 92029

2352028000
BECKER PAUL D
1588 GOLDEN CREST DR
ESCONDIDO CA 92029

2352028100
WALKER MICKEY
1587 GOLDEN CREST DR
ESCONDIDO CA 92029

2352028200
HENDREN FAMILY TRUST 12-28-01
1563 GOLDEN CREST DR
ESCONDIDO CA 92029

2352028300
LE TU&CHAU G
1539 GOLDEN CREST DR
ESCONDIDO CA 92029

2352028400
CLEMENTS JOHN A&REBECCA L
1515 GOLDEN CREST DR
ESCONDIDO CA 92029

2353701400
SCHWARTZ ROBERT H&NANCY L
5905 COCHRAN DR
BAKERSFIELD CA 93309

2353701600
VITUG FAMILY TRUST 09-02-04
16989 MT HOPE ST
FOUNTAIN VALLEY CA 92708

2353701700
MCDANIEL JOHN D&GLYNIS R W
1330 SCENIC DR
ESCONDIDO CA 92029

2353701900
KIMBALL RUSSELL C&DARLA F
1338 SCENIC DR
ESCONDIDO CA 92029

2353702000
SHAINSKY ALEX&MILA
1342 SCENIC DR
ESCONDIDO CA 92029

2353702100
BRANDT JOSEPH J&F JOANNE
1343 SCENIC DR
ESCONDIDO CA 92029

2353702200
VANLEEUVEN JERRY H&KATHY E
1339 SCENIC DR
ESCONDIDO CA 92029

2353702300
DRUSCH ARTHUR J&SHARON A
3425 PURER RD
ESCONDIDO CA 92029

2353703300
FOUR POINTS REALTY INVESTMENTS
1216 WILLOW ST
SAN DIEGO CA 92106

GP Area H

PHG 09-0020

2353703400
CLEVENGER JAMES E&A HEIDI
1334 SCENIC DR
ESCONDIDO CA 92029

2354511200
FAUCHER FAMILY TRUST 03-19-07
1351 CONDOR GLN
ESCONDIDO CA 92029

2354511300
EARWICKER HARLEY&BARBARA TRU
1355 CONDOR GLN
ESCONDIDO CA 92029

2354511400
WAGNER MARK S&MICHELE
1361 CONDOR GLN
ESCONDIDO CA 92029

2354512400
CANDLELIGHT HILLS HOMEOWNERS ASS
C/O CHAMPS
5731 PALMER WAY #B
CARLSBAD CA 92010

2354520100
HOLMES DENNIS A&DEBRA K
1360 CONDOR GLN
ESCONDIDO CA 92029

2354520200
CREIGHTON STEVEN J&ELISA B
1356 CONDOR GLN
ESCONDIDO CA 92029

2354520300
RENDON ANDRES JR&ROSALIE A LIVING
1352 CONDOR GLN
ESCONDIDO CA 92029

2354520400
VUKOVICS TONY S&ELIZABETH
1348 CONDOR GLN
ESCONDIDO CA 92029

2354520500
ZEBUDA ROBERT K&CAROLYNE R
1342 CONDOR GLN
ESCONDIDO CA 92029

2354520600
FARRELL LEO J&SHARLOWE M TRUST 05
1351 BLACKHAWK GLN
ESCONDIDO CA 92029

2354520700
PETERSEN RICHARD&DONNA FAMILY
1361 BLACKHAWK GLN
ESCONDIDO CA 92029

2354520800
PHILLIPS WILLIAM A&DONNA J
1367 BLACKHAWK GLN
ESCONDIDO CA 92029

2354520900
JOHNSON FAMILY TRUST 11-11-95
1385 BLACKHAWK GLN
ESCONDIDO CA 92029

2354521000
BLANEY V L&BERNADETTE B TRS
1390 BLACKHAWK GLN
ESCONDIDO CA 92029

2354521100
DIVJAK MARIANNE E TRUST 01-31-90
1382 BLACKHAWK GLN
ESCONDIDO CA 92029

2354521400
KHERADPIR AHMAD&MARIA V R
1356 BLACKHAWK GLN
ESCONDIDO CA 92029

2354521500
WARNER GARTH F&MARYANNA M Q
1348 BLACKHAWK GLN
ESCONDIDO CA 92029

2354521600
WORRALL PAUL D&SUZANNE K
1497 CANDLELIGHT GLN
ESCONDIDO CA 92029

2354521700
COCHING WILLY B&NENIA C
1343 BLACKHAWK GLN
ESCONDIDO CA 92029

2354521800
WAHNISH M JOSEPH&MARLENE S
1342 BLACKHAWK GLN
ESCONDIDO CA 92029

2354521900
WICKHAM FAMILY TRUST 07-11-00
1492 CANDLELIGHT GLN
ESCONDIDO CA 92029

2354522000
HOFMAISTER BRIAN&KELLY
1490 CANDLELIGHT GLN
ESCONDIDO CA 92029

2354522600
COLEMAN RAY E FAMILY 1992 TRUST
1364 FALCON GLN
ESCONDIDO CA 92029

2354522800
BOWMAN FAMILY TRUST 05-06-08
1364 BLACKHAWK GLN
ESCONDIDO CA 92029

2354802400
WOLFSHEIMER ALISON
1796 GAMBLE LN
ESCONDIDO CA 92029

2354802500
ALBERGO FAMILY TRUST 03-31-06
1786 GAMBLE LN
ESCONDIDO CA 92029

2354802600
MCINNIS JOSEPHINE M SEPARATE PROP
1776 GAMBLE LN
ESCONDIDO CA 92029

2354802700
NGUYEN HINH D&CHRISTINA
1273 LANCER GLN
ESCONDIDO CA 92029

2354802800
DIETZ FAMILY TRUST 12-22-03
1757 MOUNTAIN HILLS PL
ESCONDIDO CA 92029

GP Area H

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2354802900
BOHN JEFFREY L&JANICE H
1767 MOUNTAIN HILLS PL
ESCONDIDO CA 92029

2354803400
HARDEE JAMES B&ZENAIDA E TRUST 06-
1778 MOUNTAIN HILLS PL
ESCONDIDO CA 92029

2354803500
HATCHER FAMILY TRUST 11-22-83
1768 MOUNTAIN HILLS PL
ESCONDIDO CA 92029

2354803600
THOMPSON LLOYD G&RANDEE S
1777 MOUNTAIN HILLS PL
ESCONDIDO CA 92029

2354803800
ANDREWS ROBERT D&JUDITH G
1787 MOUNTAIN HILLS PL
ESCONDIDO CA 92029

2355500100
UKKESTAD KRIS M&MELISSA A
1697 GREENWOOD PL
ESCONDIDO CA 92029

2355500200
TRAN HUNG VIET&NGUYEN XUAN
1671 GREENWOOD PL
ESCONDIDO CA 92029

2355500300
RODRIGUEZ MODESTO&IRIBE-RODRIGUE
1623 GREENWOOD PL
ESCONDIDO CA 92029

2355500400
DURNEY WILLIAM C IV&MONA L
1614 GREENWOOD PL
ESCONDIDO CA 92029

2355500500
PFEFFERKORN BRUCE&MEEHAN KATHLE
1638 GREENWOOD PL
ESCONDIDO CA 92029

2355500600
SULLIVAN SAMUEL W&MARGOT A
1656 GREENWOOD PL
ESCONDIDO CA 92029

2355500700
HE YAN&SCHENK TINA L
1682 GREENWOOD PL
ESCONDIDO CA 92029

2355500800
MARTIN BRIAN&LYNETTE A
1690 GREENWOOD PL
ESCONDIDO CA 92029

2355500900
SENK STEPHEN M&SUZANNE F
1732 GAMBLE LN
ESCONDIDO CA 92029

2355501000
PUA FREDERICK L B&FRANCIA-PUA M
1717 GAMBLE LN
ESCONDIDO CA 92029

2355501100
STASER DAVID R&MONICA J FAMILY TRU
1705 GAMBLE LN
ESCONDIDO CA 92029

2355501300
HILL FAMILY TRUST 08-02-03
1819 CONTINENTAL LN
ESCONDIDO CA 92029

2380710800
BERRYMAN WILLIAM T&JESSIE A TRS
1655 GAMBLE LN
ESCONDIDO CA 92029

2380712300
HOMELAND VIEW PARTNERS L L C
CO MICHAEL A SCHNIEDER
P O BOX 2142
RCHO SANTA FE CA 92067

2380712500
BECK RICHARD R JR&PAULA A
1794 CONTINENTAL LN
ESCONDIDO CA 92029

2380712600
50% PESCH WILLIAM R TRUST 04-20-
1772 CONTINENTAL LN
ESCONDIDO CA 92029

2380712700
PARETTI JOHN L&KAREN L
1750 CONTINENTAL LN
ESCONDIDO CA 92029

2380712800
MAPES JOHN J JR
1738 CONTINENTAL LN
ESCONDIDO CA 92029

2380712900
HOULIHAN FAMILY TRUST 11-07-89
1743 CONTINENTAL LN
ESCONDIDO CA 92029

2380713000
HILDEBRANDT FAMILY TRUST 10-07-03
1761 CALLE CATALINA
ESCONDIDO CA 92029

2380713100
KARANEWSKY DONALD S&LINDA J
1797 CONTINENTAL LN
ESCONDIDO CA 92029

2380713200
KAULL BRIAN J&BONNIE B
1615 GAMBLE LN
ESCONDIDO CA 92029

2380713300
HANKIN FAMILY TRUST 10-07-93
3319 DON PABLO DR
CARLSBAD CA 92010

2380713400
PELL STEVEN M&JULIE A
1850 CANYON HEIGHTS RD
FALLBROOK CA 92028

2385112300
COCLET FAMILY TRUST 12-21-99
1831 CONTINENTAL LN
ESCONDIDO CA 92029

GP Area H

PHG 09-0020

2385400100
MAGEE FAMILY TRUST 03-04-03
2201 EUCALYPTUS AVE
ESCONDIDO CA 92029

2385400200
PAYNE SHELDON FAMILY TRUST 01-29-87
2203 EUCALYPTUS AVE
ESCONDIDO CA 92029

2385400300
DONEHUE ETHEL M TRUST 03-05-08
2205 EUCALYPTUS AVE
ESCONDIDO CA 92029

2385401200
CHAMBERS FAMILY TRUST 07-07-97
2212 BLOSSOM HILL LN
ESCONDIDO CA 92029

2385401300
STRAYER ANDREW H&MARA L
2208 BLOSSOM HILL LN
ESCONDIDO CA 92029

2385401400
NACK LAURIE SEPARATE PROPERTY
2204 BLOSSOM HILL LN
ESCONDIDO CA 92029

2385401500
KOON TERRY W&LEAH E TRS
2200 BLOSSOM HILL LN
ESCONDIDO CA 92029

2385401600
LAZCANO GENERO&TINA E
2202 SONRISA GLN
ESCONDIDO CA 92029

2385401700
BOESE BOBBY R&JAMIE M
2206 SONRISA GLN
ESCONDIDO CA 92029

2385401800
NEILSON BRUCE A&SHERIDYN F
2210 SONRISA GLN
ESCONDIDO CA 92029

2385401900
DAMEROW MILTON F JR&SHEILA M
2214 SONRISA GLN
ESCONDIDO CA 92029

2385402000
SMART KAROL
P O BOX 461975
ESCONDIDO CA 92046

GP Area H

PHG 09-0020

2363321700
BINGHAM INEZ L LIVING TRUST 10-17-08
29364 SIERRA ROJO LN
VALLEY CENTER CA 92082

2363322200
BUTLER/LOCKARD TRUST 12-02-09
29117 VIA PIEDRA
VALLEY CENTER CA 92082

2363322300
BUCKLEY EDWARD&ALINA A
1652 MARITIME DR
CARLSBAD CA 92011

2363322400
YANDELL KEITH A
2028 FELICITA RD
ESCONDIDO CA 92025

2363322500
YANDELL BRIAN W&NATALIE E
844 BROTHERTON RD
ESCONDIDO CA 92025

2363331000
HILLEBRECHT BENONIA&FRANCES T
2170 SKYLINE DR
ESCONDIDO CA 92027

2363332400
TORRES LAURENTINO A
820 PALM TER
ESCONDIDO CA 92025

2363332500
MITCHELL SHAYN V
812 PALM TER
ESCONDIDO CA 92025

2363332600
FIGUEROA FRANCISCO C&CEDILLO F
804 PALM TER
ESCONDIDO CA 92025

2363332700
ORTEGA MELQUIADES
801 PALM TER
ESCONDIDO CA 92025

2363332800
SELPH SHAYNE
809 PALM TER
ESCONDIDO CA 92025

2363333600
CANSECO RODOLFO&LEOVIGILDA
830 PALM TER
ESCONDIDO CA 92025

2363334100
BETHEL SOUTHERN BAPTIST CHURCH
855 BROTHERTON RD
ESCONDIDO CA 92025

2363334300
HURTADO JABIER&SANDRA
2130 FELICITA RD
ESCONDIDO CA 92025

2363334400
KAPUSNIK LAURA J
1811 CITRUS GLEN DR
ESCONDIDO CA 92027

2363334700
MARTINEZ ANGEL A
842 PALM TER
ESCONDIDO CA 92025

2363335100
COX FAMILY TRUST 10-28-02
825 PALM TER
ESCONDIDO CA 92025

2363335200
LOPER ERIC&CHRISTINE
1451 KENORA ST
ESCONDIDO CA 92027

2363343500
RFT MANAGEMENT&DEVELOPMENT CO
MARGARET BRAZELL
4170 MORENA BLVD #C
SAN DIEGO CA 92117

2363602800
HORTON LISA A
2140 MILLER AVE
ESCONDIDO CA 92025

2363603100
SEABAUGH DAVIS A TRUST 06-27-05
708 MARGUERITE AVE
CORONA DEL MAR CA 92625

2363603300
STEELE CHRISTOPHER L&GODDARD LINI
2108 MILLER AVE
ESCONDIDO CA 92025

2381012300
CORPORATION OF THE PRESIDING BISHOP
C/O LDS CHURCH TAX DIVISION
50 E NORTH TEMPLE #2225
SALT LAKE CITY UT 84150

2381024100
25% SEYMOUR THOMAS F
3996 SHASTA ST #101
SAN DIEGO CA 92109

2381103300
NORTH COUNTY MEDICAL OFFICE BUILDI
P O BOX 161142
SAN DIEGO CA 92176

2381103700
NEW LIFE PRESBYTERIAN CHURCH
615 W CITRACADO PKY
ESCONDIDO CA 92025

2381104200
G G PROPERTIES L L C
655 W CITRACADO PKWY
ESCONDIDO CA 92025

2381104300
NORTH COUNTY MEDICAL OFFICE BUILDI
3860 CALLE FORTUNADA #210
SAN DIEGO CA 92123

GP Area I
PHG 09-0020

RESOLUTION NO. 2012-52(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A COMPREHENSIVE GENERAL PLAN UPDATE (EXCLUDING THE HOUSING ELEMENT), CEQA FINDINGS REGARDING SIGNIFICANT EFFECTS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE COMPREHENSIVE GENERAL PLAN UPDATE

Case No. PHG 09-0020

WHEREAS, on May 7, 2012, the Planning Commission considered and by Resolution No. 5957, recommended approval of a comprehensive General Plan Update (excluding the Housing Element) to establish a "blueprint" for the future growth of the city; and

WHEREAS, the City Council has certified and approved the Environmental Impact Report ("EIR") issued for the proposed comprehensive General Plan Update by Resolution 2012-53 (R); and

WHEREAS, preparation of the comprehensive General Plan Update includes Findings of Fact (Exhibit "A"), California Environmental Quality Act ("CEQA") Findings Regarding Significant Effects (Exhibit "B"), Statement of Overriding Considerations (Exhibit "C"), and Mitigation Monitoring and Reporting Program (Exhibit "D"). Exhibits "A," "B," "C," and "D" are attached to this Resolution and incorporated by this reference; and

WHEREAS, This City Council has considered the staff report, environmental

documentation, 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 comprehensive General Plan Update (excluding the Housing Element) as reflected on plans and documents on file in the offices of the City Clerk and Planning Division as well as the associated CEQA documentation; and

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 the comprehensive General Plan Update and associated CEQA documentation.
3. That the Findings of Fact (Exhibit A) were made by said Council.
4. That the CEQA documentation involving the Findings Regarding Significant Effects (Exhibit "B"), were made by said Council.
5. That upon consideration of the Findings of Fact (Exhibit "A"), CEQA Findings Regarding Significant Effects (Exhibit "B"), 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 comprehensive General Plan Update (excluding the Housing Element) with a Statement of Overriding Considerations (Exhibit "C") for the significant and unavoidable effects of the project and the City Council also adopts a Mitigation Monitoring and Reporting Program (Exhibit "D") to reduce or avoid the significant and mitigable impacts of the project.

EXHIBIT "A"

FINDINGS OF FACT

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1. The proposed comprehensive update to the General Plan is consistent with General Plan Review Policy E1.1 that states "The General Plan shall be comprehensively reviewed and updated as needed beginning in 1995 and at five year intervals thereafter." The prior comprehensive General Plan update occurred in 2000. The proposed update is a statement of long-range public policy to guide the use of private and public lands in Escondido's boundaries. The proposed comprehensive General Plan Update would not diminish the Quality of Life Standards, but refines standards to reflect updated trends, policies and legislation. The Plan reflects the aspirations and values of the residents and is intended to become the foundation for decisions by elected and appointed officials. The Plan is both general and comprehensive in that it provides broad guidelines for development in the city while addressing a wide range of issues that will affect the city's desirability as a place to live, work and play.
2. The proposed comprehensive General Plan Update conforms with General Plan Amendment Policy E2.1 which states that amendments shall be required when proposals a) involve a use or density/intensity other than indicated on the Land Use Map or within the text of the General Plan; b) do not meet or exceed adopted Quality of Life Standards; c) are not substantially consistent with General Plan policies, goals, or objectives; d) are determined to be inconsistent with policies contained in the General Plan text; or e) request designation of a new area as a Specific Planning Area. The comprehensive General Plan Update does involve amendments involving each of these criteria which necessitates City Council action regarding the proposal.

3. The proposed comprehensive General Plan Update conforms with General Plan Amendment Policy E2.2 which states that written findings must be submitted to substantiate the need for the amendment that considers 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. These written findings in Exhibit A are intended to substantiate the need for such amendments that are incorporated in the comprehensive General Plan Update by acknowledging that a) the prior comprehensive update occurred over 10 years ago; b) changes in demographics, economic trends, and social conditions have changed in the past 10 years; c) residents desire more employment land to serve the community in order to provide a better balance between jobs and housing; d) quality of life standards need to reflect up-to-date trends and practices; e) more flexibility is needed regarding certain development practices including clustering; and, f) updated trends and conditions in the community are better reflected through a comprehensive General Plan Update.
4. The proposed comprehensive General Plan Update conforms with General Plan Amendment Policy E2.3 which requires that amendments which increase residential density permitted by law; change, alter, or increase the General Plan residential land use categories; change any residential to commercial or industrial designation on any property designated rural, estate, suburban, and/or urban; or amend policies readopted and reaffirmed by the voters shall be approved by the voters. The comprehensive General Plan Update does propose such changes that require voter approval which will be forwarded to the Registrar of Voters for scheduling at an upcoming election.

**CEQA FINDINGS REGARDING SIGNIFICANT EFFECTS FOR THE
ESCONDIDO GENERAL PLAN UPDATE, DOWNTOWN SPECIFIC PLAN UPDATE, AND
CLIMATE ACTION PLAN
City File # PHG 09-0020 / PHG 10-0016
SCH # 2010071064**

The following Findings are made for the City of Escondido General Plan Update (hereinafter referred to as the "project"), which is scheduled to go before the City Council for review and approval in May 2012. The environmental effects of the General Plan Update, along with the Downtown Specific Plan Update, and E-CAP are addressed in a Program Final Environmental Impact Report (EIR) dated April 23, 2012, which is incorporated by reference herein. The Downtown Specific Plan Update and E-CAP will be brought before the City Council for review and approval at a later date. Findings for those documents will be prepared as separate documents.

The Final EIR prepared for the project consists of three volumes:

- Volume 1: Program EIR evaluating the proposed project and a reasonable range of alternatives
- Volume 2: Technical Appendices to the EIR
- Volume 3: Summary of Changes to the Draft EIR, Comment Letters and Responses to Comments on the Draft EIR

The Final EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics; 2) Agricultural Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural and Paleontological Resources; 6) Geology and Soils; 7) Greenhouse Gas Emissions; 8) Hazards and Hazardous Materials; 9) Hydrology and Water Quality; 10) Land Use; 11) Mineral Resources; 12) Noise; 13) Population and Housing; 14) Public Services; 15) Recreation; 16) Transportation and Traffic; and 17) Utilities and Service Systems.

Of these seventeen environmental subject areas, the City Council concurs with the conclusions in the Final EIR that project impacts related to Air Quality, Biological Resources, Cultural and Paleontological Resources, Noise, Population and Housing, Transportation and Traffic, and Utilities and Service Systems will involve potentially significant impacts. Moreover, these environmental issues will include impacts that are significant and unavoidable with the exception of Cultural and Paleontological Resources, for which all impacts will be mitigated below a level of significance. For those areas in which environmental impacts will remain significant and unavoidable, even with the implementation of mitigation measures, overriding considerations exist which make the impacts acceptable.

The California Environmental Quality Act (CEQA) (California Public Resources Code §21000 *et. seq.*) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 *et. seq.*) require that no public agency shall approve or carry out a project which identifies one or more significant environmental effects of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (refer to Section A below);
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency (refer to Section B below); or
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR (refer to Section C below) (CEQA, §21081(a); Guidelines, §15091(a)).

For each significant effect identified for the project, one of the above three findings applies. Therefore, the discussion of significant impacts and mitigation measures is organized below by finding rather than by environmental subject area.

Section A – Finding (1)

Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the Escondido City Council finds that, for each of the following significant effects identified in the Final EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects identified in the Final EIR. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The rationale for this finding for each impact is as follows:

AIR QUALITY

A-1 Direct/Indirect Significant Effect – Sensitive Receptors: Implementation of the project would have the potential to expose sensitive receptors to toxic air contaminants (TACs) from the following types of facilities: waste transfer, industrial, medical, and research and development facilities.

Mitigation Measures: The project includes the following mitigation measures which would mitigate potentially significant impacts associated with these facilities to below a level of significance:

Mitigation Measure Air-3 (Siting Sensitive Receptors near Waste Transfer Facility) requires a Health Risk Assessment (HRA) to be prepared by a qualified air quality professional for development of new sensitive receptors proposed in the General Plan Update planning area within 500 feet of a waste transfer facility. The project cannot be considered for approval until an HRA has been completed and approved by the City. If a potentially significant health risk is identified, the HRA must identify appropriate measures to reduce the potential health risk to below a significant level or the sensitive receptor shall be sited in another location.

- **Mitigation Measure Air-4** (Siting Sensitive Receptors near Industrial, Medical, or Research and Development Facilities) requires an HRA to be prepared by a qualified air quality professional for development of new sensitive receptors in the General Plan Update planning area proposed within one mile of industrial land uses, medical facilities, or research and development facilities that generate a potential source of TACs. An HRA would also be required for such facilities proposed within one mile of a sensitive receptor. Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The project cannot be considered for approval until an HRA has been completed and approved by the City. If a potentially significant health risk is identified, the HRA must identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be sited in another location.

Facts in Support of Finding: Implementation of the General Plan Update would have the potential to locate new residences in close proximity to land uses that emits TACs, including within 500 feet of a freeway; in close proximity to dry cleaning facilities, gas stations, automotive repair facilities, or industrial operations; or in an area that contains an existing source of TAC emissions.

Future development consistent with the proposed project would result in potentially significant emissions of diesel particulate matter (DPM) and other TACs. Land development projects are required to comply with AB 2588, SDAPCD Rule 1210, Toxic Air Contaminant Public Health Risks – Public Notification and Risk Reduction, and California Air Resources Board (CARB) standards for diesel engines. The General Plan Update Air Quality and Climate Protection Element requires future land uses to be sited according to CARB recommendations. Therefore, impacts related to TACs from freeways, dry cleaning facilities, and gas stations would be less than significant.

The General Plan Update Resource Conservation Element includes Air Quality and Climate Protection Policy 7.4, which would locate uses and facilities/operations that may produce toxic or hazardous air pollutants an adequate distance from each other and sensitive uses such as housing and schools, consistent with CARB recommendations. This policy will prevent new sensitive receptors from being located within the CARB siting distances for freeways, dry cleaning facilities, gas stations, and automotive repair facilities.

CARB does not make specific recommendations for other potential sources of TACs in the project planning area, including waste transfer, industrial, medical, and research and development facilities. Therefore, the proposed project would result in a potentially significant impact to sensitive receptors associated with these uses. Mitigation measures Air-3 and Air-4 would be implemented to reduce impacts associated with facilities that CARB has not made specific recommendations for to a less than significant level, such as waste transfer, industrial, medical, and research and development facilities.

CULTURAL RESOURCES

A-2 Direct/Indirect Significant Effect – Historical Resources: Implementation of the proposed project would have the potential to result in substantial adverse changes to the significance of historical resources from disturbance due to demolition, destruction, alteration, or structural relocation as a result of new private or public development or redevelopment allowable under the proposed General Plan Update, Downtown Specific Plan and E-CAP.

Mitigation Measures: The proposed project includes the following mitigation measures which would mitigate potentially significant impacts to historical resources to below a level of significance:

- **Mitigation Measure Cul-1** requires enhanced community appreciation of the importance of the City's historic sites and buildings, and protection and preservation of significant historical resources to the extent feasible through the identification of features of cultural and historical significance to the community and designation of these features as landmarks, structures and sites of historic, aesthetic, and special character. The incorporation of historical resources into historical parks and multiple use recreation parks shall be encouraged.
- **Mitigation Measure Cul-2** ensures landmarking and historical listing of City-owned historic sites in order to protect these historic sites.

Facts in Support of Finding: Impacts to historical resources would occur if development or redevelopment would result in the destruction of historical resources through activities such as grading, clearing, demolition, alteration, or structural relocation. The project could also result in an increase in development intensity which could adversely affect historical sites through the introduction of visual, audible, or atmospheric effects that are out of character with the historical resources or alter the setting of the resources when the setting contributes to the resources' significance. The proposed project may also result in the redevelopment of a historical structure or site that may result in the remodeling, alteration, addition, or demolition of a historical resource, or a change in use that is not compatible with the authenticity of the resource and that would substantially alter its significance. Additionally, infrastructure or other public works improvements associated with development allowable under the proposed General Plan Update, Downtown Specific Plan Update and E-CAP could result in damage to or demolition of historical features.

The City utilizes CEQA and the City Municipal Code to identify and protect important historic and archaeological resources. The City requires an assessment of the significance of potentially historic structures by a professional historic resource consultant as part of the development application. If the resource is considered historical per CEQA, the City requires the assessment to include recommendations for mitigating potential impacts to the structure, or identify requirements for the proper documentation per state or federal guidelines of any significant historic structure proposed

for demolition, which shall be made conditions of project approval. Further, the City provides incentives, such as reduced property taxes on eligible historic properties, through the Mills Act to encourage the restoration, renovation, or adaptive reuse of historic resources.

The proposed Resource Conservation Element includes a goal and supporting policies to prevent adverse impacts to historical resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido. Policies 5.1 through 5.9 support this goal by encouraging preservation, adaptive reuse and rehabilitation, compliance with appropriate regulations, maintenance of the Escondido Historic Sites Survey, and education of the public.

While the proposed General Plan Update goals and policies are intended to protect historical resources, specific measures are necessary to ensure that the intended protections are achieved. The project would implement mitigation measures Cul-1 and Cul-2 (described above), to reduce impacts to a less than significant level. ,

- A-3 Cumulative Significant Effect – Historical Resources:** Projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of historical resources through the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Past projects involving development and construction have already impacted historical resources within the region. Additionally, the project would result in a potentially significant cumulative impact prior to mitigation. However, the mitigation measures identified above would reduce potentially significant cumulative impacts identified for the project to a less than significant level by ensuring protection of the City's historical resources.
- A-4 Direct/Indirect Significant Effect – Archaeological Resources:** Implementation of the proposed project would have the potential to result in substantial adverse changes to the significance of archaeological resources from ground-disturbing construction activities such as clearing, excavation and grading.

Mitigation Measures: The project includes the following mitigation measures which would reduce potentially significant impacts to below a level of significance:

- **Mitigation Measure Cul-3** requires that significant archaeological resources be preserved in-situ, as feasible. The incorporation of resources into historical parks and multiple use recreation parks shall be encouraged. When avoidance of impacts is not possible, data recovery mitigation shall be required for all significant resources. Any significant artifacts recovered during excavation, other than cultural material subject to repatriation, shall be curated with its associated records at a curation facility approved by the City. Excavation of deposits of Native American origin shall be coordinated with and monitored by local Native American representatives. This measure would prevent or ameliorate adverse changes to significant archaeological resources.

- **Mitigation Measure Cul-4** requires the development of management and restoration plans for identified and acquired properties with cultural resources. Such plans would be implemented to preserve cultural resources.
- **Mitigation Measure Cul-5** supports the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grant or matching funds, or funds from private organizations. Such easements would preserve cultural resources in their existing site locations and thus, help to minimize potential direct or indirect impacts.
- **Mitigation Measure Cul-6** requires protection of significant cultural resources through coordination and consultation with the NAHC and local tribal governments, including SB-18 review. These cooperative efforts would ensure that significant sites are identified and preserved to the satisfaction of all parties.

Facts in Support of Finding: The proposed project would result in impacts to archaeological resources if ground-disturbing activities associated with development of land uses allowed under the General Plan Update would occur without proper regulation and monitoring. Such alteration of archaeological resources may result in a loss of valuable information that could be gained from the resources, or prevent potentially eligible sites from being listed on a register of cultural resources. Additionally, archaeological resources may also be subject to indirect impacts as a result of development activities that increase erosion, fugitive dust, or the accessibility of a surface or subsurface resource, and thus increase the potential for the degradation of the resource.

The proposed project would comply with all applicable regulations pertaining to archaeological resources, such as the Native American Graves Protection and Repatriation Act (NAGPRA), Cal NAGPRA, PRC Section 5097, and PRC Section 210831. The City also requires that areas proposed for discretionary development projects, which are subject to CEQA review and found in areas exhibiting observable ground surface, be investigated for artifacts on the ground surface by a professional archaeological resource consultant.

The proposed General Plan Update includes a goal and supporting policies to prevent the proposed General Plan Update from adversely impacting cultural resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido.

While the proposed General Plan Update goals and policies are intended to protect archaeological resources, specific measures are necessary to ensure that the intended protections are achieved. Implementation of mitigation measures Cul-3 through Cul-6 would reduce impacts to a less than significant level.

A-5 Cumulative Significant Effect – Archaeological Resources: Cumulative projects located in the San Diego region would have the potential to result in a significant cumulative impact associated with the loss of archaeological resources from extensive grading, excavation or other ground-

disturbing activities associated with the development of land uses. Past projects involving development and construction have already impacted archaeological resources within the region. Additionally, the project would result in a potentially significant cumulative impact prior to mitigation. However, implementation of the mitigation measures identified above would reduce the project's potentially significant cumulative impacts related to archaeological resources to a less than significant level by ensuring adequate protection of archaeological resources.

NOISE

A-6 Direct/Indirect Significant Effect – Excessive Groundborne Vibration from SPRINTER Rail Line: Implementation of the proposed project would result in significant impacts related to the exposure of vibration sensitive land uses to groundborne vibration in close proximity to the SPRINTER rail line.

Mitigation Measures: The project includes the following mitigation measure which would reduce potentially significant impacts to below a level of significance:

- **Mitigation Measure Noi-2** (Setback of Vibration-Sensitive Land Uses from SPRINTER Alignment) requires future development of vibration-sensitive land uses within 450 feet of the SPRINTER right-of-way (ROW) or places where people sleep within 230 feet of the SPRINTER ROW to prepare a site-specific groundborne vibration analysis conducted by a qualified vibration analyst to determine that vibration levels generated by the SPRINTER at the proposed project site would not exceed the Federal Transit Administration's groundborne vibration standards for vibration sensitive equipment and sleep disturbance. If necessary, mitigation would be required for land uses in compliance with the standards listed in EIR Table 4.12-10, *General Plan Update Groundborne Vibration Impact Criteria*. This measure would minimize effects of groundborne vibration from operation of the SPRINTER rail line.

Facts in Support of Finding: Placement of new development in close proximity to the SPRINTER rail line would have the potential to result in impacts associated with excessive groundborne vibration. The General Plan Update Community Protection Element includes Noise Policy 5.5, which requires compliance with the Federal Transit Administration's vibration criteria for construction that would occur under the General Plan Update, Specific Plan Update and E-CAP. Compliance with this policy and implementation of mitigation measure Noi-2, which requires compliance with the standards listed in EIR Table 4.12-10, *General Plan Update Groundborne Vibration Impact Criteria*, would reduce potential groundborne vibration impacts related to future development to a less than significant level.

TRANSPORTATION AND TRAFFIC

A-7 Direct/Indirect Significant Effect – Traffic and Level of Service Standards: Implementation of the proposed project would result in a significant impact to the following nine roadway segments and one intersection throughout the proposed project area.

1. Escondido Boulevard between 13th Avenue and 15th Avenue (LOS E)
2. Escondido Boulevard between 15th Avenue and Felicita Avenue (LOS E)
3. Escondido Boulevard between Felicita Avenue and Sunset Drive (LOS E)
4. Centre City Parkway between 13th Avenue and Felicita Avenue (LOS E)
5. Citrus Avenue between Washington Avenue and Valley Parkway (LOS E)
6. Citrus Avenue between Bear Valley Parkway and Glen Ridge Road (LOS E)
7. 9th Avenue between La Terraza Boulevard and Tulip Street (LOS E)
8. Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street (LOS E)
9. Mission Avenue between Rose Street and Midway Drive (LOS E)

Intersections

1. I-15 SB Ramps/Valley Parkway (LOS F, PM peak hour)

Mitigation Measures: Implementation of the following feasible mitigation measures identified in the Final EIR would reduce impacts to the following roadways and intersections to a less than significant level.

- **Mitigation Measure Tra-3** (Escondido Boulevard between 13th Avenue and 15th Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Escondido Boulevard between 13th Avenue and 15th Avenue prior to the segment reaching a Level of Service (LOS) of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Escondido Boulevard between 13th Avenue and 15th Avenue to a less than significant level.
- **Mitigation Measure Tra-4** (Centre City Parkway between 13th Avenue and Felicita Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Centre City Parkway between 13th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Centre City Parkway between 13th Avenue and Felicita Avenue to a less than significant level.
- **Mitigation Measure Tra-5** (Escondido Boulevard between 15th Avenue and Felicita Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Escondido Boulevard between 15th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-

~~time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure states that implementation of mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between 15th Avenue and Felicita Avenue to a less than significant level below significant. Mitigation measure Tra-10 is discussed below.~~

- **Mitigation Measure Tra-6** (Escondido Boulevard between Felicita Avenue and Sunset Drive) ~~requires the City of Escondido to implement adaptive traffic signal control technology along Escondido Boulevard between Felicita Avenue and Sunset Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure states that implementation of mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between Felicita Avenue and Sunset Drive to a less than significant level below significant. Mitigation measure Tra-10 is discussed below.~~
- **Mitigation Measure Tra-7** (Citrus Avenue between Washington Avenue and Valley Parkway) requires the City of Escondido to implement adaptive traffic signal control technology along Citrus Avenue between Washington Avenue and Valley Parkway prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Citrus Avenue between Washington Avenue and Valley Parkway to a less than significant level.
- **Mitigation Measure Tra-8** (Citrus Avenue between Bear Valley Parkway and Glen Ridge Road) requires the City of Escondido to implement adaptive traffic signal control technology along Citrus Avenue between Bear Valley Parkway and Glen Ridge Road prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Citrus Avenue between Bear Valley Parkway and Glen Ridge Road to a less than significant level.
- **Mitigation Measure Tra-9** (9th Avenue between La Terraza Boulevard and Tulip Street) requires the City of Escondido to implement adaptive traffic signal control technology along 9th Avenue between La Terraza Boulevard and Tulip Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of 9th Avenue between La Terraza Boulevard and Tulip Street to a less than significant level.
- **Mitigation Measure Tra-10** (Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street) requires the City of Escondido to implement adaptive traffic signal control technology along Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street prior to

the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street to a less than significant level. As stated above, it would also reduce impacts to two segments of Escondido Boulevard (15th Avenue to Felicita Avenue and Felicita Avenue to Sunset Drive) to a less than significant level.

- **Mitigation Measure Tra-11** (Mission Avenue between Rose Street and Midway Drive) requires the City of Escondido to implement adaptive traffic signal control technology along Mission Avenue between Rose Street and Midway Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Mission Avenue between Rose Street and Midway Drive to a less than significant level.
- **Mitigation Measure Tra-12** (Interstate 15 Southbound Ramps/Valley Parkway Intersection) required the City of Escondido to provide a second right turn lane at the I-15 Northbound ramps to partially mitigate the impacts at this intersection. Future land developments would be required to contribute a fair share towards this improvement as well as any other improvements that may be needed in the future to mitigate this impact to below a level of significance.

Facts in Support of Finding. The roadway improvements proposed in mitigation measures Tra-3 through Tra-12 would improve traffic flow on the roadway segments and intersections listed above to an LOS D or better. Impacts would be mitigated to a less than significant level.

UTILITIES AND SERVICE SYSTEMS

A-8 Direct/Indirect Significant Effect – Adequate Wastewater Facilities (City of Escondido Wastewater Division): Implementation of the proposed project would have the potential to result in significant impacts related to wastewater facilities because the General Plan Update and Downtown Specific Plan Update would result in increased demand on existing wastewater systems due to increased sewage flows associated with the new development. Some E-CAP measures may also minimally increase wastewater flows within the proposed project area.

Mitigation Measures: The project includes the following mitigation measure which would reduce impacts to below a level of significance.

- **Mitigation Measure Util-2** requires the EWWD Wastewater Master Plan to be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing wastewater infrastructure and other measures/strategies that shall achieve the goal of providing adequate wastewater facilities to serve the buildout of the General Plan Update. The City shall also coordinate with VWD during its next Master Plan

Update process to ensure that it provides the necessary wastewater facilities to adequately account for the growth identified in the General Plan Update.

Facts in Support of Finding: An increase in wastewater flows due to implementation of the proposed project could result in the Escondido Wastewater Division (EWW) having inadequate capacity to serve the projected demand associated with the buildout of the General Plan Update, Downtown Specific Plan Update and implementation of the E-CAP. EWW maintains a Wastewater Collections Master Plan that considers existing and proposed land uses as well as growth projections to evaluate system adequacy for wastewater service. The City is currently in the process of updating the Wastewater Collections Master Plan to incorporate the proposed project's growth projections. However, until the updated Master Plan is adopted, the current Master Plan would remain in effect, which may not provide adequate capacity to serve the buildout of the proposed project.

Several elements of the General Plan Update address wastewater facilities. Within the Economic Prosperity Element, Minimizing Infrastructure Impediments Policies 9.1, 9.2 and 9.3 require the City to *plan for and coordinate sufficient wastewater infrastructure; work with agencies to develop and implement infrastructure improvements; and identify ways to obtain funding for infrastructure improvements.* Within the Growth Management Element, Policies 2.1, 2.2, 3.1, 3.2, 3.3, 4.1 and 4.2 deal with public facility master plan policies, financing and phasing. Growth Management Monitoring Policies 6.1, 6.2 and 6.3 require interagency coordination and monitoring, capital improvement planning efforts, and development proposals to minimize their environmental impacts. Within the Mobility and Infrastructure Element, Wastewater System Policies 11.1 through 11.11 relate specifically to wastewater treatment services. Wastewater System Policy 11.1 *requires regular updates to EWW's Wastewater Master Plan.*

While the proposed General Plan Update policies are intended to provide adequate wastewater facilities, specific measures are necessary to ensure that adequate facilities are available when needed. Therefore, mitigation measure Util-2 would be implemented to reduce the project's potentially significant impact associated with wastewater facilities to below a level of significant.

Section B – Finding 2

Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the Escondido City Council finds that, for each of the following significant effects as identified in the Final EIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The following are brief explanations of the rationale for this finding for each impact:

BIOLOGICAL RESOURCES

B-1 Cumulative Significant Effect – Special Status Plant and Wildlife Species: Implementation of the proposed project would have the potential to contribute to a significant cumulative impact

associated with the loss of habitat supporting special status plant and wildlife species. The impact is attributable to the lack of a comprehensive Natural Community Conservation Plan (NCCP) in place for the long-term protection of special status plant and wildlife species for the entire San Diego region. Without this plan in place, a cumulative loss of habitat supporting special status plant and wildlife species would occur, even after mitigation has been implemented for individual projects. A Multiple Habitat Conservation Plan (MHCP) has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's subarea plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including requirements for new development. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to sensitive species. Compliance with existing regulations and the General Plan Update goals and policies would reduce the project's direct and indirect impacts to special status species to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to species identified as a candidate, sensitive, or special status species. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's cumulative contribution to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's cumulatively considerable contribution to a significant cumulative impact to sensitive species would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with special status species to below a level of significance because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; the project's cumulative impacts to special status species would remain significant and unavoidable.

B-2 Cumulative Significant Effect – Riparian Habitat and Other Sensitive Natural Communities: Implementation of the proposed project would have the potential to contribute to a significant

cumulative impact associated with the loss of riparian habitat and other sensitive natural communities due to the lack of a comprehensive NCCP in place for the long-term protection of sensitive natural communities for the entire San Diego region. Without this plan in place, a cumulative loss of riparian and other sensitive habitat would occur, even after mitigation has been implemented for individual projects. A MHCP has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's Subarea Plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including riparian habitat and other sensitive natural communities. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to riparian habitat and other sensitive natural communities. Compliance with existing regulations, existing land use agreements, and the General Plan Update goals and policies would reduce the project's direct and indirect impacts to sensitive natural communities to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to sensitive natural communities. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's contribution to this cumulative impact to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's contribution to a significant cumulative impact to sensitive natural communities would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with sensitive natural communities to below significant because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible Project alternatives that would achieve a level of less than significant, impacts to riparian habitat and other sensitive natural communities would remain significant and unavoidable.

B-3 Cumulative Significant Effect – Wildlife Movement Corridors and Nursery Sites:

Implementation of the proposed project would have the potential to contribute to a significant cumulative impact associated with impacts to wildlife movement corridors and nursery sites due to the lack of a comprehensive NCCP in place for the long-term protection of wildlife movement corridors and nursery sites for the entire San Diego region. Without this plan in place, a cumulative loss of wildlife movement corridors and nursery sites would occur, even after mitigation has been implemented for individual projects. A MHCP has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's Subarea Plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including wildlife movement corridors and nursery sites. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to wildlife movement corridors and native wildlife nursery sites. Compliance with existing regulations and the General Plan Update goals and policies would reduce direct and indirect impacts to sensitive natural communities to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to wildlife movement corridors and nursery sites. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's cumulative contribution to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's contribution to a significant cumulative impact to wildlife movement corridors and nursery sites would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with wildlife movement corridors and nursery sites to below a level of significance because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts to wildlife movement corridors and nursery sites would remain significant and unavoidable.

TRANSPORTATION AND TRAFFIC

B-4 Direct/Indirect Significant Effect – Traffic and Level of Service Standards: Implementation of the proposed project would result in a significant impact to the segment of Montiel Road between Nordahl Road and Deodar Road (LOS E).

Mitigation Measures: The following mitigation measure would reduce this impact to a less than significant level. However, the City has determined that this measure would be infeasible, as described below.

- **Mitigation Measure Tra-2** (Montiel Road between Nordahl Road and Deodar Road) requires the City of Escondido to implement adaptive traffic signal control technology along Montiel Road between Nordahl Road and Deodar Road prior to the segment reaching an LOS of E or F. Adaptive traffic signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.

Rationale for Rejection. The mitigation for the proposed project's impact to the segment of Montiel Road between Nordahl Road and Deodar Road is considered to be infeasible because the timing and implementation of the mitigation measure is within the jurisdiction of another city and cannot be guaranteed by the City of Escondido. If and when the City of San Marcos desires to mitigate the impact to this segment, the City of Escondido would coordinate with San Marcos when significant traffic impacts to this segment are attributed to specific projects being processed in the City of Escondido. These projects would be required to undertake mitigation, such as a fair share contribution, pursuant to city direction. However, because the City of Escondido cannot guarantee the timing of implementation of the mitigation measure for this segment impact, the impact is considered to be significant and unavoidable.

Facts in Support of Finding. The proposed project would result in a roadway segment impact to Montiel Road between Nordahl Road and Deodar Road, which is located within the City of San Marcos. Mitigation measure Tra-2 would reduce this impact to a less than significant level. However, the City has determined that this measure would be infeasible as described above.

The General Plan Update includes policies that would reduce traffic and prevent the substantial deterioration of transportation resources within the proposed project area. Within the Mobility and Infrastructure Element, Transportation Demand Management (TDM) Policies 6.1, 6.2 and 6.3 require implementation of a TDM and complete streets program; employers to promote alternative transportation methods; and a TDM program for City employees. Street Network Policies 7.1, 7.2 and 7.3 require regulation of roadways in accordance with the Mobility and Infrastructure Element; specific alignment plans for unique situations; and the goal of meeting LOS C or better throughout the City and establishing LOS D as the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented 'smart growth' and Complete Streets design improvements,

high density infill areas, environmental resource considerations, existing development, freeway interchange impacts, and incomplete system improvements, the policies recognize that alternative levels of service may be appropriate for isolated areas as determined by the City.

Street Network Policies 7.4, 7.5 and 7.6 require adequate safety measures on new roadways; CIP funding for roadway projects; and the timely development of the mobility system. Street Network Policies 7.7 through 7.10 require analysis of traffic impacts on the regional transportation system, synchronizing traffic signals, and street beautification programs.

Traffic Calming Policies 9.1, 9.2, and 9.3 require effective traffic management solutions, innovative traffic control methods, and implementation of traffic calming measures. Goods and Services Transport Policies 10.1, 10.2 and 10.3 require designation of truck routes; minimization of impacts from truck traffic; and discourage the use of public streets for freight loading and unloading. Goods and Services Transport Policies 10.4, 10.5, and 10.6 require deliveries during off-peak traffic hours and cooperation with railroad operators.

Within the E-CAP, reduction measure R1-T7, Goods Movement and Efficiency Measures, promotes system-wide efficiency improvements in goods movement. Reduction measure R2-T1, Land Use Based Trips and Vehicle Miles Traveled (VMT) Reduction Policies, identifies land use strategies, consistent with the proposed General Plan Update, which would reduce VMT within the proposed Project area. Reduction measure R2-T3, Transit Improvements, encourages coordination to improve public transit facilities and reduce VMT. Reduction measure R2-T4, Transportation Demand Management, encourages ride-sharing, carpooling and alternative modes of transportation to reduce automobile travel.

None of the project alternatives would reduce impacts associated with traffic and level of service standards to below a significant level because all of the alternatives would allow for future development that would result in increases in traffic on project area roadways. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still contribute to a significant increase in traffic and impacts would be significant and unavoidable.

Because the mitigation measure Tra-2 listed above has been found to be infeasible; because no additional feasible mitigation measures are available to mitigate the impacts to a level below significant; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with traffic and level of service standards associated with Montiel Road between Nordahl Road and Deodar Road would be significant and unavoidable.

Section C – Finding 3

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the City of Escondido City Council finds that, for each of the following significant effects identified in the Final EIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or Project alternatives infeasible:

AIR QUALITY

C-1 Direct/Indirect Significant Effect – Air Quality Violations: Implementation of the proposed project would result in significant impacts related to the emission of volatile organic compounds (VOCs) and particulate matter less than 10 microns in diameter (PM₁₀) during construction. In addition, operational emissions of criteria air pollutants associated with future development occurring under the General Plan Update would exceed the significance thresholds for PM₁₀ and particulate matter less than 2.5 microns in diameter (PM_{2.5}).

Mitigation Measures: The following mitigation measures identified in the Final EIR would partially mitigate the significant impacts as follows:

- **Mitigation Measure Air-1** (Construction Dust Control Measures) requires grading activities for any future development within the General Plan Update planning area boundary to implement standard best management practices to reduce the emissions of fugitive dust. Five measures are identified, including watering of exposed soils, temporary hydroseeding, vehicle speed limits, covering stockpiles and PM₁₀-efficient street sweepers. Application of best management practices would prevent the release of construction-related pollutants and substantially reduce the potential for air quality violations.
- **Mitigation Measure Air-2** (Air Quality Impact Assessment) requires an Air Quality Impact Analysis to be prepared for projects within the General Plan Update boundary that exceed one of the air quality study trigger criteria identified in the Final EIR. The air quality impact assessment would require the identification and implementation of measures to prevent the release of operational pollutants, which would and substantially reduce the potential for air quality violations.

Facts in Support of Finding: The proposed project would result in a significant impact associated with the violation of an air quality standard because emissions of criteria pollutants associated with construction and operation of new residential, commercial, and industrial land uses allowable under the General Plan Update would exceed the screening-level thresholds for air pollutants. Specifically, implementation of the proposed project would result in significant impacts related to the emission of VOCs and PM₁₀ during construction and PM₁₀ and PM_{2.5} associated with operational emissions.

The General Plan Update identified goals and policies to reduce impacts associated with criteria air pollutants. Air Quality and Climate Protection goal 7, aims improve air quality in the City and the region to maintain the community's health and reduce greenhouse gas emissions that

contribute to climate change. This goal is supported by Air Quality and Climate Protection Policies 7.1 through 7.3 and 7.5 through 7.10. These policies require the City to participate in regional planning efforts to reduce air quality impacts and attain state and federal air quality standards; reduce regional greenhouse gas emissions through reducing vehicle trips and using non-polluting alternative energy; require that new development projects incorporate feasible measures that reduce construction and operational emissions; consider the development of park and ride facilities within the City in coordination with Caltrans; restrict the location of drive-through facilities in the City and require site layouts that reduce the amount of time vehicles wait for service; encourage businesses to alter local truck delivery schedules to occur during non-peak hours; encourage City employees to use public transit, carpool, and other alternate modes of transportation for their home to work commutes; require the City to purchase low-emission vehicles for the City's fleet and use clean fuel sources for trucks and heavy equipment; and require the City to educate the public about air quality, its effect on health, and efforts the public can make to improve air quality.

The proposed General Plan Update policies and mitigation measures listed above would reduce direct impacts to air quality violations; however, the construction schedules and specifications of future projects in the City are not known at this time. Realistically, yearly construction and operational emissions for all pollutants may be greater or lower depending on how development is implemented, where it is located, type of development, and how development is operated. Therefore, it cannot be determined with certainty whether the proposed mitigation measures, or any measures, would reduce impacts to a less than significant level. The proposed mitigation measures cannot guarantee that construction and operational emissions would be reduced to a less than significant level; therefore, this impact remains significant and unavoidable.

None of the proposed project alternatives would reduce impacts associated with air quality violations to below a significant level because any alternative that would allow for future development would result in construction and operational air pollutant emissions. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still result in new construction and new growth and the implementation of mitigation measures Air-1 and Air-2 as part of these alternatives cannot be guaranteed to reduce impacts to a less than significant level.

- C-2 Cumulative Significant Effect – Air Quality Violations:** As described above, implementation of the proposed project would result in a direct significant impact associated with the violation of an air quality standard during both construction and operation. In combination with other cumulative projects, the Project would have the potential to result in cumulatively considerable impacts.

Mitigation Measures: Mitigation measures Air-1 and Air-2 identified above would partially mitigate the project's significant cumulative impact associated with air quality violations, but not to below a level of significance.

Facts in Support of Finding: The potential exists for construction projects associated with the General Plan Update and those associated with other cumulative projects to take place in close proximity to each other and at the same time, particularly in the 15 project study areas where the greatest amount of growth and redevelopment would occur. The emissions of VOCs and PM₁₀ during construction under the General Plan Update would potentially exceed the threshold of significance. Therefore, a potentially significant cumulative impact would occur when the project's construction emissions are combined with other cumulative projects.

Similarly, operation of future development under the General Plan Update would have the potential to result in significant direct impacts to air quality from particulate matter emissions (PM₁₀ and PM_{2.5}) from vehicular sources. New stationary sources of criteria pollutants or projects that would increase vehicle trips may result in increases in pollutant emissions that result in significant unavoidable air quality impacts. In combination with other cumulative projects in the region, the proposed project would have the potential to exceed screening level thresholds for operational emissions. Therefore, the project's contribution to the regional air quality impacts related to particulate matter emissions (PM₁₀ and PM_{2.5}) would be cumulatively considerable.

General Plan Update policies and mitigation measures would reduce cumulative impacts to air quality violations, but they cannot guarantee that impacts would be reduced to below a level of significance. Therefore, proposed project impacts to air quality violations would remain cumulatively considerable.

NOISE

C-3 Direct/Indirect Significant Effect – Excessive Groundborne Vibration During Construction: Implementation of the proposed project would result in significant impacts related to the exposure of vibration sensitive land uses to groundborne vibration from construction of new land uses that may result in groundborne vibration.

Mitigation Measures: The following mitigation measures identified in the Final EIR would reduce the proposed project's significant impacts associated with groundborne vibration. Mitigation measure Noi-1 would partially mitigate the project's groundborne vibration impacts from construction.

- **Mitigation Measure Noi-1** (Construction Vibration Best Management Practices) requires all general construction activities that take place within 100 feet of a building with the potential to be damaged by excessive vibration, or use pile-driving, blasting, or other high-impact construction equipment within 200 feet of a daytime noise sensitive land use to

implement the construction best management practices recommended by the Federal Railroad Administration in the High Speed Ground Transportation Noise and Vibration Impact Assessment (2005). This measure would minimize effects of groundborne vibration and noise during construction.

Facts in Support of Finding: Construction of new land uses under the proposed project would have the potential to result in impacts associated with excessive groundborne vibration. The proposed project would also result in a significant impact related to groundborne noise during construction resulting in potential damage to buildings that may be susceptible to vibration damage from construction equipment. Sections 17-234, 17-238, and 17-240 of the City's Noise Ordinance limit operation of construction equipment to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading activities on Saturday may not begin until 10:00 a.m. and must end by 5:00 p.m. Compliance with the Noise Ordinance would restrict construction groundborne vibration and noise impacts from disturbing sleep. Implementation of mitigation Measure Noi-1 would reduce project-related groundborne vibration impacts from construction; however, because it is unknown at this time where future projects would be located or the construction schedules and construction equipment required for future development under the General Plan Update, it cannot be determined with certainty that the recommended best management practices (BMPs), or any other measures, would reduce impacts to a less than significant level. Therefore, impacts from groundborne vibration during construction would be temporarily significant and unavoidable.

None of the proposed project alternatives would reduce impacts associated with groundborne vibration and noise during construction to below a significant level because any alternative that would allow for future development would result in potential construction impacts. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to the reduced growth and associated construction allowed under these alternatives. However, these alternatives would still result in new construction and implementation of the BMPs proposed in mitigation measure Noi-1 cannot be guaranteed to reduce impacts from this growth to a less than significant level.

- C-4 Cumulative Significant Effect – Excessive Groundborne Vibration:** the proposed project, in combination with other proposed cumulative projects, would result in a potentially significant cumulative groundborne vibration impact due to construction activities and potential increases in rail operations.

Mitigation Measures: Mitigation measures Noi-1 and Noi-2 identified above would partially mitigate the project's significant cumulative impact regarding groundborne vibration associated with construction, but not to below a level of significance.

Facts in Support of Finding: The potential exists for the proposed project, in combination with cumulative construction projects in the vicinity of the proposed project, to result in combined vibration impacts if occurring simultaneously. Additionally, construction in close proximity to the SPINTER right-of-way or existing extraction operations could result in combined vibration impacts. Cumulative projects in the proposed project vicinity include potential increases in rail operations that would result in additional vibration. As discussed above, the proposed project would result in a significant direct impact associated with vibration from construction activities. Therefore, the proposed project, in combination with other proposed cumulative projects, would result in a potentially significant cumulative groundborne vibration impact due to construction activities and potential increases in rail operations.

General Plan Update policies and mitigation measures would reduce cumulative impacts to groundborne vibration impacts associated with construction, but they cannot guarantee that impact would be reduced to below a level of significance. Therefore, proposed project impacts to groundborne vibration and noise would remain cumulatively considerable.

- C-5 Cumulative Significant Effect – Permanent Increase in Ambient Noise Levels:** Implementation of the proposed project would result in a significant cumulative noise impact related to regional increases in traffic noise. Land use development proposed in accordance with the proposed project would contribute to cumulative future roadway traffic which would contribute to a cumulative increase in ambient noise levels.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

The following mitigation measures were considered to reduce impacts associated with the permanent increase of ambient noise levels to below a significant level. However, the City has determined that these measures would be infeasible, as described below. Therefore, the following mitigation measures will not be implemented.

- (1) Require future development to construct walls or other barriers that would attenuate noise to the sensitive receptors behind the barrier for any potential increases in regional roadway noise for which no other mitigation is available.

Rationale for Rejection: This measure is considered to be infeasible because it would potentially require installation of noise walls within private property, within designated rights-of-way, or otherwise outside of the City's jurisdiction, which may not be allowed by a property owner or by the jurisdiction in which the sound barrier would be located. The feasibility of noise walls is also restricted by access requirements for driveways, presence of local cross streets, underground utilities, other noise sources in the area, and safety considerations. Breaks in the noise wall for access would not provide any noise attenuation and would render the wall ineffective. Additionally, for safety reasons, Caltrans states that noise barriers should not exceed 14 feet in

height¹. Due to high existing noise levels, particularly along I-15, a noise barrier of more than 14 feet may be required to reduce noise levels along some roadway segments to an acceptable noise level for noise sensitive land uses. Finally, construction of a noise barrier would potentially wall off existing neighborhoods or individual residences from the surrounding community, which could result in adverse impacts to aesthetics, land use, and potentially public safety because the noise walls would limit the visibility of residences from the surrounding area². Natural surveillance is one of the four principles of Crime Prevention through Environmental Design³. Therefore, for the reasons listed above, this mitigation measure would not be implemented.

- (2) Implement a Citywide moratorium on building permits for projects that would result in a potentially significant increase in regional roadway noise for which no feasible mitigation is available.

Rationale for Rejection: This measure is considered to be infeasible because it would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update by prohibiting future development in areas identified for increased growth in the proposed project area. This mitigation measure would also conflict with the project objective to meet the housing needs of existing and future residents. Therefore, for the reasons listed above, this mitigation measure would not be implemented.

Facts in Support of Finding: The Final EIR prepared for the SANDAG 2050 RTP (SCH # 2010041061) determined that regional transportation improvements and increased regional traffic volumes associated with regional growth would have the potential to result in a substantial permanent increase in ambient noise levels. The EIR also concluded that impacts would be cumulatively considerable and unavoidable. Consistent with these findings, the EIR prepared for the proposed project determined that a significant cumulative impact related to regional increases in traffic noise would occur. Because the proposed project would allow for the development of future land uses that would result in increased future roadway traffic, the proposed project was determined to have a cumulatively considerable contribution to this significant cumulative noise impact.

Implementation of General Plan Noise Policy 5.6 from the Community Protection Element would require future development with the potential to substantially increase noise levels to prepare a noise technical report and attenuate increases in noise levels at nearby sensitive receptors. However, implementation of this policy would not reduce cumulative impacts to a less than significant level because it cannot be guaranteed that noise levels would be reduced to below the applicable threshold.

¹ Caltrans 2011

² FHWA 2011

³ NCPC 2003

None of the proposed project alternatives would reduce impacts associated with the permanent increase in ambient noise levels to below a significant level because all of the alternatives would allow for future development which would result in an increase in regional traffic noise. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced overall growth under these alternatives; however, these alternatives would still contribute to an increase in regional traffic noise and impacts would be cumulatively considerable and unavoidable.

Because the measure listed above has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with the permanent increase in ambient noise levels would remain cumulatively considerable and unavoidable.

POPULATION AND HOUSING

C-6 Direct/Indirect Significant Effect – Displacement of Housing and People: Implementation of the proposed project would result in a significant impact associated with the potential future displacement of up to 142 existing residential dwelling units as a result of the General Plan land use designations and up to 300 homes and as a result of expansion or construction of the proposed circulation system.

Mitigation Measures: The following mitigation measure identified in the Final EIR would partially mitigate the project's direct significant impact associated with the displacement of housing and people, although not to below a level of significance.

- **Mitigation Measure Pop-1** requires the City of Escondido to coordinate with property owners that would experience displacement under the proposed General Plan Update to communicate the implications of the proposed project on their property and to address public concerns and comments. This mitigation measure would ensure communication with property owners regarding displacement of housing and people.

The following mitigation measure was also considered to reduce impacts associated with residential displacement to a less than significant level. However, the City has determined that this measure would be infeasible, as described below. Therefore, the following mitigation measure will not be implemented.

- (1) The City shall retain the residential land use designation for each of the 142 residential parcels within the proposed project area that would receive a non-residential land use designation under implementation of the General Plan Update. Additionally, the City shall preclude the expansion or construction of roadways or pedestrian facilities identified for improvements in the

proposed General Plan Mobility and Infrastructure Element in all areas that would result in the displacement of residences or businesses.

Rationale for Rejection: This measure would effectively result in no displacement of residential homes or people within the General Plan Update area. However, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future commercial, office and industrial and transportation-related development in areas identified for mixed use, smart growth and employment lands in the proposed project area. Additionally, retaining the residential land use designation for these parcels would result in a land use compatibility conflict by allowing future residential development to occur immediately adjacent to new industrial, office or commercial development. This mitigation measure would also conflict with the project's objective to maintain areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic based and provide employment opportunities, create an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, high density residential, entertainment and cultural uses. For the reasons listed above, this mitigation measure is considered infeasible and would not be implemented.

Facts in Support of Finding: The proposed General Plan Update land use designations would result in the displacement of up to 142 existing residential dwelling units. Additionally, up to 300 homes and businesses have the potential to be displaced from the expansion or construction of the proposed project's circulation system. Compared to existing conditions, implementation of the General Plan Update would accommodate an additional 9,924 dwelling units by year 2035. Although this increase in new residences would more than offset the displacement of a combined maximum of 442 residences and businesses, the displacement of residences is still considered to be a significant impact because the City considers any residential housing displacement to be a significant impact.

Section I, General Plan Opportunity Areas, within the Land Use and Community Form Element of the proposed General Plan Update relates specifically to the preservation of existing housing within areas proposed for non-residential land uses. As stated in the Land Use and Community Form Element, criteria and standards for proposed grading, circulation, and utility extensions should avoid adverse impacts to existing residential properties and allow integration of adjacent SPA properties.

None of the project alternatives would reduce impacts associated with displacement of housing to below a significant level because all of the project alternatives would allow for future development that would potentially result in some residential displacement. The Reduced Employment Alternative would reduce this impact as compared to the proposed project because of the reduction in new employment land uses that would allowed under this

alternative; however, displacement of some housing would still occur under this alternative which would be considered significant and unavoidable.

Because the mitigation measure listed above has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with the displacement of housing and people would be cumulatively considerable and unavoidable.

TRANSPORTATION AND TRAFFIC

C-7 Direct/Indirect Significant Effect – Traffic and Level of Service Standards: Implementation of the proposed project would result in a significant impact to the following four roadway segments and six intersections throughout the proposed project area:

Roadway Segments

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

Intersections

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

Mitigation Measures: The following mitigation measure identified in the Final EIR would partially mitigate the project's significant impact to four roadway segments and six intersections, although not to below a level of significance. Even with implementation of the identified mitigation measure, these roadway segments and intersections would operate at an unacceptable LOS. No additional feasible mitigation measures are available to reduce impacts associated with these roadways and intersections to a less than significant level.

- **Mitigation Measure Tra-1** requested the City of Escondido to implement intersection improvement treatment and adaptive traffic signal control technology along the following roadway segments and at the following intersections prior to reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.

Roadway Segments

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

Intersections

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

Facts in Support of Finding. Implementation of the General Plan Update would result in four roadway segments and six intersections experiencing significant and unavoidable traffic impacts. To offset the impacts, these segments and intersections would undergo intersection improvement treatment and adaptive traffic signal control technology to improve traffic flow. However, even after implementing such treatment/technology improvements, these street segments and intersections would continue to operate at an unacceptable LOS.

The General Plan Update includes policies that would reduce traffic and prevent the substantial deterioration of transportation resources within the proposed project area. Within the Mobility and Infrastructure Element, Transportation Demand Management (TDM) Policies 6.1, 6.2 and 6.3 require implementation of a TDM and complete streets program; employers to promote alternative transportation methods; and a TDM program for City employees. Street Network Policies 7.1, 7.2 and 7.3 require regulation of roadways in accordance with the Mobility and Infrastructure Element; specific alignment plans for unique situations; and the goal of meeting LOS C or better throughout the City and establishing LOS D as the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented 'smart growth' and Complete Streets design improvements, high density infill areas, environmental resource considerations, existing development, freeway interchange impacts, and incomplete system improvements, the policies recognize that alternative levels of service may be appropriate for isolated areas as determined by the City.

Street Network Policies 7.4, 7.5 and 7.6 require adequate safety measures on new roadways; CIP funding for roadway projects; and the timely development of the mobility system. Street Network Policies 7.7 through 7.10 require analysis of traffic impacts on the regional transportation system, synchronizing traffic signals, and street beautification programs.

Traffic Calming Policies 9.1, 9.2, and 9.3 require effective traffic management solutions, innovative traffic control methods, and implementation of traffic calming measures. Goods and

Services Transport Policies 10.1, 10.2 and 10.3 require designation of truck routes; minimization of impacts from truck traffic; and discourage the use of public streets for freight loading and unloading. Goods and Services Transport Policies 10.4, 10.5, and 10.6 require deliveries during off-peak traffic hours and cooperation with railroad operators.

Within the E-CAP, reduction measure R1-T7, Goods Movement and Efficiency Measures, promotes system-wide efficiency improvements in goods movement. Reduction measure R2-T1, Land Use Based Trips and Vehicle Miles Traveled (VMT) Reduction Policies, identifies land use strategies, consistent with the proposed General Plan Update, which would reduce VMT within the proposed Project area. Reduction measure R2-T3, Transit Improvements, encourages coordination to improve public transit facilities and reduce VMT. Reduction measure R2-T4, Transportation Demand Management, encourages ride-sharing, carpooling and alternative modes of transportation to reduce automobile travel.

None of the project alternatives would reduce impacts associated with traffic and level of service standards to below a significant level because all of the alternatives would allow for future development that would result in increases in traffic on project area roadways. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still contribute to a significant increase in traffic and impacts would be significant and unavoidable.

Because no feasible mitigation measures are available to mitigate the four segment impacts and six intersection impacts to a level below significant; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with traffic and level of service standards would be significant and unavoidable.

- C-8 Cumulative Significant Effect – Traffic and Level of Service Standards:** Implementation of the proposed project would result in a significant cumulative impact to traffic and level of service standards associated with 14 deficient roadway segments and seven deficient intersections in the year 2035.

Facts in Support of Finding: The discussion provided above for the project's direct/indirect impacts to traffic and level of service standards also applies to the project's cumulative impact, since it analyzes the cumulative 2035 buildout scenario. The proposed General Plan Update, in combination with other cumulative projects, would result in a significant cumulative impact to 14 roadway segments and seven intersections in the project area. The proposed project's contribution to the significant impacts would be cumulatively considerable. General Plan Update policies and mitigation measures would reduce some cumulative impacts to a less than significant level, but not all. No feasible mitigation measures or alternatives are available to achieve an acceptable LOS at all project area intersections and roadway segments. Therefore,

project impacts to the specified traffic and level of service standards would remain cumulatively considerable.

UTILITIES AND SERVICE SYSTEMS

C-9 Direct/Indirect Significant Effect – Adequate Water Supplies: Implementation of the proposed project would result in a significant impact related to adequate water supplies due to an increase in water demand that would exceed existing entitlement and resources, or necessitate new or expanded entitlements.

Feasible Mitigation Measures: Implementation of the following feasible mitigation measure identified in the Final EIR would partially mitigate the proposed project's impact, although not to below a level of significance.

- **Mitigation Measure Util-1** requires the Escondido Water and Wastewater Division (EWWD) Water Distribution Master Plan to be updated to accommodate the buildout of the proposed General Plan Update. This would be achieved by increasing and/or expanding existing water infrastructure, providing recycled water distribution facilities throughout the City to offset potable water demand for landscaping and other purposes and other measures/strategies that achieve the goal of providing an adequate water supply to serve the buildout of the General Plan Update.

Infeasible Mitigation Measures

The following mitigation measure would fully reduce the proposed project's impact to adequate water supply to below a level of significance. However, this measure has been determined by the City to be infeasible, as discussed below.

- (1) Implement a Citywide moratorium on building permits and development applications in any areas of the City that would have an inadequate imported water supply to serve future development until adequate supplies are procured.

Rationale for Rejection: This measure would effectively result in no increase in the amount of imported water demand within the General Plan Update area. However, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future development in areas identified for increased growth in the proposed project area. This mitigation measure would also conflict with the project objective to meet the housing needs of existing and future residents. Therefore, this mitigation measure would not be implemented.

Facts in Support of Finding: Implementation of the proposed project would accommodate an increase in population, housing and other development within the project area, which would increase water demand and potentially result in an inadequate water supply based on water

supply shortages predicted during multiple dry-water years in the San Diego County Water Authority (SDCWA) 2010 Urban Water Management Plan (UWMP).

While the City's allocation of water is controlled by the SDCWA and not within the jurisdiction of the City of Escondido, multiple policies in the Mobility and Infrastructure Element of the General Plan Update relate to the provision of an adequate water supply. In the Mobility and Infrastructure Element, Water System Policies 10.1 through 10.14 relate specifically to potable water infrastructure. Policies 10.1 through 10.4 require regular updates of the Water Master Plan; maintenance of an adequate water supply, treatment, and distribution system to meet normal and emergency situations; and design of the water supply and distribution system, including the Escondido-Vista Water Treatment Plant, to address the General Plan Update land use projections. Water System Policies 10.5 and 10.6 address financing of new water infrastructure and require new development to provide adequate water facilities or finance the costs of improvements. Water System Policies 10.7 through 10.14 require the proper construction of new water infrastructure; improvements to target areas; reduced costs and GHG emissions; adherence to federal and state drinking water quality standards; implementation of water conservation programs; incorporation of water conservation techniques into building and site design; increased recycled water use; and education about water conservation and reclamation.

The proposed E-CAP contains a number of reduction measures that would promote water conservation, which would subsequently reduce potable water demand. Reduction measure R2-W2, Water Conservation Strategies, aims to increase the use of recycled water and the incorporation of water efficient fixtures, drought tolerant landscaping, permeable hardscapes, and onsite stormwater capture and reuse facilities. Reduction measure R2-W3, Increased Recycled Water Use, promotes development that incorporates the use of recycled water. Reduction measure R3-W1, Water Efficiency and Conservation Education, promotes water conservation strategies.

The General Plan Update policies and E-CAP reduction measures listed above would minimize the proposed project's potentially significant impacts associated with adequate water supply. However, even with these policies and reduction measures in place, implementation of the proposed project would accommodate an increase in population, housing and other development within the project area, which would increase water demand and potentially result in inadequate water supplies. Impacts would remain significant and unavoidable, even with implementation of mitigation measure Util-1.

None of the project alternatives would reduce impacts associated with adequate water supply to below a significant level because all of the alternatives would increase future water demand by accommodating new growth. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts compared to the proposed project due to reduced overall growth under these alternatives; however, these alternatives would still contribute to an

increase in water demand that would have the potential to exceed available supply and result in a significant and unavoidable impact.

Because mitigation measure Util-1 would not reduce the project's impact to a less than significant level; because the only mitigation measure that would fully mitigate the project's significant impact has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with adequate water supply would be significant and unavoidable.

- C-10 Cumulative Significant Effect – Adequate Water Supplies:** Implementation of the proposed project would result in a significant cumulative impact related to inadequate water supplies.

Facts in Support of Finding: The SDCWA 2010 UWMP predicts water shortages during multiple dry water year conditions. The proposed project, in combination with other cumulative projects, would increase the demand for potable water in the service area of SDCWA and would be subject to, and potentially exacerbate, the water shortage during multiple dry water years. Additionally, the proposed General Plan Update and Downtown Specific Plan Update growth projections are not accounted for in the various 2010 UWMPs prepared by water district's serving the proposed project area and would potentially be subject to inadequate water supplies. Therefore, the proposed project would result in a cumulatively considerable contribution to a significant cumulative impact related to future water demand. General Plan Update and E-CAP policies and mitigation measures would reduce future water demand, but not to below a level for which adequate water supply could be ensured. No feasible mitigation measures or alternatives are available to achieve a less than significant impact. Therefore, project impacts related to adequate water supply would remain cumulatively considerable.

- C-11 Direct/Indirect Significant Effect – Sufficient Landfill Capacity:** Implementation of the proposed project would result in a significant impact related to sufficient landfill capacity because the proposed project would allow for the development of land uses that would increase the demand for solid waste disposal, which may not be served by landfills with adequate capacity to accommodate the project's future solid waste disposal needs.

Feasible Mitigation Measures: No feasible mitigation measures are available to mitigate this impact to a less than significant level.

Infeasible Mitigation Measures: The following mitigation measures (and variations of these measures) were considered in attempting to reduce impacts associated with sufficient landfill capacity to below a level of significance. However, the City has determined these measures to be infeasible for the reasons listed below. Therefore, these mitigation measures would not be implemented.

- (1) Require all proposed development to obtain written verification of sufficient landfill capacity for the next 20 years.

Rationale for Rejection: This mitigation measure would prove infeasible because existing landfill facilities are not projected to have sufficient capacity to serve future demand. Therefore, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future development in areas identified for increased growth in the proposed project area. This mitigation measure would conflict with the project objective to meet the housing needs of existing and future residents because new development would be unable to obtain verification of adequate landfill capacity for the next 20 years and, therefore, future growth in the City would be prohibited. For the reasons listed above, this mitigation measure would not be implemented.

- (2) Require any proposed project that is expected to result in an increase in solid waste disposal demand to construct a solid waste disposal facility, concurrent with development, to meet the needs of the project.

Rationale for Rejection: This mitigation measure would prove infeasible because it places the burden of development of new solid waste disposal facilities on the developer, would require permits from local and state agencies, and would have the potential result in significant environmental impacts from the construction of multiple solid waste facilities throughout the proposed project area. Implementing multiple solid waste disposal sites would increase environmental degradation throughout the proposed project area.

Facts in Support of Finding: If additional landfills are not constructed and existing landfills are not expanded, the County's Integrated Waste Management Plan Siting Element estimates that the County of San Diego, including the proposed project area, will run out of physical landfill capacity by 2016. The horizon year of the General Plan is 2035 and land uses proposed under the General Plan Update could generate solid waste requiring disposal well beyond year 2035. Therefore, the development of future land uses as designated in the proposed General Plan Update and Downtown Specific Plan Update would have the potential to be served by landfills with insufficient capacity to accommodate future solid waste disposal needs. Solid waste generated from implementation of E-CAP reduction measures would also be potentially served by landfills with insufficient capacity. The siting of new landfills and/or expansion of existing landfills is outside of the jurisdiction of the City of Escondido.

While the siting of new landfills and/or expansion of existing landfills is outside of the jurisdiction of the City of Escondido, the General Plan Update contains several policies within the Mobility and Infrastructure Element to assist in ensuring adequate landfill capacity is available to the City. Solid Waste and Recycling Policy 13.1 requires the support of efforts to maintain adequate solid waste facilities and services by working with local service providers of solid waste collection, disposal, and recycling. Solid Waste and Recycling Policies 13.2 through 13.7 require regular updates of the Citywide Recycling Plan; continued support of residential, commercial, and construction recycling programs; consideration of commercial recycling programs; encouragement of construction waste recycling; provision of electronic waste drop off locations; and encouragement of recycled materials in new construction. Solid Waste and Recycling Policies 13.8 through 13.11 promote local businesses that manufacture, distribute,

and sell recycled materials; sponsor annual clean-up events; allow small solid waste collection facilities in commercial and industrial areas; and allow sites for solid waste transfer stations in designated areas.

The proposed E-CAP includes two reduction measures that would reduce solid waste generation and disposal. Reduction measure R2-S1, Waste Disposal Programs, sets a stringent target for Escondido waste disposal rates and reduction measure R3-S2, Waste-Related Education and Outreach, promotes public education efforts about residential and commercial waste reduction.

While proposed General Plan Update policies, E-CAP reduction measures and existing regulations are intended to provide adequate solid waste disposal facilities for the future and increase waste diversion, unless additional landfill facilities are provided, impacts would remain significant and unavoidable.

None of the project alternatives would reduce impacts associated with landfill capacity to a less than significant level because all of the alternatives would increase landfill demand by accommodating new growth. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts compared to the proposed project due to overall reduced growth associated with these alternatives; however, these alternatives would still contribute to an increase in solid waste generation beyond 2016 that would result in a potentially significant and unavoidable impact.

Because the mitigation measures listed above have been found to be infeasible; because application of all General Plan Update and E-CAP goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with landfill capacity would be significant and unavoidable.

C-12 Cumulative Significant Effect – Sufficient Landfill Capacity: Implementation of the proposed project would result in a significant cumulative impact related to sufficient landfill capacity.

Facts in Support of Finding: The proposed project, in combination with other cumulative projects, would increase the demand for solid waste disposal and management needs within the region. As discussed above under Direct/Indirect Significant Effect - Sufficient Landfill Capacity, if additional landfills are not constructed and existing landfills are not expanded, the County's Integrated Waste Management Plan Siting Element estimates that the County of San Diego, including the proposed project area, will run out of physical landfill capacity by 2016. Since the proposed project and many cumulative projects would be constructed and/or have an operational life that exceeds 2016, the expected year for regional landfills to reach capacity, the existing regional landfill facilities do not have adequate capacity to accommodate the increase in solid waste disposal needs that would occur from development of cumulative projects.

Therefore, cumulative regional projects would result in a potentially significant cumulative

impact associated with insufficient landfill capacity and the proposed project's contribution would be cumulatively considerable.

The project would result in a cumulatively considerable contribution to a significant cumulative impact related to landfill capacity. General Plan Update policies and mitigation measures would reduce future solid waste generation, but not to below a level for which sufficient landfill capacity could be ensured. No feasible mitigation measures or alternatives are available to achieve a less than significant impact. Therefore, project impacts related to sufficient landfill capacity would remain cumulatively considerable.

Section D – Findings Regarding Alternatives

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Seven alternatives to the proposed project were analyzed, including the No Project Alternative, Reduced Employment Alternative, Reduced Residential Alternative, Blended Reduced Downtown/Focused Smart Growth and Employment Alternative, Mobility and Infrastructure Element Downtown Couplet Alternative, Promenade Retail Center and Vicinity Alternative, and Nutmeg Street Alternative. The last three alternatives are planning alternatives that do not meet the purpose of an alternative as identified in CEQA Guidelines Section 15126.6 because they would not be capable of avoiding or substantially lessening the significant effect of the project. However, these alternatives were considered and evaluated due to interest identified by members of the public, City staff and/or the City Council. In addition, a number of alternatives were considered and ultimately rejected from further analysis, as described in Section 6.2 of the EIR, pursuant to CEQA Guidelines Section 15126.6(c).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the proposed project, while still causing certain unavoidable significant environmental impacts, would result in substantial environmental, planning, public safety, economic, and other benefits. In rejecting the alternatives that were analyzed in the EIR, the City of Escondido has examined the project objectives and weighed the ability of each of the various alternatives to meet the objectives. The City finds that the proposed project best meets the project objectives with the least environmental impact. The objectives that were adopted by the City, and which set the framework for the project, are as follows:

1. Establish General Plan boundaries that allow for the planning of quality, managed and sustainable growth, while meeting the housing needs of existing and future residents during the General Plan's planning horizon (year 2035).
2. Maintain residential densities in outlying areas to accommodate growth, preserve and enhance existing neighborhoods, guide additional growth towards downtown and along key transportation corridors and improve circulation and safety for vehicles and pedestrians.

3. Maintain areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic base and provide opportunities for the full employment of a diverse set of skills.
4. Create an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, residential, entertainment and cultural uses.
5. Achieve a sustainable and integrated system of land use and transportation in the City in a manner that will:
 - a. Significantly decrease overall community consumption, specifically the consumption of non-local, non-renewable and non-recycled materials, water, and energy and fuels.
 - b. Within renewable limits, encourage the use of local, non-polluting, renewable and recycled resources (water, wind, solar and geothermal energy and material resources).
 - c. Create a multi-modal transportation system that minimizes and, where possible, eliminates pollution and motor vehicle congestion while ensuring safe mobility and access for all without compromising the ability to protect public health and safety.
 - d. Facilitate a reduction in automobile dependency in favor of affordable alternative, sustainable modes of travel.
 - e. Implement land use and transportation planning and policies to foster compact, mixed use projects, forming urban villages designed to maximize housing choices and encourage walking, bicycling and the use of existing and future public transit systems.
 - f. Encourage residents to recognize that they share the local ecosystem with other living things that warrant respect and responsible stewardship.
6. Provide a list of specific actions that will reduce Greenhouse Gas (GHG) emissions, with the highest priority given to actions that provide the greatest reduction in GHG emissions and benefits to the community at the least cost, while establishing a qualified reduction plan from which future development within the City can tier.

The following provides a summary of each alternative fully analyzed in Chapter 6 of the Final EIR. The summary includes rationale as to why each alternative has been rejected.

No Project Alternative

The No Project Alternative (refer to Subchapter 6.3.1 of the Final EIR) assumes that the proposed project, including the General Plan Update, Downtown Specific Plan Update and Climate Action Plan, would not be adopted or implemented and the currently adopted City of Escondido General Plan (1990) would be the applicable planning document for the proposed project area. Development and redevelopment would continue to occur in the proposed project area under the existing General Plan; however, when compared to the proposed project, this alternative would not incorporate higher density development in the downtown and urban core area, accommodate greater residential, commercial and industrial development in the 15 project study areas or implement smart growth concepts. Under the

No Project Alternative, land use designations within the proposed project area would occur as designated in the adopted General Plan.

Whereas the proposed project would guide future development toward a higher quality of life by incorporating smart growth principles and encouraging sustainability, the No Project Alternative would accommodate growth in the City, but would not encourage multi-modal transportation, increased energy and water efficiency, or preservation of existing communities by focusing new growth in suitable areas of the city. Under the No Project Alternative, community-wide GHG emissions in the City would continue to increase as a result of new development allowed under the existing General Plan (1990) but the proposed E-CAP reduction measures would not be implemented. Without implementation of the E-CAP reduction measures or additional mitigation measures, future development under the No Project Alternative would conflict with the goals of Assembly Bill (AB) 32. Moreover, the No Project Alternative does not include any of the mitigation measures for future development described in the EIR and the Mitigation Monitoring and Reporting Program (MMRP) for potentially significant impacts related to growth that cannot be avoided under this alternative, including air quality, noise and traffic.

The No Project Alternative would only partially meet four of the proposed project objectives (1, 2, 3 and 4) and would not meet the other two objectives (5 and 6). The No Project Alternative would partially meet Objectives 1 and 2 because this alternative would preserve and enhance existing neighborhoods and improve circulation and safety but would not guide additional growth towards downtown or along key transportation corridors and would not adjust the existing General Plan boundaries to allow for the planning of quality, managed and sustainable growth or meet the housing needs of future residents. The No Project Alternative would partially meet Objectives 3 and 4 because it would provide employment uses (Objective 3) and promote a developed downtown and urban core (Objective 4), although not to the same extent as the proposed project. Objectives 5 and 6 would not be met by the No Project Alternative because the E-CAP measures to reduce energy usage and associated GHG emissions would not be implemented. In addition, SANDAG's smart growth strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment (LLG 2011c) would not be implemented. For these reasons, the No Project Alternative would only partially meet three of the proposed project objectives and would not meet the other two project objectives.

Therefore, the No Project Alternative has been rejected because it fails to fully meet any of the six project objectives, would not substantially avoid the potentially significant impacts of the proposed project, and would not encourage sustainable growth, resulting in conflicts with AB 32.

Reduced Employment Alternative

The Reduced Employment Alternative (refer to Subchapter 6.3.2 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under the Reduced Employment Alternative, multiple areas identified for employment land uses under the proposed project would be reduced or eliminated entirely. The Reduced Employment Alternative would accommodate the same total number of dwelling units as the proposed project. However,

the Reduced Employment Alternative would accommodate a total of 7,457,000 square feet (sf) of employment land uses, which is 6,193,000 sf fewer employment land uses than would be accommodated by the proposed project.

This alternative would promote sustainable development, a variety of housing, and some economic development; however, this alternative would not provide the same jobs and housing balance promoted by the proposed project to serve future residents. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Reduced Employment Alternative would meet Objectives 1, 2, 5 and 6. This alternative would be consistent with Objective 1 because it would establish the same General Plan boundary as the proposed project, meeting the housing needs of future residents. The Reduced Employment Alternative would meet Objective 2 because it would maintain residential densities in outlying areas to accommodate growth, preserve existing neighborhoods, guide additional growth towards the downtown and along key transportation corridors and improve circulation and safety. This alternative would achieve Objectives 5 and 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement SANDAG's smart growth strategies that promote multi-modal transportation and the alternative transportation concepts. The Reduced Employment Alternative would not meet Objectives 3 or 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core (Objective 4).

Therefore, the Reduced Employment Alternative has been rejected because it fails to meet two of the six project objectives and would not substantially lessen or avoid the potentially significant impacts of the proposed project.

Reduced Residential Alternative

The Reduced Residential Alternative (refer to Subchapter 6.3.3 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under the Reduced Residential Alternative, multiple areas identified for smart growth residential land uses under the proposed project would be reduced or eliminated entirely. When compared to the proposed project, the Reduced Residential Alternative would accommodate a total of 5,899 dwelling units, or 4,025 less dwelling units than would be accommodated by the proposed project. The Reduced Residential Alternative would accommodate the same square footage of employment land use as the proposed project.

This alternative would promote sustainable development through the E-CAP measures and would provide a variety of economic development; however, this alternative would not promote smart growth or provide a variety of housing to the extent of the proposed project. The Reduced Residential Alternative would not

generate the housing needed to attract the desired mix of entertainment and activities that rely on a denser, higher populated urban core. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Reduced Residential Alternative would meet Objectives 2, 3 and 6 and partially meet Objectives 1, 4 and 5. The Reduced Residential Alternative would partially meet Objective 1 because it would establish the same General Plan boundary as the proposed project; however, it would not meet the long-term housing needs of future residents identified in Objective 1. The Reduced Residential Alternative would meet Objective 2 because it would preserve existing neighborhoods, guide additional growth towards the downtown and along key transportation corridors, and improve circulation and safety for vehicles and pedestrians. Although this alternative would result in a reduction in residential land uses, it would still result in the ability to create and sustain a strong economic base for the community by proposing the same amount of employment lands as the proposed project (Objective 3). This alternative would partially meet Objective 4, because it would create an economically viable urban downtown and core but would not provide the needed residential development in the downtown area to support those economic uses. This alternative would partially meet Objective 5, because it would achieve a sustainable and integrated system of land use and transportation. However, it would not create compact, mixed use projects, forming urban villages designed to maximize affordable housing to the same extent as the proposed project because multiple areas identified for smart growth residential land uses under the proposed project would be reduced or eliminated entirely under this alternative. The Reduced Residential Alternative would achieve Objective 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment prepared by LLG Engineers (Appendix I3 in Volume II of the Final EIR).

Therefore, the Reduced Residential Alternative has been rejected because it would only partially meet three of the six project objectives and would not substantially lessen or avoid the potentially significant impacts identified for the proposed project.

Blended Reduced Downtown/Focused Smart Growth and Employment Alternative

The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative (refer to Subchapter 6.3.4 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under this alternative multiple areas identified for smart growth residential land uses and employment land uses under the proposed project would be reduced or eliminated entirely. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would accommodate 2,625 less dwelling units than the proposed project, for a total of only 7,299 dwelling units by 2035. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would accommodate a total of 10,575,000 sf of employment land uses, which is

3,075,000 sf less than would be accommodated by the proposed project. The primary areas where residential and/or employment land uses would be reduced are the Downtown SPA, Felicita Avenue and Centre City Parkway, Transit Station Target Area, Centre City Parkway/ Brotherton Road Target Area, East Valley Parkway Target Area and Imperial Oaks SPA.

This alternative would promote sustainable development through the E-CAP measures and some variety of residential and economic development; however, this alternative would not promote smart growth, improve the jobs to housing balance, or provide a variety of housing and employment opportunities to the extent of the proposed project. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would not generate the housing needed to attract the desired mix of entertainment and activities that rely on a denser, higher populated urban core. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would meet Objectives 2 and 6, partially meet Objectives 1 and 5, and not meet Objectives 3 and 4. This alternative would partially meet Objective 1 because it would establish the same General Plan boundary as the proposed project; however, it would not meet the long-term housing needs of future residents identified in Objective 1. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would meet Objective 2 because it would maintain residential densities in outlying areas, preserve and enhance existing neighborhoods, guide some growth towards downtown and along key transportation corridors, and improve circulation and safety for vehicles and pedestrians. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would not meet Objective 3 or Objective 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core because it would not provide as much residential, retail and office development in the downtown area as the proposed project (Objective 4). This alternative would partially meet Objective 5, because it would achieve a sustainable and integrated system of land use and transportation. However, it would not create compact, mixed use projects, forming urban villages designed to maximize affordable housing to the same extent as the proposed project because multiple areas identified for smart growth residential land uses under the proposed project would be reduced under this alternative. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would achieve Objective 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment prepared by LLG Engineers (Appendix I3 in Volume II of the Final EIR).

Therefore, the Blended Reduced Downtown/Focused Smart Growth and Employment Alternative has been rejected because it would only fully meet two project objectives, would partially meet two project

objectives and would not meet two project objectives. In addition, this alternative would not substantially lessen or avoid the potentially significant impacts of the proposed project.

Mobility and Infrastructure Element Downtown Couplet Alternative

The Mobility and Infrastructure Element Downtown Couplet Alternative (refer to Subchapter 6.4.1 of the Final EIR) would implement the proposed General Plan Update land use plan, goals and policies, the Downtown Specific Plan Update land use plan, goals and policies, and the E-CAP. However, under this alternative the Mobility and Infrastructure Element of the proposed General Plan Update would be realigned so that the existing Valley Parkway and 2nd Avenue one-way couplet would accommodate two-way traffic. Proposed two-way circulation would require the reduction in lanes along each roadway. The roadways would be reduced to one-lane in either direction (two-lane roadways) with on-street parking and bike lanes. Four-lane roadways could not be accommodated because of the limited curb-to-curb width of approximately 52 feet along most of the couplet. While four-lanes could physically fit, left-turn pockets could not be provided, nor could parking or bike lanes.

The Downtown Couplet Alternative would meet all of the proposed project's objectives because under this alternative, the land use plan, goals and policies proposed in the General Plan Update would remain the same and only the Valley Parkway/2nd Avenue Couplet would be realigned to accommodate two-way traffic. However, this alternative would not reduce or eliminate any of the potentially significant impacts of the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, traffic level of service, road safety, emergency access, and alternative transportation because more congestion would occur under this alternative.

Therefore, the Mobility and Infrastructure Element Downtown Couplet Alternative has been rejected because it would not lessen or avoid the potentially significant impacts of the proposed project, and would result in greater air quality and transportation impacts compared to the proposed project.

Promenade Retail Center and Vicinity Alternative

The Promenade Retail Center and Vicinity Alternative (refer to Subchapter 6.4.2 of the Final EIR) would implement the proposed General Plan Update goals and policies, the Downtown Specific Plan Update goals and policies, and the E-CAP reduction measures. However, under this alternative, mixed use office land uses south of 9th Avenue within the Promenade Retail Center and Vicinity Target Area would be increased by 100,000 sf. Total employment land uses throughout the proposed project planning area would be increased to 13,750,000 sf under this alternative. The same number of dwelling units would be accommodated in the Promenade Retail Center and Vicinity Target Area (628 dwelling units) and throughout the entire proposed project planning area (9,924 dwelling units) as the proposed project.

The Promenade Retail Center and Vicinity Alternative would meet all of the objectives identified for the proposed project. An increase in office employment uses under this alternative would result in the increased ability of this alternative to create and sustain a strong economic base for the community (Objective 3) and create an economically viable urban downtown and core (Objective 4). The

Promenade Retail Center and Vicinity Alternative would also result in the establishment of a General Plan boundary that accommodates the goals of Objective 1 and would guide additional growth towards downtown and along key transportation corridors, as stated in Objective 2. Further, under this alternative, smart growth strategies and the E-CAP would be implemented, which would result in the accomplishment of Objectives 5 and 6. However, this alternative would not reduce or eliminate any of the potentially significant impacts of the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, noise, public services, and traffic because more growth would occur under this alternative.

The Promenade Retail Center and Vicinity Alternative does not meet the requirements of an alternative as identified in Section 15126.6 of the CEQA Guidelines because it would not avoid or substantially lessen any of the significant impacts of the proposed project. The Promenade Retail Center and Vicinity Alternative would result in similar, and in some cases marginally greater, significant impacts as the proposed project; therefore, the findings made under Sections A, B and C above for the proposed project also apply to this alternative.

Nutmeg Street Alternative

The Nutmeg Street Alternative (refer to Subchapter 6.4.3 of the Final EIR) would implement the proposed General Plan Update goals and policies, the Downtown Specific Plan Update goals and policies, and the E-CAP reduction measures. Under this alternative, new office employment land uses would replace proposed residential land uses within the Nutmeg Street Study Area. The proposed project identifies the development of 40 residential dwelling units within this study area. The Nutmeg Street Alternative would accommodate 100,000 sf of new office employment land uses in this study area, which would be developed instead of the 40 dwelling units. Therefore, this alternative would result in a total of 13,750,000 sf of employment land uses and 9,884 dwelling units throughout the entire proposed project planning area.

The Nutmeg Street Alternative would meet all six of the objectives identified for the proposed project. An increase in employment land uses under this alternative would result in the increased ability to create and sustain a strong economic base for the community (Objective 3) and create an economically viable urban downtown and core (Objective 4). The Nutmeg Street Alternative would result in the establishment of a General Plan boundary that accommodates the goals of Objective 1 and would guide additional growth towards downtown and along key transportation corridors as outlined in Objective 2. Further, under this alternative, smart growth strategies and the E-CAP reduction measures would be implemented, which would result in the accomplishment of Objectives 5 and 6. However, this alternative would not reduce or eliminate any of the potentially significant impacts identified for the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, noise, public services, and traffic because more growth would occur under this alternative.

The Nutmeg Street Alternative does not meet the requirements of an alternative as identified in Section 15126.6 of the CEQA Guidelines because it would not avoid or substantially lessen any of the significant impacts of the proposed project. The Nutmeg Street Alternative would result in similar, and in some cases marginally greater, significant impacts as the proposed project; therefore, the findings made under Sections A, B and C above for the proposed project also apply to this alternative.

Environmentally Superior Alternative

According to Section 15126.6(e)(2) of the CEQA Guidelines, an EIR is required to identify the environmentally superior alternative, which is the alternative having the potential for the fewest significant environmental impacts, from among the range of reasonable alternatives that are evaluated in the EIR. The Reduced Employment Alternative is identified as the Environmentally Superior Alternative. Because the overall employment land use development in the project area would be decreased compared to the proposed project, impacts associated with scenic vistas; scenic resources; visual character and quality; lighting and glare; direct conversion of agricultural resources; indirect conversion of agricultural and forestry resources; air quality violations; sensitive receptors; special status plant and wildlife species; riparian habitat and other sensitive natural communities; wildlife movement corridors and nursery sites; historical resources; archeological resources; excessive noise levels; excessive groundborne vibration; permanent and temporary ambient noise levels; displacement of housing and people; fire and police protection; traffic and level of service standards; wastewater treatment requirements; new water and wastewater treatment facilities; sufficient stormwater drainage facilities; adequate water supplies; adequate wastewater facilities; sufficient landfill capacity; solid waste regulations; and energy would be proportionately less than those identified for the proposed project. However, as discussed above under the Reduced Employment Alternative heading, this alternative would not provide the jobs and housing balance needed to serve future residents and none of the potentially significant impacts of the proposed project would be avoided under this alternative. The significant and unavoidable impacts identified for the proposed project would also be significant and unavoidable under this alternative. Additionally, the Reduced Employment Alternative would not meet Objective 3 or Objective 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core (Objective 4). Therefore, the Reduced Employment Alternative has been rejected because it fails to meet two of the six project objectives and would not substantially lessen or avoid the potentially significant impacts of the proposed project.

**STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
ESCONDIDO GENERAL PLAN UPDATE, DOWNTOWN SPECIFIC PLAN UPDATE, AND
CLIMATE ACTION PLAN
PHG 09-0020/ PHG 10-0016
SCH # 2010071064**

The Findings required under the California Environmental Quality Act ("CEQA") (Public Resources Code Sections 21000 *et seq.*) and the CEQA Guidelines (California Code Regulations, Title 14, Section 15000 *et seq.*) supporting the approval of the City of Escondido (City) General Plan Update, Downtown Specific Plan Update, and Climate Action Plan (E-CAP) (hereinafter referred to as the "project") conclude that the City's approval of the project would result in significant impacts that cannot be substantially lessened or avoided. Despite these impacts, the Escondido City Council chooses to approve the project because specific economic, social and other benefits of the project outweigh and override these significant and unavoidable impacts.

The City has adopted all feasible mitigation measures with respect to the significant unavoidable environmental impacts listed below. In addition, the City has analyzed a reasonable range of alternatives to the proposed project. Based on the analysis, the City has determined that the project as proposed is preferable to the project alternatives. Therefore, the City is adopting the General Plan Update, (the Downtown Specific Plan Update, and E-CAP shall be considered at a separate and future public meeting) and sets forth this Statement of Overriding Considerations for its adoption despite the following significant and unavoidable environmental impacts identified in the Final Environmental Impact Report (EIR) prepared for the project.

Significant Unavoidable Environmental Impacts

Final EIR Section	Environmental Issue (Type of Impact)
4.3.3.2, 4.3.4	Air Quality Violations (Direct and Cumulative Impact)
4.4.4	Special Status Plant and Wildlife Species (Cumulative Impact)
4.4.4	Riparian Habitat and Other Sensitive Natural Communities (Cumulative Impact)
4.4.4	Wildlife Movement Corridors and Nursery Sites (Cumulative Impact)
4.12.3.2, 4.12.4	Excessive Groundborne Vibration (Direct and Cumulative Impact)
4.12.4	Permanent Increase in Ambient Noise Levels (Cumulative Impact)
4.13.3.2	Displacement of Housing and People (Direct Impact)
4.16.3.1, 4.16.4	Traffic and Level of Service Standards (Direct and Cumulative Impact)
4.17.3.4, 4.17.4	Adequate Water Supplies (Direct and Cumulative Impact)
4.17.3.6, 4.17.4	Sufficient Landfill Capacity (Direct and Cumulative Impact)

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the proposed project. Thus, even if a court were to set aside any particular reason or reasons, the City Council finds that it would stand by its determination that each reason, or any combination of reasons, is a sufficient basis for approving the General Plan Update, notwithstanding the significant and unavoidable impacts that may occur. The substantial evidence supporting the various benefits can be found in the CEQA Findings Regarding Significant Effects, the Final EIR and the Record of Proceedings.

Statement of Overriding Considerations

The City finds that the project would have the following economic, social, legal and other benefits:

1. The project establishes updated General Plan boundaries that allow for the planning of quality, managed and sustainable growth, while meeting the housing needs of existing and future residents during the General Plan's planning horizon (year 2035).
2. The project maintains residential densities in outlying areas to accommodate growth, preserve and enhance existing neighborhoods, guide additional growth towards downtown and along key transportation corridors and improve circulation and safety for vehicles and pedestrians.
3. The project provides a strategic framework to accommodate a reasonable share of projected regional population growth at intensities that are appropriate with respect to existing development and community character.
4. The project provides a realistic land use map that accounts for existing development, physical constraints, hazards, and incompatible uses and assigns densities and use types accordingly to ensure that communities and neighborhoods remain safe and livable.
5. The project improves mobility for all residents through the development of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
6. The project maintains areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic base and provide opportunities for the full employment of a diverse set of skills.
7. The project creates an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, residential, entertainment and cultural uses.
8. The project enhances the local economy and provides opportunities for future jobs and business development commensurate with forecasted growth by planning for commercial development near existing businesses, transportation hubs and walkable residential areas. Moreover, the project promotes continued agricultural production as an integral part of the region's economy by placing appropriate densities and compatible use types in prime farmland areas.
9. The project would achieve a sustainable and integrated system of land use and transportation in the City in a manner that would:
 - a. Significantly decrease overall community consumption, specifically the consumption of non-local, non-renewable and non-recycled materials, water, and energy and fuels.
 - b. Within renewable limits, encourage the use of local, non-polluting, renewable and recycled resources (water, wind, solar and geothermal energy and material resources).
 - c. Create a multi-modal transportation system that minimizes pollution and motor vehicle congestion while ensuring safe mobility and access for all without compromising the ability to protect public health and safety.

- d. Facilitate a reduction in automobile dependency in favor of affordable alternative, sustainable modes of travel.
 - e. Implement land use and transportation planning and policies to foster compact, mixed use projects, forming urban nodes designed to maximize housing choices and encourage walking, bicycling and the use of existing and future public transit systems.
 - f. Encourage residents to recognize that they share the local ecosystem with other living things that warrant respect and responsible stewardship.
10. The project addresses adverse environmental effects associated with global climate change by facilitating sustainable development, promoting energy efficiency, and reducing greenhouse gas (GHG) emissions consistent with the state-wide goals of Assembly Bill 32, the California Global Warming Solutions Act of 2006.
 11. The project provides policies aimed at developing a list of specific actions that will reduce GHG emissions, with the highest priority given to actions that provide the greatest reduction in GHG emissions and benefits to the community at the least cost, while establishing a qualified reduction plan from which future development within the City can tier.
 12. The project is based on thorough research and analysis of existing conditions, changing local and regional circumstances, evolving trends in urban planning and a collaborative partnership with community members through an extensive public participation process.
 13. The project establishes Quality of Life Standards to establish minimum thresholds of service levels for various public improvements and facilities. The timing of future development would rely upon the provision of facilities and services based upon these standards and will be used as the basis for capital improvement programs, impact fees, and other financing mechanisms established to provide facilities and services. The thresholds ensure the City's ability to accommodate growth, sustain its quality of life, and enhance the community's desirability.
 14. The project implements a Growth Management Element to establish policies for balancing the timing of infrastructure improvements with current and anticipated demands for service through the adoption of specific implementation techniques. The Growth Management Element integrates General Plan goals and objectives with adopted Quality of Life Standards to facilitate the orderly development of public and private improvements. The element implements a framework for effective growth management that would establish parameters for periodically monitoring the impacts that growth has on the community and define the methods by which impacts are addressed, allowing decision makers to efficiently prioritize capital improvements.
 15. The project brings the City into compliance with State law, which requires that a city's general plan be up-to-date. Escondido's existing General Plan was adopted in 1990 and designed to guide the City's growth for 10-15 years.

For the foregoing reasons, the City finds that the project's unavoidable potential significant environmental impacts are outweighed by these considerable benefits.

Mitigation Monitoring and Reporting Program for the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan

City File: PHG 09-0010 / PHG 10-0016

SCH # 2010071064

The City of Escondido adopts this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Escondido General Plan Update, Downtown Specific Plan Update and Climate Action Plan (proposed project), which is the subject of the Final Program Environmental Impact Report (EIR), complies with all applicable environmental mitigation requirements.

The mitigation described in the EIR and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts. These measures are provided at the program EIR level and allow for future refinement or development of more specific measures as needed to further reduce impacts. Mitigation measures applicable to the proposed project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying impacts by repairing, rehabilitating, or restoring the affected environment, and/or reducing or eliminating impacts over time through preservation and maintenance operations over the life of the proposed project.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the Final Program EIR. Only those subsections of the environmental issues presented in the EIR that have mitigation measures are provided below in the MMRP table. All other subsections in the EIR do not contain mitigation measures. For each specified mitigation measure, the MMRP table identifies the following: 1) Implementation Action; 2) Method of Verification; 3) Timing of Verification; 4) Responsible Agency/Party; and 5) Verification Date.

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>AIR QUALITY</p> <p>Air-1 Construction Dust Control Measures. During grading activities for any future development within the General Plan Update planning area boundary, the onsite construction superintendent shall ensure implementation of standard best management practices to reduce the emissions of fugitive dust, including but not limited to the following actions:</p> <ul style="list-style-type: none"> i. Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water will be applied at a frequency to be determined by the onsite construction superintendent. ii. Temporary hydroseeding with irrigation will be implemented on all graded areas on slopes, and areas of cleared vegetation will be revegetated as soon as possible following grading activities in areas that will remain in a disturbed condition (but will not be subject to further construction activities) for a period greater than three months during the construction phase. iii. Operate all vehicles on the construction site at speeds less than 15 miles per hour. iv. Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the onsite construction superintendent, or spray them with a non-toxic chemical stabilizer. v. If a street sweeper is used to remove any track-out/carry-out, only PM₁₀-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances. 	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services-Field Engineering Section</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date																																							
<p>Air-2 Air Quality Impact Assessment. An Air Quality Impact Analysis shall be prepared for projects within the General Plan Update boundary that exceed one of the air quality study trigger criteria in Table 4.3.12, Air Quality Impact Analysis Trigger Criteria.</p> <p style="text-align: center;">Table 4.3-12 Air Quality Impact Analysis Trigger Criteria</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Project Size that would Trigger an AQIA⁽³⁾</th> <th>Single Family Dwelling Unit Equivalent⁽⁴⁾</th> </tr> </thead> <tbody> <tr> <td>Single Family Residential⁽¹⁾</td> <td>300 du</td> <td>1 du/1 du</td> </tr> <tr> <td>Apartments: 6-20 du/acre⁽¹⁾</td> <td>370 du</td> <td>1 du/1.23 du</td> </tr> <tr> <td>Apartments: > 20 du/acre⁽¹⁾</td> <td>420 du</td> <td>1 du/1.4 du</td> </tr> <tr> <td>Condominiums⁽¹⁾</td> <td>370 du</td> <td>1 du/1.23 du</td> </tr> <tr> <td>Mobile Home Park⁽¹⁾</td> <td>400 du</td> <td>1 du/1.33 du</td> </tr> <tr> <td>Supermarket⁽²⁾</td> <td>25,000 sf</td> <td>1 du/83.33 sf</td> </tr> <tr> <td>Restaurant, Fast Food w/drive through⁽²⁾</td> <td>6,500 sf</td> <td>1 du/21.67 sf</td> </tr> <tr> <td>Restaurant, Quality Sit Down⁽²⁾</td> <td>43,000 sf</td> <td>1 du/143.33 sf</td> </tr> <tr> <td>Neighborhood/County Park (undeveloped)⁽²⁾</td> <td>880 acres</td> <td>1 du/2.93 acre</td> </tr> <tr> <td>Motel⁽²⁾</td> <td>480 rooms</td> <td>1 du/1.6 room</td> </tr> <tr> <td>Standard Commercial Office (<100,000 sf per office site)⁽²⁾</td> <td>190,000 sf</td> <td>1 du/633.33 sf</td> </tr> <tr> <td>Neighborhood shopping center⁽²⁾</td> <td>35,000 sf</td> <td>1 du/116.67 sf</td> </tr> </tbody> </table> <p>⁽¹⁾ Limited by VOC emissions; for these residential units it is assumed that 5 percent of the units have active fireplaces burning 0.25 cord of wood over a period of 82 days and 10 percent of the units have active natural gas fireplaces that are used for 3 hours per day over a period of 90 days (note: hours per day and days per year are the URBEMIS defaults). ⁽²⁾ Limited by CO emissions ⁽³⁾ du = dwelling unit, sf = square feet, du/acre = dwelling units per acre ⁽⁴⁾ Single family units per land use unit of measure Source: County of San Diego 2007b</p>	Land Use	Project Size that would Trigger an AQIA ⁽³⁾	Single Family Dwelling Unit Equivalent ⁽⁴⁾	Single Family Residential ⁽¹⁾	300 du	1 du/1 du	Apartments: 6-20 du/acre ⁽¹⁾	370 du	1 du/1.23 du	Apartments: > 20 du/acre ⁽¹⁾	420 du	1 du/1.4 du	Condominiums ⁽¹⁾	370 du	1 du/1.23 du	Mobile Home Park ⁽¹⁾	400 du	1 du/1.33 du	Supermarket ⁽²⁾	25,000 sf	1 du/83.33 sf	Restaurant, Fast Food w/drive through ⁽²⁾	6,500 sf	1 du/21.67 sf	Restaurant, Quality Sit Down ⁽²⁾	43,000 sf	1 du/143.33 sf	Neighborhood/County Park (undeveloped) ⁽²⁾	880 acres	1 du/2.93 acre	Motel ⁽²⁾	480 rooms	1 du/1.6 room	Standard Commercial Office (<100,000 sf per office site) ⁽²⁾	190,000 sf	1 du/633.33 sf	Neighborhood shopping center ⁽²⁾	35,000 sf	1 du/116.67 sf	Require that an Air Quality Impact Analysis be prepared for projects exceeding the trigger criteria, as specified.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
Land Use	Project Size that would Trigger an AQIA ⁽³⁾	Single Family Dwelling Unit Equivalent ⁽⁴⁾																																										
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Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Air-3 Siting Sensitive Receptors near Waste Transfer Facility. A Health Risk Assessment (HRA) shall be prepared by a qualified air quality professional for development of new sensitive receptors proposed in the General Plan Update planning area within 500 feet of a waste transfer facility. Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The project shall not be considered for approval until an HRA has been completed and approved by the City. The methodology for the HRA shall follow the Office of Environmental Health Hazard Assessment and SDAPCD guidelines for the preparation of HRAs. If a potentially significant health risk is identified, the HRA shall identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor shall be sited in another location.</p>	<p>Require that a health risk assessment be prepared, as specified, for development of new sensitive receptors within 500 feet of a waste transfer facility.</p>	<p>Department review and approval</p>	<p>Prior to project approval</p>	<p>City of Escondido Community Development Department – Planning Division</p>	
<p>Air-4 Siting Sensitive Receptors near Industrial, Medical, or Research and Development Facilities. A Health Risk Assessment (HRA) shall be prepared by a qualified air quality professional for development of new sensitive receptors in the General Plan Update planning area proposed within one mile of industrial land uses, medical facilities, or research and development facilities that generate a potential source of Toxic Air Contaminants (TACs). Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. An HRA shall also be required for such facilities proposed within one mile of a sensitive receptor. The project shall not be considered for approval until an HRA has been completed and approved by the City. The methodology for the HRA shall follow the Office of Environmental Health Hazard Assessment and SDAPCD guidelines for the preparation of HRAs. If a potentially significant health risk is identified, the HRA shall identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be</p>	<p>Require that a health risk assessment be prepared, as specified, for development of new sensitive receptors within one mile of industrial land uses, medical facilities or research and development facilities that generate TACs.</p>	<p>Department review and approval</p>	<p>Prior to project approval</p>	<p>City of Escondido Community Development Department – Planning Division</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
sited in another location.					
CULTURAL RESOURCES					
Cul-1 Enhance community appreciation of the importance of the City's historic sites and buildings, and protect and preserve significant historical resources to the extent feasible through the identification of features of cultural and historical significance to the community and designation as landmark features, structures and sites of historic, aesthetic, and special character. The incorporation of historical resources into historical parks and multiple use recreation parks shall be encouraged.	Identify features of cultural and historical significance to the community and designate them as landmark features.	Department review and approval	On-going	City of Escondido Community Development – Planning Division	
Cul-2 Ensure landmarking and historical listing of City-owned historic sites.	Require landmarking and historical listing of City-owned sites.	Department review and approval	On-going	City of Escondido Community Development – Planning Division	
Cul-3 Require that significant archaeological resources be preserved in-situ, as feasible. The incorporation of resources into historical parks and multiple use recreation parks shall be encouraged. When avoidance of impacts is not possible, data recovery mitigation shall be required for all significant resources. Any significant artifacts recovered during excavation, other than cultural material subject to repatriation, shall be curated with its associated records at a curation facility approved by the City. Excavation of deposits of Native American origin shall be coordinated with and monitored by local Native American representatives.	Require that the significant archaeological resources be preserved or adequately mitigated.	Department review and approval	Prior to project approval	City of Escondido Community Development – Planning Division	
Cul-4 Develop management and restoration plans for identified and acquired properties with cultural resources.	Require that management plans and restoration plans be developed for properties with cultural resources when said properties are proposed for significant alterations.	Department review and approval	Prior to project approval	City of Escondido Community Development – Planning Division	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Cul-5 Support the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grant or matching funds, or funds from private organizations.	Identify funding sources to protect cultural resources.	Department review and approval	On-going	City of Escondido Community Development Department – Planning Division	
Cul-6 Protect significant cultural resources through coordination and consultation with the NAHC and local tribal governments, including SB-18 review.	Require that future development projects coordinate and consult with the NAHC and local tribal governments.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
NOISE					
Noi-1 Construction Vibration Best Management Practices. All general construction activities that take place within 100 feet of a building with the potential to be damaged by excessive vibration, or use pile-driving, blasting, or other high-impact construction equipment within 200 feet of a daytime NSLU (public and private educational facilities, churches, libraries, museums, cultural facilities, golf courses and passive recreational parks) shall implement the following construction BMPs recommended by the Federal Railroad Administration in the High Speed Ground Transportation Noise and Vibration Impact Assessment (2005):	Require that the specified measures be implemented, as applicable, during construction activities for future development projects.	Plan check and Site inspection	Prior to the issuance of any grading or building permit and At site inspection	1) Plan Check: City of Escondido Community Development Department – Building Division 2) Inspection: City of Escondido Engineering Services Department – Field Engineering Section	
<ol style="list-style-type: none"> 1. Sequence of operations: <ol style="list-style-type: none"> a. Phase demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period. 2. Alternative construction methods: <ol style="list-style-type: none"> a. Avoid impact pile driving where possible in vibration-sensitive areas. Drilled piles or the use of a sonic or vibratory pile driver causes lower vibration levels where the geological conditions permit their use. b. Select demolition methods not involving impact, where possible. For example, sawing bridge decks into sections that 					

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>can be loaded onto trucks results in lower vibration levels than impact demolition by pavement breakers, and milling generates lower vibration levels than excavation using clam shell or chisel drops.</p> <p>c. Avoid vibratory rollers and packers near sensitive areas.</p>					
<p>Noi-2 Setback of Vibration-sensitive Land Uses from SPRINTER alignment. Future development of vibration-sensitive land uses within 450 feet of the SPRINTER right-of-way or places where people sleep within 230 feet of the SPRINTER right-of-way shall require a site-specific groundborne vibration analysis conducted by a qualified vibration analyst to determine that vibration levels generated by the SPRINTER at the proposed project site would not exceed the Federal Transit Administration's groundborne vibration standards for vibration sensitive equipment and sleep disturbance. If necessary, mitigation shall be required for land uses in compliance with the standards listed in EIR Table 4.12-10, General Plan Update Groundborne Vibration Impact Criteria.</p>	<p>Require that a site specific groundborne vibration analysis be conducted, as specified, for vibration-sensitive land uses and places where people sleep.</p>	<p>Department review and approval</p>	<p>Prior to project approval</p>	<p>City of Escondido Community Development – Planning Division</p>	
POPULATION AND HOUSING					
<p>Pop-1 The City of Escondido shall coordinate with property owners that would experience displacement under the proposed General Plan Update to communicate the implications of the proposed project on their property and to address public concerns and comments.</p>	<p>Require coordination with property owners that would experience displacement as a result of future infrastructure or development projects.</p>	<p>Department review</p>	<p>Prior to approval of any future infrastructure or development project that would displace homes or businesses.</p>	<p>City of Escondido Community Development – Planning Division</p>	
TRANSPORTATION AND TRAFFIC					
<p>Tra-1 The City of Escondido shall implement intersection improvement treatment and adaptive traffic signal control technology along the following roadway segments and at the following intersections prior to reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be</p>	<p>Require that the specified improvements be implemented prior to the segment or intersection reaching an</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment or</p>	<p>City of Escondido Engineering Services Department – Traffic Division</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>anticipated by traditional time-of-day plans, such as accidents and road construction.</p> <p>Roadway Segments</p> <ul style="list-style-type: none"> ■ Mission Road between Barham Drive and Auto Park Way (LOS E) ■ Valley Parkway between Hickory Street and Fig Street (LOS F) ■ Valley Parkway between Fig Street and Date Street (LOS F) ■ Valley Parkway between Date Street and Ash Street (LOSF) <p>Intersections</p> <ul style="list-style-type: none"> ■ Nordahl Road/Auto Park Way/Mission Road (LOS E, PM peak hour) ■ Centre City Parkway/Felicita Avenue (LOS F, PM peak hour) ■ Escondido Boulevard/Felicita Avenue (LOS E/F, AM/PM peak hours, respectively) ■ Ash Street/Valley Parkway (LOS E, both AM/PM peak hours) ■ I-15 SB Ramps/Via Rancho Parkway (LOS E/F, AM/PM peak hours, respectively) ■ El Norte Parkway/Centre City Parkway (LOS E/F, AM/PM peak hours, respectively) 	<p>LOS of E or F.</p>		<p>intersection reaching an LOS E or F</p>		
<p>Tra-2 Montiel Road between Nordahl Road and Deodar Road. The City of Escondido shall implement adaptive traffic signal control technology along Montiel Road between Nordahl Road and Deodar Road prior to the segment reaching an LOS of E or F. Adaptive traffic signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>	<p>Following the City of San Marcos' decision to mitigate impacts to this segment, require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F, following City of San Marcos decision to mitigate this impact</p>	<p>City of Escondido Engineering Services Department--Traffic Division</p>	
<p>Tra-3 Escondido Boulevard between 13th Avenue and 15th Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Escondido Boulevard between 13th Avenue and 15th Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching</p>	<p>City of Escondido Engineering Services Department--Traffic Division</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>			an LOS E or F		
<p>Tra-4 Centre City Parkway between 13th Avenue and Felicitia Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Centre City Parkway between 13th Avenue and Felicitia Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department--Traffic Division</p>	
<p>Tra-5 Escondido Boulevard between 15th Avenue and Felicitia Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Escondido Boulevard between 15th Avenue and Felicitia Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. Implementation of mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between 15th Avenue and Felicitia Avenue to a level below significant.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department--Traffic Division</p>	
<p>Tra-6 Escondido Boulevard between Felicitia Avenue and Sunset Drive. The City of Escondido shall implement adaptive traffic signal control technology along Escondido Boulevard between Felicitia Avenue and Sunset Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. Implementation of the mitigation measure Tra-10 would reduce impacts to Escondido Boulevard between Felicitia Avenue and Sunset Drive to a level below significant.</p>	<p>Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F</p>	<p>City of Escondido Engineering Services Department--Traffic Division</p>	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Tra-7 Citrus Avenue between Washington Avenue and Valley Parkway. The City of Escondido shall implement adaptive traffic signal control technology along Citrus Avenue between Washington Avenue and Valley Parkway prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-8 Citrus Avenue between Bear Valley Parkway and Glen Ridge Road. The City of Escondido shall implement adaptive traffic signal control technology along Citrus Avenue between Bear Valley Parkway and Glen Ridge Road prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-9 9th Avenue between La Terraza Boulevard and Tulip Street. The City of Escondido shall implement adaptive traffic signal control technology along 9 th Avenue between La Terraza Boulevard and Tulip Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-10 Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street. The City of Escondido shall implement adaptive traffic signal control technology along 9 th Avenue between Lincoln Avenue between an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-11 Mission Avenue between Rose Street and Midway Drive. The City of Escondido shall implement adaptive traffic signal control technology along Mission Avenue between Rose Street and Midway Drive prior to the segment reaching an LOS of E or F. Adaptive signal	Require that the specified improvements be implemented prior to the segment reaching an	Plan check	Prior to the issuance of any grading or building permit for a project that would result in	City of Escondido Engineering Services Department–	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	LOS of E or F.		the segment reaching an LOS E or F	Traffic Division	
Tra-12 Interstate 15 Southbound Ramps/Valley Parkway Intersection. The City of Escondido shall provide a second right turn lane at the I-15 Northbound ramps to partially mitigate the impacts at this intersection. Future land developments would be required to contribute a fair share towards this improvement as well as any other improvements that may be needed in the future to mitigate this impact to below a level of significance.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department-Traffic Division	

UTILITIES AND SERVICE SYSTEMS

Util-1 The EWWD Water Distribution Master Plan shall be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing water infrastructure, providing recycled water distribution facilities throughout the City to offset potable water demand for landscaping and other purposes and other measures/strategies that will achieve the goal of providing an adequate water supply to serve the buildout of the General Plan Update.	Require that the EWWD Water Distribution Master Plan be updated to accommodate buildout of the General Plan Update.	Department review and approval	Within five years of General Plan Update approval	City of Escondido Utilities Department-Utility Engineering Division	
Util-2 The EWWD Wastewater Master Plan shall be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing wastewater infrastructure and other measures/strategies that will achieve the goal of providing adequate wastewater facilities to serve the buildout of the General Plan Update. The City shall also coordinate with VWD during its next Master Plan Update process to ensure that it provides the necessary wastewater facilities to adequately account for the growth identified in the General Plan Update.	Require that the EWWD Wastewater Master Plan be updated to accommodate buildout of the General Plan Update. Coordinate with VWD during its next Master Plan Update.	Department review and approval	Within five years of General Plan Update approval	City of Escondido Utilities Department-Utility Engineering Division	

RESOLUTION NO. 2012-53(R)

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
CERTIFYING AND APPROVING A FINAL
ENVIRONMENTAL IMPACT REPORT

Case No. PHG 09-0020

WHEREAS, an Environmental Impact Report ("EIR") has been prepared for the Comprehensive General Plan Update that will serve as Escondido's "blueprint" for future growth and development, a Downtown Specific Plan update, and Climate Action Plan, herein referred to as the "Project"; and

WHEREAS, the City Council of the City of Escondido as the lead agency under the California Environmental Quality Act ("CEQA") is responsible for certification of the EIR; and

WHEREAS, the City Council of the City of Escondido did on May 23, 2012, hold a noticed public hearing to consider the Certification of the Environmental Impact Report; and

WHEREAS, the City Council desires at this time, and deems it to be in the best public interest, to certify the Final Environmental Impact Report for the Project.

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

1. That the above recitations are true.
2. That the Final EIR has been determined to adequately address all environmental issues associated with the Project; and
4. That upon consideration of the EIR and staff report (a copy of both are on file in the Planning Division), the Planning Commission comments provided at a public

hearing on May 7, 2012, public testimony presented at the City Council hearing, all other oral and written evidence pertaining to the EIR, and applicable law, the City Council hereby certifies and approves the Environmental Impact Report prepared for the Project.

RESOLUTION NO. 2012-54

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AMENDMENTS TO THE
GENERAL PLAN FOR CONSIDERATION BY
VOTERS AT A FUTURE ELECTION

Case No. PHG 09-0020

WHEREAS, on May 23, 2012, the City Council considered, and by Resolution No. 2012-52 approved, a comprehensive General Plan Update (excluding the Housing Element) to establish a "blueprint" for the future growth of the city; and

WHEREAS, the General Plan states that amendments to specified policies and intensification of permitted land uses in the residential areas of the City shall require the voters to approve such changes; and

WHEREAS, the General Plan further states that amendments increasing residential density permitted by law; changing, altering, or increasing the General Plan residential land use categories; changing any residential to commercial or industrial designation on any property designated rural, estate, suburban, and/or urban; amending policies readopted and reaffirmed by the voters shall be approved by the voters; and

WHEREAS, the City Council approved Resolution 2012-53 certifying the General Plan EIR's conformance with the California Environmental Quality Act (CEQA), and has determined that it is complete and adequate for this project; and

WHEREAS, this City Council has considered the staff report, the Planning

Commission recommendations, and public testimony presented at the Council meeting;

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 has certified the EIR, environmental findings, and Mitigation Monitoring and Reporting Program previously issued for the project.
3. That the City Council approves and directs staff to prepare the following amendments to the General Plan, as described below, for consideration of the voters at the next general election.
 - a. Area 1. Approximately 7 acres located north and south of Nutmeg Street immediately west of Centre City Parkway and immediately east of Interstate 15 proposed for redesignation from Estate II (single family estate; up to 2 units/acre) to Office as described in Exhibit "A," which is attached to this Resolution and incorporated by this reference.
 - b. Area 2. Approximately 127 acres located immediately east of Interstate 15, immediately west of Centre City Parkway and South Iris Lane, north of El Norte Parkway, including properties along Imperial Drive and Seven Oakes Road proposed for redesignation from Suburban (single family; up to 3.3 units/acre) to Specific Plan Area #13 for employment uses as described in Exhibit "A."

units/acre) to Specific Plan Area #13 for employment uses as described in Exhibit "A."

c. Area 3. Approximately 85 acres located immediately south and east of Country Club Drive, southeast of Auto Park Way, west of Citracado Parkway, including properties along Ross Drive and Ginger Way proposed for redesignation from Estate I and Estate II (single family estate; up to 1 and 2 units/acre respectively) to Specific Plan Area #8 for employment uses as described in Exhibit "A."

d. Area 4. Approximately 86 acres located generally south and east of Harmony Grove Road, west of Hale Avenue, and immediately north of Avenida del Diablo proposed for redesignation from Estate I and Estate II (single family estate; up to 1 and 2 units/acre respectively) to Specific Plan Area #8 for employment uses as described in Exhibit "A."

e. Area 5. Approximately 17 acres located immediately south and east of Harmony Grove Road and north west of Escondido Creek proposed for redesignation from Urban I (single family up to 5.5 units per acre) to Light Industrial as described in Exhibit "A."

f. Area 6. Approximately 66 generally acres located on the east and west side of Interstate 15 and on both sides of Citracado Parkway, Gamble Lane and Felicita Road proposed for redesignation from Suburban (single family; up to 3.3 units/acre) and Estate II (single family estate; up to 2 units/acre) to Planned Office as described in Exhibit "A."

g. Area 7. Approximately 28 acres located on the south side of Ninth Avenue, west of Valley Parkway, and on both sides of Del Dios Highway proposed for redesignation from Urban IV (multifamily residential up to 24 units/acre) to add a mixed-use overlay allowing commercial and office uses as described in Exhibit "A."

h. Area 8. Approximately 45 acres located between 6th and 13th Avenues, and between Pine and Redwood Street proposed to retain the existing Urban I (single family up to 5.5 units per acre) and Urban II (multi-family residential up to 12 units/acre) residential densities and to add a mixed use overlay for adaptive re-use allowing small-scale, residentially-compatible employment opportunities as described in Exhibit "A."

i. Area 9. Approximately 44 acres located on Amanda and Gamble Lanes, north of Calle Catalina and west of Golden Crest Drive proposed for redesignation from Estate I (single family estate; up to 1 unit/acre) to Estate II (single family estate; up to 2 units/acre) as described in Exhibit "A."

j. Area 10. Approximately 22 acres located on both sides of Orange Street between Centre City Parkway and Escondido Boulevard, between 6th and 15th Avenues proposed for redesignation from Urban IV (multifamily residential up to 24 units/acre) to Urban V (multifamily residential up to 45 units/acre) as described in Exhibit "A."

4. That the City Council approves and directs staff to prepare the following policy text amendments to the General Plan, as described below, for consideration of

the voters at the next general election:

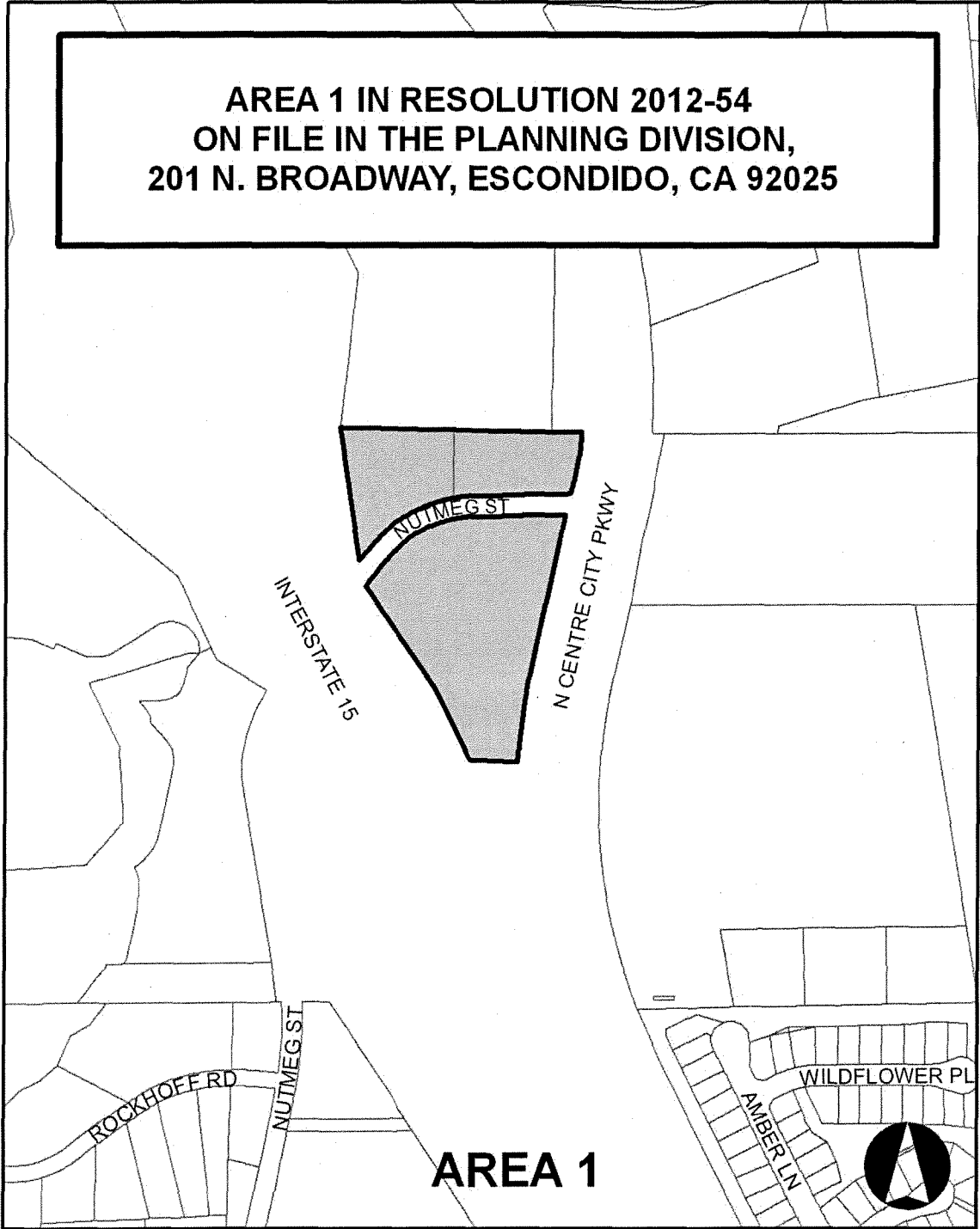
- a. Add the following text in General Plan Figure II-6 (page II-22) describing Urban V (multifamily residential up to 45 units/acre):

Higher density multi-family residential units, town homes and apartments, flats and condominium. This designation is appropriate near the downtown core, transit stations, along major thoroughfares in close proximity to shopping centers, entertainment, community facilities and employment opportunities to provide residential the opportunity to live near work and amenities.

- b. Delete the following General Plan Residential Clustering Policy 5.11 (page II-108):

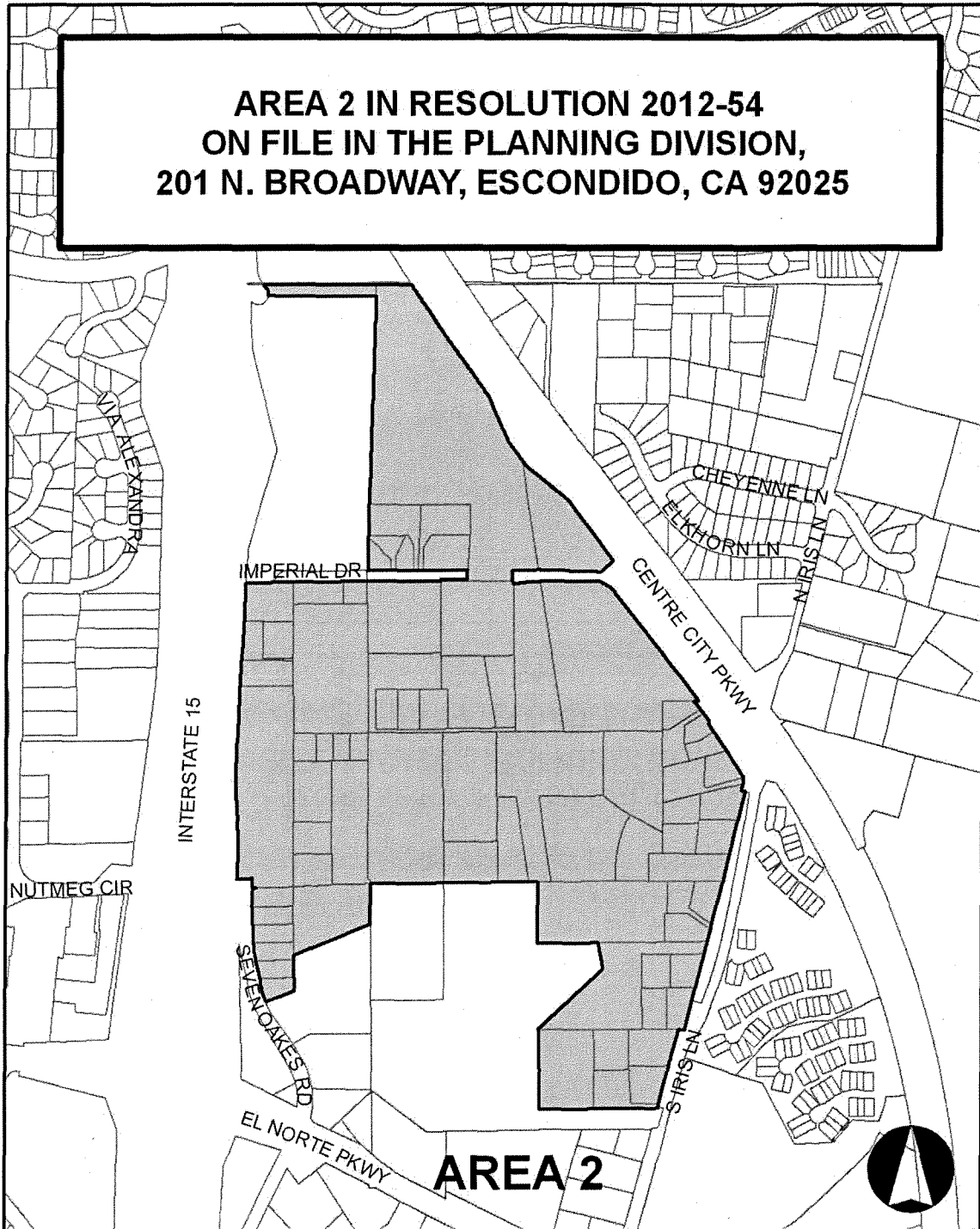
Under the cluster provisions, at least 50 percent of all residential lots must back up to open space areas.

**AREA 1 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**

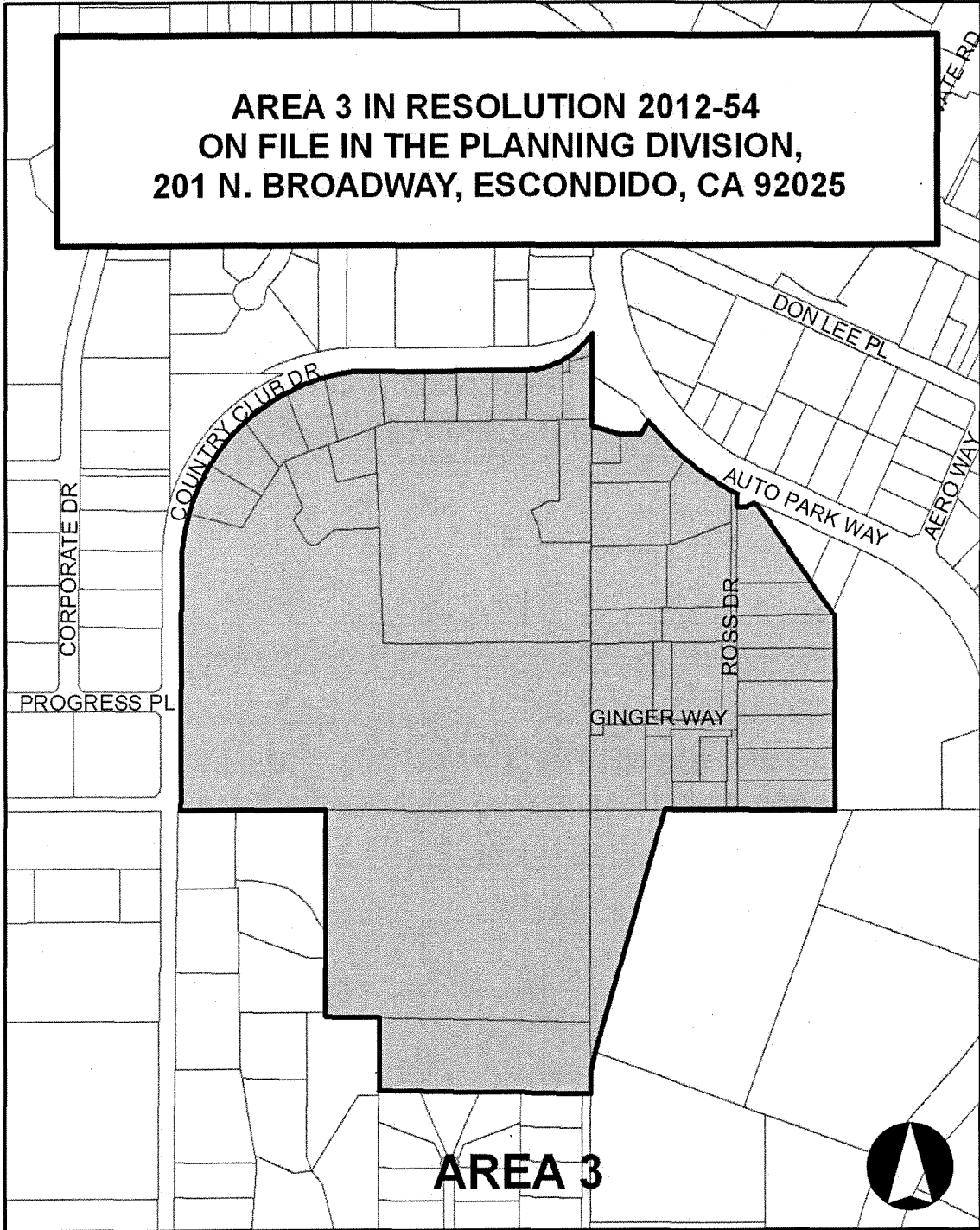


AREA 1

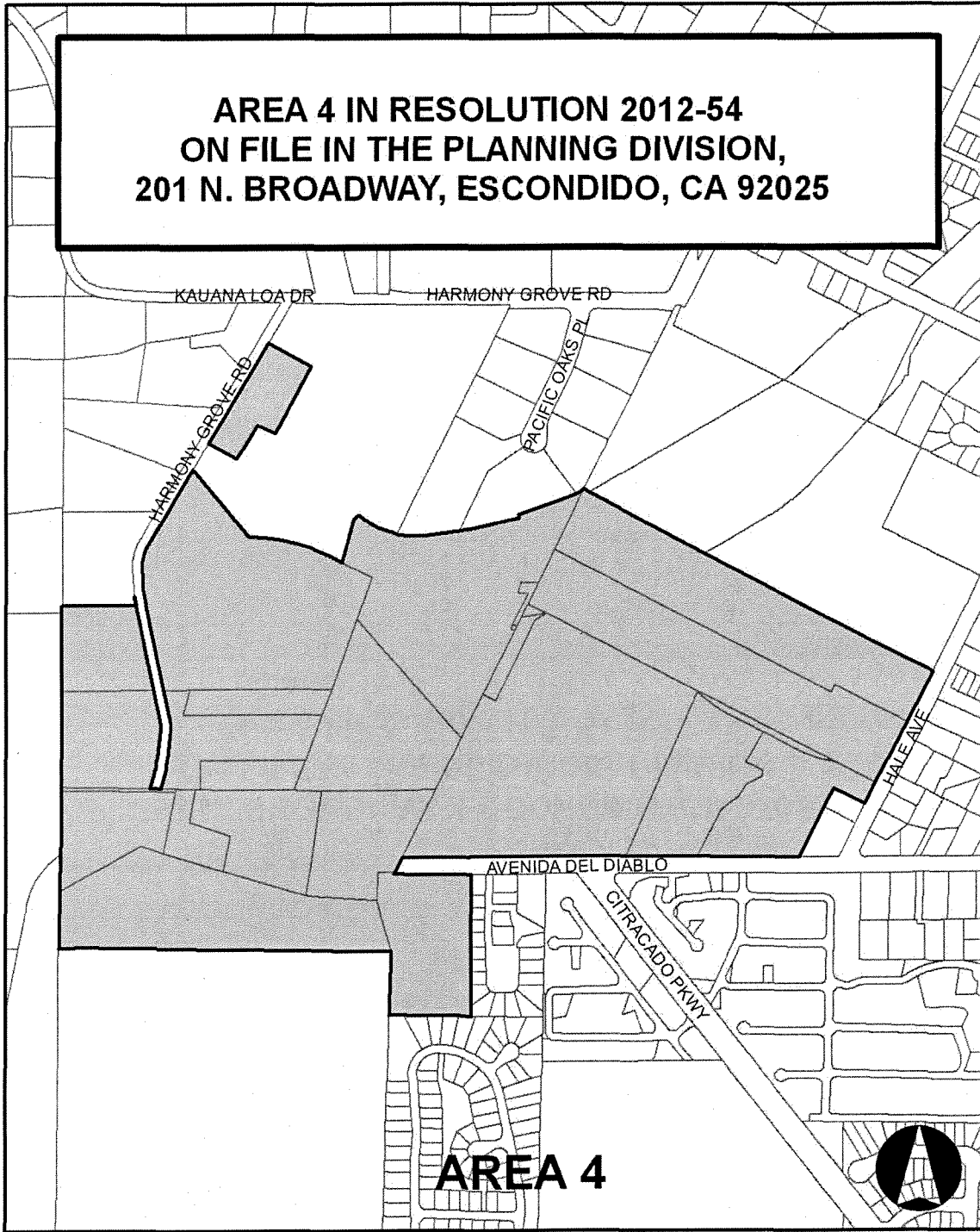
**AREA 2 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



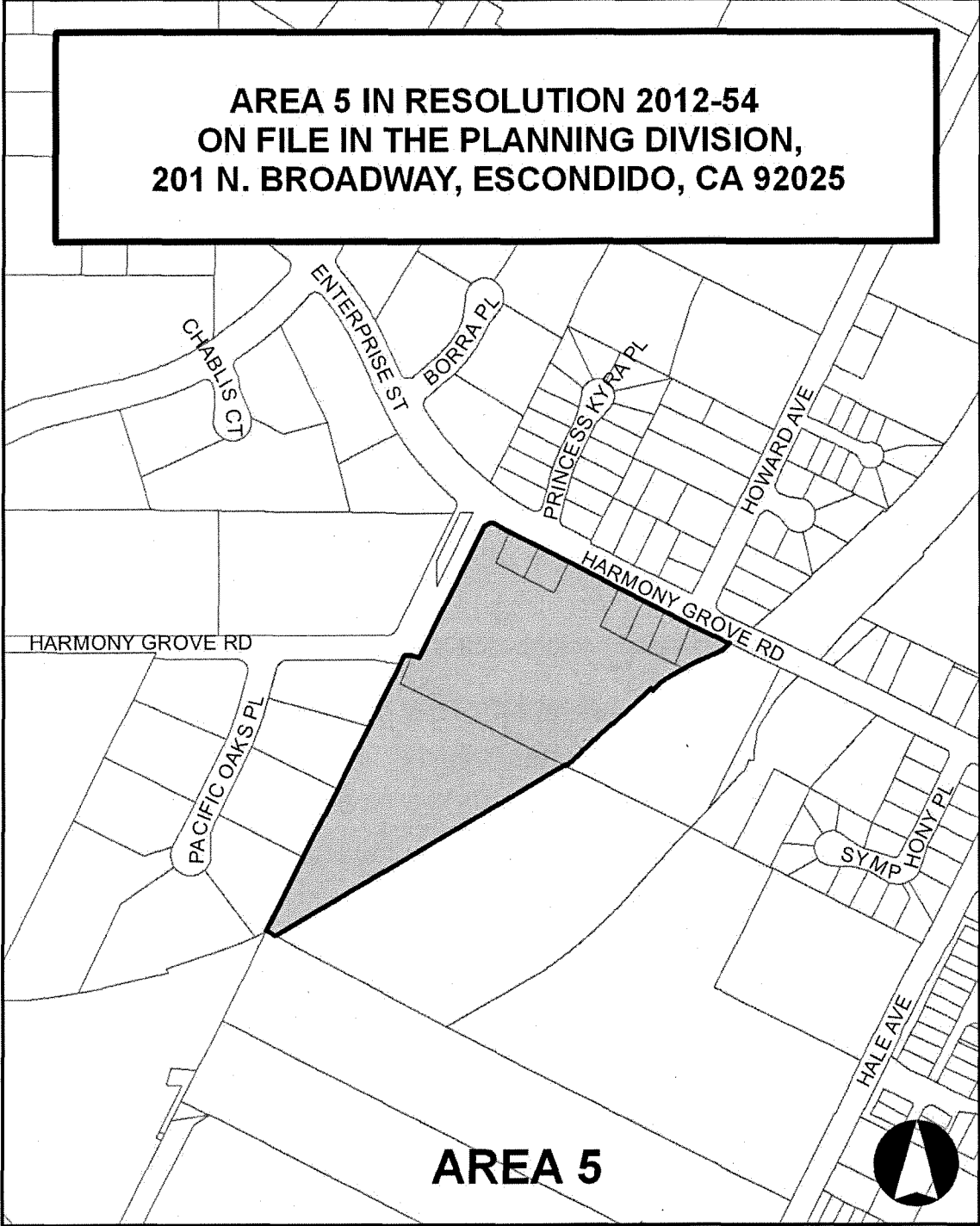
**AREA 3 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



**AREA 4 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



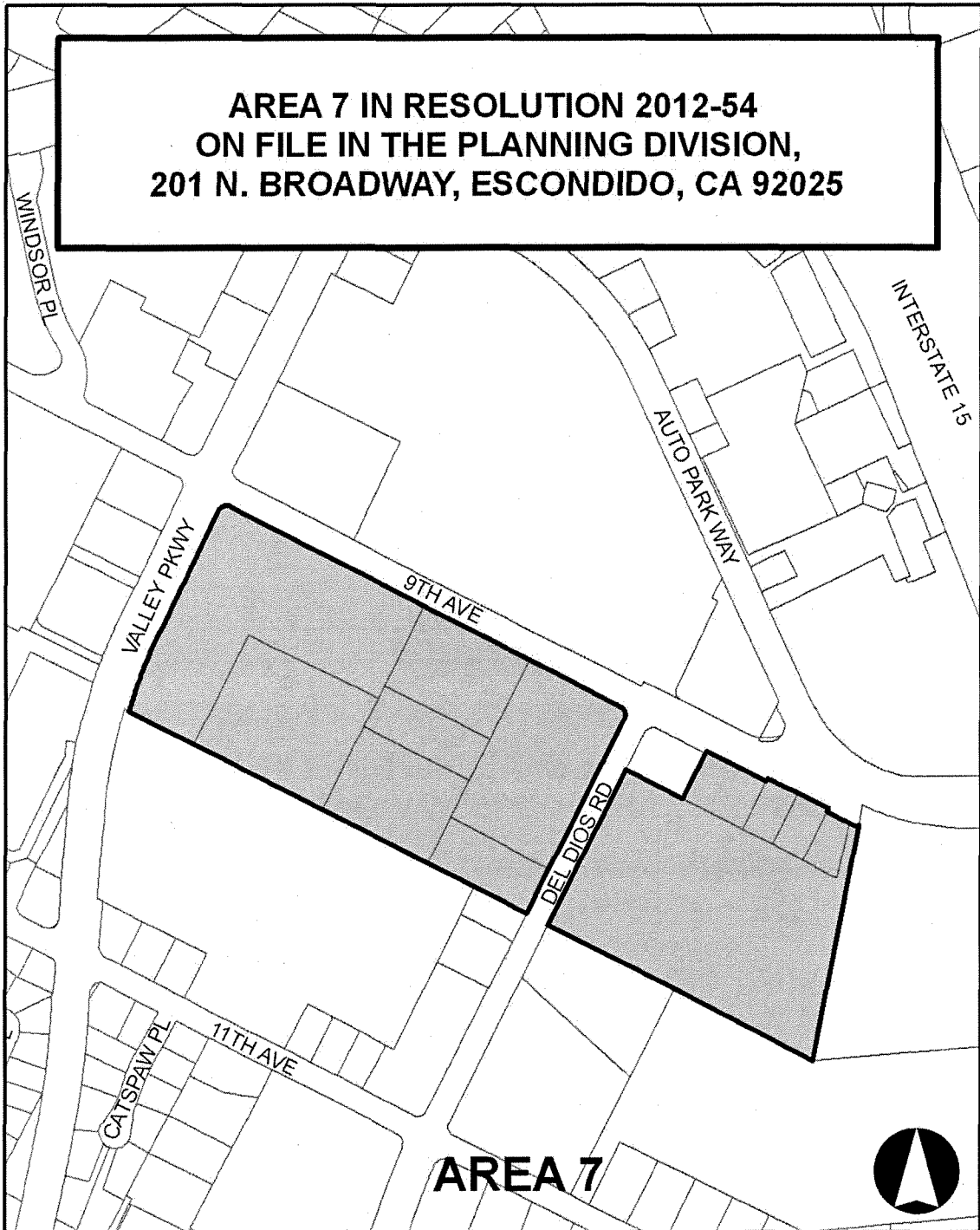
**AREA 5 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



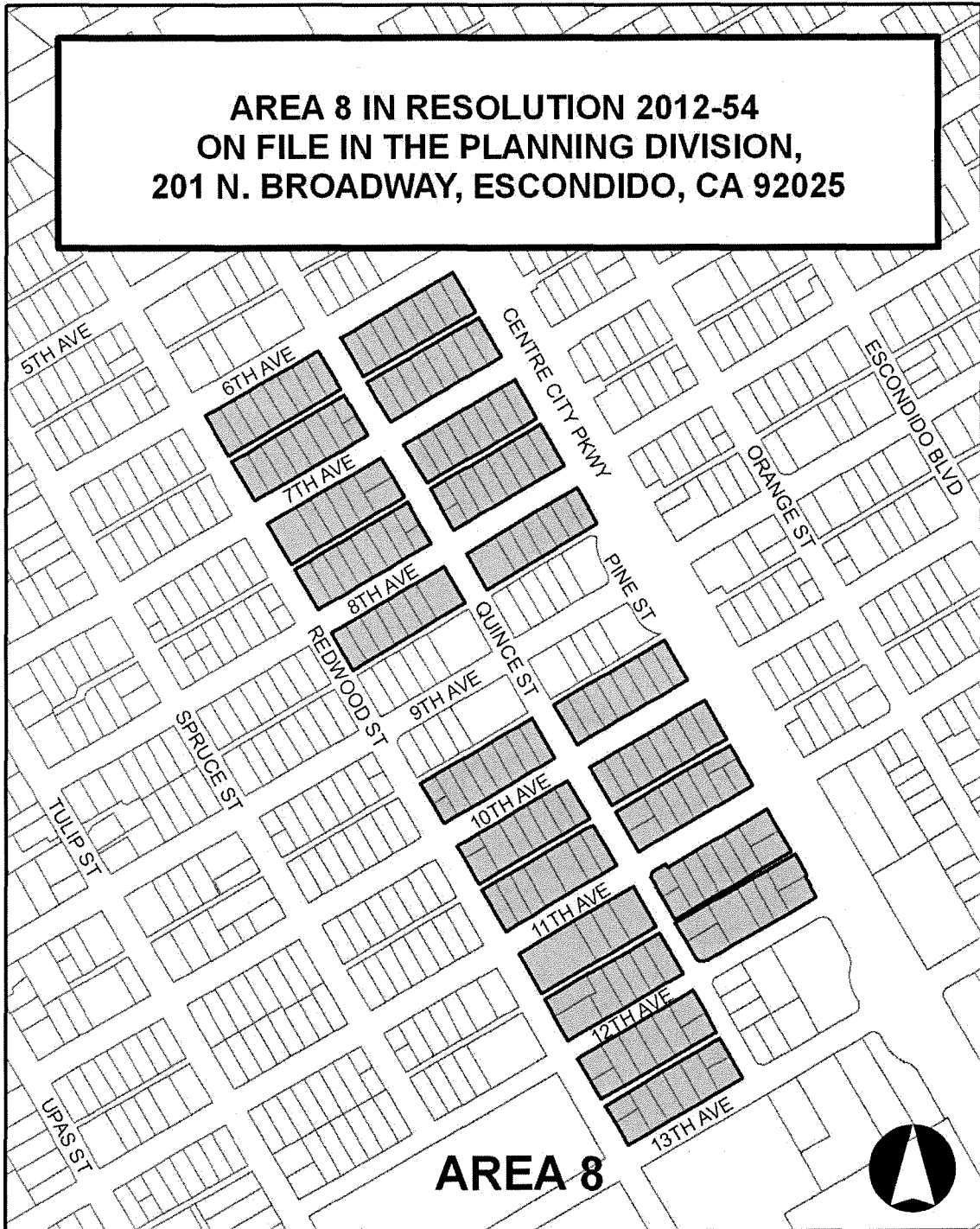
**AREA 6 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



**AREA 7 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



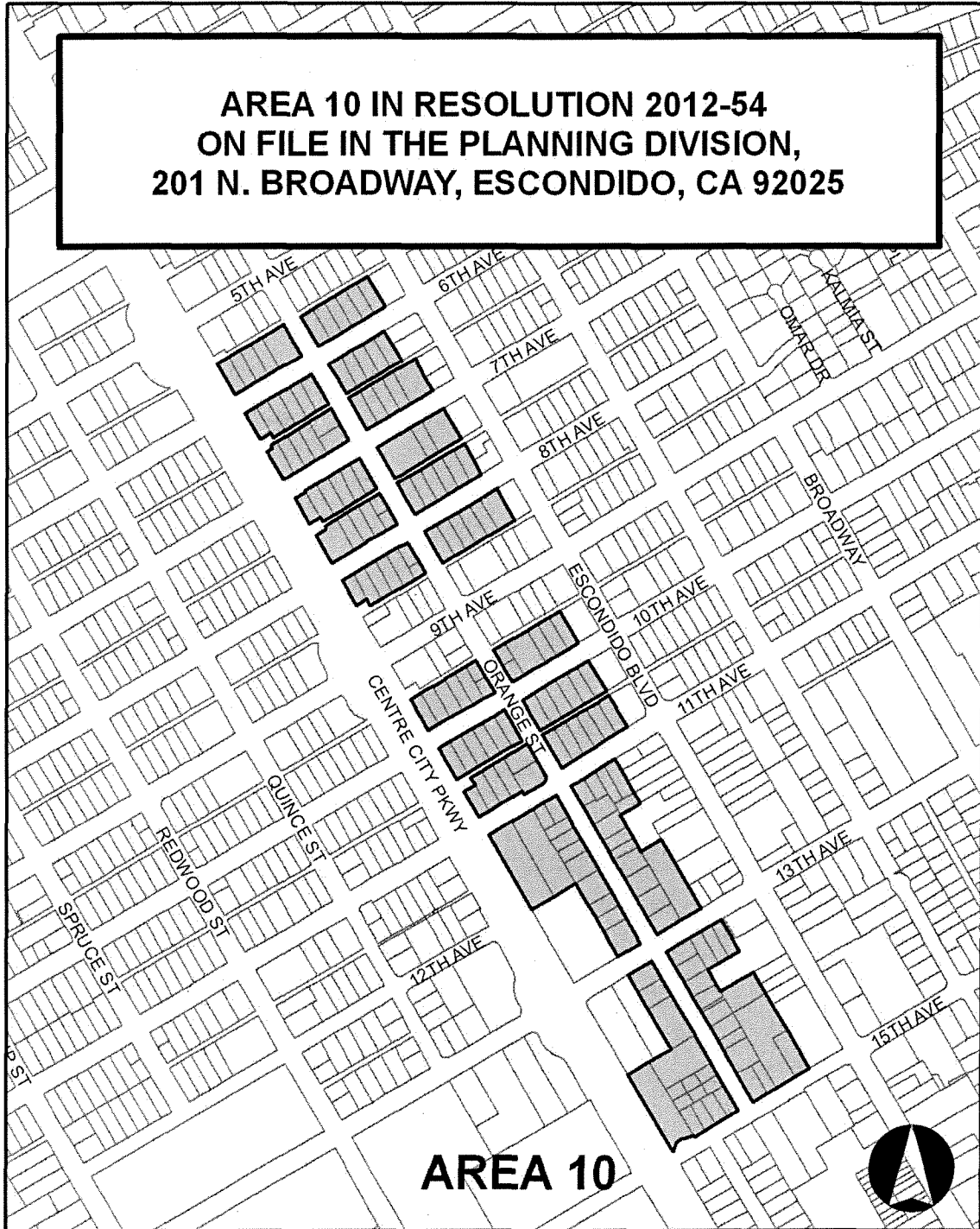
**AREA 8 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



**AREA 9 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



**AREA 10 IN RESOLUTION 2012-54
ON FILE IN THE PLANNING DIVISION,
201 N. BROADWAY, ESCONDIDO, CA 92025**



AREA 10



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15

Date: May 23, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney
Jennifer K. McCain, Assistant City Attorney

SUBJECT: Second Public Hearing on Proposed City Charter

RECOMMENDATION:

Council is requested to hold a second public hearing on the proposed city charter for the City of Escondido (attached) including the method of elections and listen to public comments and suggestions and provide direction on any changes to the proposed city charter. Council may also direct staff to return to the Council on June 13, 2012 to approve the submission of the proposal to adopt a charter to the voters of Escondido.

FISCAL ANALYSIS:

If the proposed charter is placed on the November 2012 ballot, the City Clerk has provided revised cost estimates in an estimated range of \$35,000 to \$40,000 for six pages. Staff also estimates a cost of \$13,200 for an informational community mailer.

PREVIOUS ACTION:

Deputy Mayor Marie Waldron and Councilmember Ed Gallo originally requested a City Council agenda item to consider the subject of becoming a charter city on March 9, 2011. The City Council discussed becoming a charter city and on April 13, 2011, Deputy Mayor Marie Waldron presented a draft charter to the Council for public discussion. A public workshop to discuss the proposed charter and receive input from the public was held on September 28, 2011. A draft charter was placed on the City's website on September 29, 2011. A revised draft charter was posted on the City's website on January 12, 2012.

The first public hearing to consider becoming a charter city was held on April 18, 2012. City staff presented background information regarding charter cities, a brief summary of issues raised at the September 28, 2011 public workshop and recent legal developments which affect both the content and the adoption requirements for a charter ballot measure. Thereafter, at a noticed public meeting, the City Council directed staff to present an evaluation and analysis regarding a change to the current election method of Councilmembers in conjunction with the proposed charter.

BACKGROUND:

The staff report submitted at the first public hearing on April 18, 2012 is attached and incorporated fully into this report to provide background regarding charter cities in general as well as background regarding the draft charter presented to the City Council.

Municipal Election Matters/District Elections. Since the last hearing, the City Council has requested further evaluation of different methods of conducting municipal elections. Since the City's incorporation in 1888, Escondido has been subject to the general laws regulating the structure of elections for municipalities. Currently, there are no districts in the City of Escondido and Councilmembers are elected at-large. In 1988, a majority of the voters of the City of Escondido approved Proposition L providing for a directly elected Mayor with a term of 2 years. Thereafter, the electorate changed the Mayoral term to 4 years.

District elections, or any other type of voting system, may be provided for in a city charter. (Cal. Const. art. XI, § 5(b).) A charter must be adopted through a vote of the electorate. (Gov. Code § 34450 *et seq.*) Many cities, school districts and other special districts (i.e. Rincon del Diablo Municipal Water District and Vista Irrigation District) use district elections. A proposed charter that provides for a change from at-large elections to district elections need *not* include actual district boundaries or other details.

A district-voting system could be adopted without the adoption of a charter. However, general law cities have no voting system options other than district elections or at-large elections. Additionally, a district-voting system can be established in a general law city only through a vote of the people (Gov. Code § 34871); and (unlike under a charter) the exact district boundaries must be approved by the voters (Gov. Code § 34872). Thus, this option entails significantly more lead time than implementing a change to district-voting through a city charter, as districts would have to be drawn *before* the issue is taken to the electorate.

The charter process enables the form of election system, but not the specific details, to be developed and included in the charter fairly quickly, using models from other charter cities that utilized some form of district election. Draft language has been included in the proposed charter for your review.

District Elections for the City Council with the Mayor Elected At-Large. A number of charter cities, including Modesto and Compton,¹ utilize district elections, but still elect their mayor at-large (as opposed to the Council appointing the mayor).

¹ The City of Compton's charter amendment implementing district-voting has not yet been approved by its electorate. As part of a settlement of litigation, the City of Compton agreed to seek voter approval of district elections.

Seat Based Voting. Under a seat-based voting system, the four council positions remain at-large, however, candidates are allowed to designate which particular seat they are running for, depending on which seats are open. Seats are often denominated by number. Voters are allowed to vote for a candidate for each available seat. Such a method arguably allows candidates a greater chance of being elected because they are running only against other candidates for that same seat; however, there is no assurance as to how many candidates may choose to run for which particular seats. Such a system is still an “at-large” voting system.²

Cumulative Voting. With cumulative voting, a ballot has two or three columns listed next to each candidate, depending on whether there are two or three seats open in that election. Each voter could cast his or her votes for separate candidates, casting one vote in each column, or could cast all of his or her votes for a single candidate. Cumulative voting purportedly helps minority candidates because their supporters can “single-shot” all their votes behind one candidate, while majority voters typically spread out their votes among several candidates.

Cumulative voting is still considered at-large voting, however, and its implementation would not prevent future challenges based on the California Voting Rights Act (CVRA). (See Elec. Code § 14026; *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 670 [defining cumulative voting as an alternative at-large voting method].) Furthermore, election experts have argued that cumulative voting could be problematic because it typically causes more vote-splitting than a traditional system. Parties or groups are more likely to limit their nominees to avoid such vote-splitting, and voting becomes more strategic to ensure the election of a preferred candidate. We are not aware of any cities in California that use cumulative voting.

Instant Runoff Voting. Four cities in California (all in the San Francisco Bay area) currently use some form of instant runoff, or ranked, voting: Berkeley, San Francisco, Oakland, and San Leandro. In instant runoff voting, voters rank the candidates in order of preference. The ballots are initially counted as one vote for the voter’s first choice candidate. If a candidate secures a majority of votes cast, that candidate wins. Otherwise, the candidate with the fewest votes is eliminated, and a new round of counting takes place, with each ballot counted as one vote for the highest ranked candidate that has not been eliminated. The process continues until the winning candidate receives a majority of the votes against the remaining candidates. When a candidate receives a majority of the votes, the process ends and that candidate wins.

Proponents of instant runoff voting argue that it eliminates the “spoiler” effect, where votes are diluted by long-shot candidates, and that the system ensures a candidate receives an actual majority of the votes cast.

² If Council is inclined toward such an approach, please see cautionary notes on page 4 in the discussion on the pending Gomez litigation.

Opponents of instant runoff voting argue it is overly complicated, and can create a “no show paradox,” where voters assume they may be better off not voting at all, rather than being forced to rank undesired candidates.³ Furthermore, they assert that instant runoff voting does not in fact eliminate the “spoiler” effect. Burlington, Vermont once used an instant runoff voting method, but the voters repealed that procedure after it produced somewhat bizarre results where an unpopular mayor was elected, largely based on second and third place votes.

Impact on Gomez Litigation. Councilmembers have previously expressed concern that the City’s active consideration of alternative voting methods could jeopardize the City’s position in *Demetrio Gomez v. City of Escondido*, Superior Court Case No. 37-2011-00060480-CU-CR-NC. We do not believe this would be the case. The charter city process was undertaken quite some time before the *Gomez* litigation was initiated. If anything, we believe that if district based elections were included in the charter and placed on the ballot for the voters in November, it would have the effect of holding the litigation in abeyance. Indeed, the Plaintiffs’ counsel has indicated to the Superior Court that plaintiffs would agree to stay the pending litigation if the City Council were to place a Charter that included district elections before the City voters on the November ballot. If the charter passed, it would be quite likely that the litigation would be subject to complete dismissal. Indeed, Plaintiffs’ counsel has tentatively agreed to this. The impact of adopting alternatives other than district elections (i.e., seat based, or cumulative) would likely not result in the lawsuit being dismissed, as these alternative systems are not “district” elections within the meaning of the CVRA.

As noted above, additional provisions in the proposed City charter regarding the election process would allow for more flexibility and increase efficiency in adopting a change in the method of election for Councilmembers. A city charter may establish the structure for the election of councilmembers by providing for an election method. The change would take effect utilizing the same ballot measure, thus utilizing an ongoing process and eliminating duplicative costs. The establishment of the boundaries of the district would occur after the adoption of the proposed charter, prior to the following election in 2014.

PROPOSED LANGUAGE:

The attached draft charter includes proposed language regarding the elected officers of Escondido. The proposed language would allow for a “by district” method of voting for City Councilmembers instead of the current at-large method of voting for City Councilmembers. If adopted by the voters, the changes would commence at the 2014 election.

Similar language is currently being proposed by the City of Compton. The City of Compton has recently put an amendment to their charter on the ballot to approve a change from an at-large method of election to a “by district” method of election. The amendment is the most recent charter considering

³ See <http://victor-kaplan.suite101.com/the-pros-and-cons-of-the-alternative-instant-runoff-vote-a315772>

Honorable Mayor and Members of the City Council
May 23, 2012
Page 5

a change from an at-large election method to a "by district" method and provides the most relevant example for the City of Escondido.

Districts are developed using the factors set forth in the California Elections Code, including topography, geography, cohesiveness, contiguity, integrity and compactness of territory, and community of interest.

The proposed charter amendment by Compton was a change to the previous at-large system. Compton already had districts in place and councilmembers were required to be residents of those districts. Although each councilmember had to reside in a particular district, they were elected at-large. Under the proposed Compton approach, residents will only vote for candidates within their district. This latter approach satisfies the requirements of the CVRA whereas the former approach did not.

There are several differences between the amended charter from Compton and the proposed charter language for Escondido. Compton already had established districts prior to the charter amendment. The proposed charter language for Escondido allows the initial establishment of the district boundaries following the adoption of the proposed charter. Compton's charter provides for a change from a four council member district to a six council member district if population increases. The proposed charter language for Escondido does not contain this type of process.

Compton outlines compensation for their Councilmembers in the charter. The proposed Escondido language requires mayoral and council salaries to be set within limits according to general law. Compton also requires a thirty day residency requirement prior to nomination or appointment to office. The proposed Escondido language allows for Council to make that determination (shorter or longer) by ordinance.

CONCLUSION:

Council is requested to hold a second public hearing on the proposed city charter for the City of Escondido (attached) including the method of elections and listen to public comments and suggestions and provide direction on any changes to the proposed city charter. Council may also direct staff to return to the Council on June 13, 2012 to approve the submission of the proposal to adopt a charter to the voters of Escondido.

Respectfully submitted,


JEFFREY R. ERP
City Attorney


JENNIFER K. MCCAIN
Assistant City Attorney

Attachment (Proposed Draft Charter)

CHARTER OF THE CITY OF ESCONDIDO

PREAMBLE

WE THE PEOPLE of the City of Escondido declare our intent to restore to our community the historic principles of self governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed and firm in the conviction that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all of the citizens of Escondido, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Escondido.

CHARTER

Article 1 Municipal Affairs

Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the citizens of the City of Escondido.

Section 101. Powers

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Escondido. The boundaries of the City of Escondido shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter

takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2 Form of Government

Section 200. Form of Government

This municipal government established by this Charter shall be known as the "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Article 3 ELECTED OFFICERS

Section 300. Enumeration and Term

The elected officers of the City shall consist of:

A City Council composed of five members who are registered voters of the City, four to be residents of their respective Districts and nominated and elected only by the residents of their respective Districts. The fifth shall be nominated and elected from the City at large and shall hold the office of Mayor.

Other elected officer(s) of the City shall be:

A City Treasurer.

All of the elected officers shall serve for a term of four years following their election. The terms of all elected officers shall commence upon installation and each shall serve until the officer's successor is elected and installed.

Section 301. Districts

For the purpose of electing the members of the Council, excepting the Mayor, the City shall be divided into four Districts. The City Council shall, by ordinance, establish four Districts that shall be used for the elections of Council members, excepting the Mayor. Said Districts shall be in compliance with applicable laws.

The ordinance establishing the boundaries of the Districts shall be adopted on or before December 31, 2013.

Section 302. Redistricting

District boundaries shall be altered when necessary as shown by the most recent federal decennial census, or by more current data certified by the City Council as sufficiently reliable and detailed to serve as a basis for district boundary alteration, or by annexation or consolidation of territory.

Section 303. Eligibility

An elected officer of the City shall be a resident and voter in the City.

In addition, every Council member or candidate shall be and remain a qualified voter in the District from which the Council member or candidate is nominated, as required by the California Elections Code. No change in the boundary or location of any district shall abolish or terminate the term of office of any Council member prior to expiration of the term of office for which the member was elected, notwithstanding any other provision of this Section. Each Council member will, during the duration of the member's term, represent the District by which the member was elected.

Section 304. Vacancies

A vacancy in any elective office, from whatever cause, shall be filled by appointment by the City Council, such appointee to hold office for the remainder of any unexpired term, and until a successor is elected and installed.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office is declared vacant, it shall cause an election to be held to fill such vacancy.

**Article 4
Fiscal Matters**

Section 400. Economic and Community Development

The City shall encourage, support, and promote economic development and community development in the City.

Section 401. Public Works Contracts

The City is exempt from the provisions of all California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including but not limited to, the compensation rates to be paid for the performance of such work.

Section 402. Prevailing Wage

No City contract shall require payment of the prevailing wage schedule unless: the prevailing wage is legally required, and constitutionally permitted to be imposed, by federal or state grants pursuant to federal or state law; or the project is considered by the City Council not to be a municipal affair of the City; or payment of the prevailing wage schedule is authorized by resolution of the City Council. Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates published by the State of California.

Section 403. Fair and Open Competition

The City will promote fair and open competition for all City construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of City construction contracts.

Section 404. Definition of Public Works

For purposes of this Article, the term "public works" means: (1) A building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, redevelopment project, or other facility owned or to be owned or to be contracted for by the City of Escondido or the Escondido Community Development Commission, that is paid for in whole or in part with tax revenue paid by residents of the City of Escondido; or (2) Any other construction service or nonconstruction service.

Section 405. Voluntary Employee Political Contributions

Unless otherwise required by law, neither the City, nor its agents, shall deduct from the wages, earnings or compensation of any City employee any political contributions unless the employee has first presented, and the City has received, a signed written authorization of such deductions, which authorization must be renewed annually and may be revoked by the employee at any time by giving written notice of such revocation to the City.

**Article 5
Revenue Retention**

Section 500. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 501. Mandates Limited

No person whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

**Article 6
General Laws**

Section 600. General Law Powers

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any

conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Section 601. Council Member Compensation

Notwithstanding the previous paragraph, the salary of the Mayor and the Council Members will continue to be set pursuant to California Government Code sections 36516 and 36516.1 where the formula considers city population and state law.

**Article 7
Interpretation**

Section 700. Construction and Interpretation

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

Section 701. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

**Article 8
Amendment**

Section 800. Amendment to Charter, revised or repealed

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.

**AUTHENTICATION
AND
CERTIFICATION**

Authenticated and certified to be a true copy by Mayor Sam Abed and City Clerk Diane Halverson.

Date of Municipal Election: _____

ATTEST:

Sam Abed, Mayor

Diane Halverson, City Clerk

DRAFT



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 13
Date: April 18, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney
Jennifer K. McCain, Assistant City Attorney

SUBJECT: Public Hearing on Proposed City Charter

This staff report provides general background information regarding charter cities, a brief summary of issues raised at the September 28, 2011 public workshop and recent legal developments which affect both the content and the adoption requirements for a charter ballot measure.

RECOMMENDATION:

Council is requested to hold a public hearing on the proposed city charter for the City of Escondido (attached) and listen to public comments and suggestions and provide direction on any changes to the proposed city charter.

FISCAL ANALYSIS:

If the proposed charter is placed on the November 2012 ballot, the City Clerk has provided revised cost estimates in an estimated range of \$35,000 to \$40,000 for six pages. Staff also estimates a cost of \$13,200 for an informational community mailer.

PREVIOUS ACTION:

Deputy Mayor Marie Waldron and Councilmember Ed Gallo originally requested a City Council agenda item to consider the subject of becoming a charter city on March 9, 2011. The City Council discussed becoming a charter city and on April 13, 2011, Deputy Mayor Marie Waldron presented a draft charter to the Council for public discussion. A public workshop to discuss the proposed charter and receive input from the public was held on September 28, 2011. A draft charter was placed on the City's website on September 29, 2011. A revised draft charter (attached) was posted on the City's website on January 12, 2012.

BACKGROUND:

In California, there are two kinds of cities: charter cities and general law cities. See Cal. Gov't Code §§ 34100-34102. General law cities derive their corporate powers from general laws enacted by the legislature. See generally *Irwin v. City of Manhattan Beach* (1966) 65 Cal. 2d 13. Charter cities, on the other hand, derive their corporate powers directly from the constitution, subject to limitations of

Honorable Mayor and Members of the City Council
April 18, 2012
Page 2

their respective charters and enactments of the legislature on matters of statewide concern. See *Johnson v. Bradley* (1992) 4 Cal. 4th 389, 394. The City of Escondido is a general law city and was incorporated in 1888. According to the League of California Cities, of the 482 cities in the state, 120 are charter cities. In North County, Carlsbad (adopted 2008), Oceanside (adopted 2010), Del Mar (adopted 1960), Vista (adopted 2007) and San Marcos (adopted 1994) are charter cities.

Charters can be drafted to be very broad or narrowly tailored to address a few specific local needs. For instance, the City of San Diego's charter is 121 pages and addresses many issues, including, corporate powers, nominations and elections, legislative power, the mayor, executive and administrative service, board of education, finance, civil service, retirement of employees, transfer of police and fire department employees into the retirement system, fireman's relief and pension fund, labor on public work, city police court, and the strong mayor form of governance.

By contrast, Vista and other North San Diego County cities have all tended toward using shorter, simplified charter documents which address specific issues including public works contracts, prevailing wage, public financing, and retirement benefits. Charters for Carlsbad, Oceanside, Del Mar, Vista and San Marcos have previously been provided to you for review and comparison.

The authority provided in the state constitution to organize as a charter city is extended only to an existing city. An advantage of the charter form of government stems from the potential breadth of local authority which may be exercised. Since the powers of a charter city are not restricted to only those outlined in the general state municipal law, a city can adopt a charter and customize its organization and elective offices to provide for unique local conditions and needs.

A charter is a written document, approved by the electorate, which operates as a "constitution" for the adopting city. The provisions of Cal Const art. XI, § 3(a) authorize the adoption of a city charter and provide that such a charter has the force and effect of state law. Charter cities have the power to make and enforce all ordinances and regulations with respect to municipal affairs, including those relating to the creation and regulation of a police force and sub-government within the city, the conduct of city elections, and the dealings with municipal officers and employees. Cal Const art. XI, § 5(b). Charters act as instruments of limitation on the broad power of charter cities over matters of municipal affairs. *City of Glendale v. Trondsen* (1957) 48 Cal. 2d 93, 98. A charter can only be adopted and/or changed by a majority vote of the city residents.

The provisions of Cal Const art. XI, § 5(a), the "home rule" provision, affirmatively grant charter cities supremacy over "municipal affairs." However, the California Constitution does not define the term "municipal affair." The "home rule" provision of the California Constitution authorizes a charter city to exercise plenary authority over municipal affairs, free from any constraint imposed by the general law and subject only to constitutional limitations. See Cal Const art. XI § 5(a); *Ex Parte Braun* (1903) 141 Cal. 204, 209; *Bishop v. City of San Jose* (1969) 1 Cal. 3d 56, 61; *Comm. of Seven Thousand v. Super. Ct. (City of Irvine)* (1988) 45 Cal. 3d 491. The primary advantage of a charter is that it allows greater authority for a city's governance than that provided by state law. A city charter is subject only

Honorable Mayor and Members of the City Council

April 18, 2012

Page 3

to conflicting provisions in the state or federal constitutions and preemptive state law on matters of statewide concern.

Whether a given activity is a municipal affair over which a city has sovereignty or a statewide concern, over which the legislature has authority, is a legal determination for the courts to resolve. Thus, the determination of whether a given activity is a municipal affair or statewide concern is done on a case-by-case basis. The court's determination will depend on the particular facts and circumstances of each case. See *In Re Hubbard* (1964) 62 Cal. 2d 119, 128. The concept of "municipal affairs" is a fluid one that changes over time as local issues become statewide concerns. See *Issac v. City of Los Angeles* (1998) 66 Cal. App. 4th 586.

Municipal Affairs

There are some areas that the courts have consistently classified as municipal affairs. These include:

- Municipal Election Matters. See *Mackey v. Thiel* (1968) 262 Cal. App. 2d 362.
- Procedures for Initiative, Referendum and Recall. See *Lawing v. Faull* (1964) 227 Cal. App. 2d 23, 29.
- Procedures for Adopting Ordinances. See *Brougher v. Board of Public Works* (1928) 205 Cal. 426.
- Compensation of City Officers and Employees. Cal Const art. XI, § 5(b); See *Sonoma County Organization of Public Employees v. County of Sonoma* (1979) 23 Cal. 3d 296; but see *San Leandro Police Officers Association v. City of San Leandro* (1976) 55 Cal. App. 3d 553 (labor relations is not a municipal affair; charter cities are subject to the Meyers-Millias Brown Act. Cal. Gov't Code § 3500).
- Processes Associated with City Contracts. See *First Street Plaza Partners v. City of Los Angeles* (1998) 65 Cal. App. 4th 650; but see *Domar Electric, Inc. v. City of Los Angeles* (1995) 41 Cal. App. 4th 810 (state law establishing employment policy may preempt local regulation of bidding criteria).
- Financing Public Improvements. See *City of Santa Monica v. Grubb* (1996) 245 Cal. App. 2d 718.
- Making Charitable Gifts of Public Funds for Public Purposes. See Cal Const art. XVI, § 6; *Tevis v. City and County of San Francisco* (1954) 43 Cal. 2d 190.
- Term Limits for Council Members. See *Cawdrey v. City of Redondo Beach* (1996) 15 Cal. App. 4th 1212; but see Cal. Gov't Code § 36502(b) (regulating term limits).
- Land Use and Zoning Decisions (with a few exceptions). See *Brougher v. Bd. of Pub. Works* (1928) 205 Cal. 426.

Matters of Statewide Concern

Alternatively, the following have consistently been classified by the courts as matters of statewide concern:

- School Systems. *Whisman v. San Francisco Unified Sch. Dist.* (1978) 86 Cal. App. 3d 782, 789.
- Traffic and Vehicle Regulation. Cal. Veh. Code § 21.
- Licensing of Members of a Trade or Profession. *City and County of San Francisco v. Boss* (1948) 83 Cal. App. 2d 445.
- Tort Claims Against a Governmental Entity. *Helbach v. City of Long Beach* (1942) 50 Cal. App. 2d 242, 247.
- Open and Public Meetings. Ralph M. Brown Act. Cal. Gov't Code §§ 54951, 54953(a).
- Exercise of the Power of Eminent Domain. *Wilson v. Beville* (1957) 47 Cal. 2d 852, 856.

September 28, 2011 Charter Proposal Workshop

Much of the discussion at the workshop revolved around Section 303 of the proposed charter concerning Project Labor Agreements (PLA's). There was some confusion on the definition of a PLA and what, if any impact, Section 303 would have on the City's ability to enter into a PLA. In addition, questions arose regarding how becoming a charter city would affect the City's statutory obligation to pay prevailing wages on public works projects. Further, some members of the public questioned why the City should become a charter city after such a long history of being a general law city. Public and Councilmember comments included suggestions for the draft charter. These suggestions included: adding a requirement that Mayor and City Council salaries and benefits be subject to state law; Council district only elections; balanced budget and free enterprise provisions.

Project Labor Agreements (PLA's)/SB 922

The language in Section 303 of the first draft of the charter entitled "Fair and Open Competition" mirrored the language in the Oceanside charter and was very similar to Chula Vista's charter provision.¹ These provisions prohibit the City from requiring contractors on public works contracts to enter into PLA's. In North County, Carlsbad, Del Mar, San Marcos and Vista do not have this provision in their charters.

Just after the charter workshop, the Governor signed SB 922 on October 2, 2011. SB 922 prevents blanket bans on local agencies' use of PLA's and greatly impacts the City's ability to adopt Section 303 of the draft charter. SB 922 authorizes a public entity to use, enter into, or require contractors to enter into a PLA for a construction project, if the agreement contains specific

¹ Proposition G banning PLA's in Chula Vista passed in June, 2010.

provisions. This law also authorizes the City to choose by majority vote of its Councilmembers to use, enter into or require contractors to enter into a PLA for a specific project awarded by the City. Most importantly, however, this law now prohibits a charter provision, initiative, or ordinance from preventing the governing board of a local public entity, other than a charter city, from exercising this authority on a project-specific basis. This law also provides that if a charter provision, initiative, or ordinance of a charter city prohibits the governing board from considering whether to allocate funds to a city-funded project covered by a PLA, then state funding or financial assistance may not be used to support that project.

Based on the adoption of SB 922, the legal landscape has changed since the September 28, 2011 public workshop. In light of the risk of jeopardizing state funding for adopting a provision regarding PLA's, it was decided that this provision be removed from the first draft of the charter and replaced with a revised Section 303 which states as follows:²

Section 303. Fair and Open Competition

The City will promote fair and open competition for all City construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of City construction contracts.

State Prevailing Wage Requirements: Municipal Affair or Statewide Concern?

Cities more recently have been chartered based primarily upon potential financial benefits. Avoiding prevailing wage requirements has been a dominant theme, especially among North San Diego County cities. Section 302 of the draft charter would allow the City to exempt itself from paying state prevailing wages on City funded projects. It is important to note that federally or state funded projects remain subject to the state prevailing wage requirements. During the charter workshop, staff identified significant savings that could be achieved if the City was exempt from paying state prevailing wages. Staff's presentation indicated that total construction projects were currently projected at \$163 million for the next five years and the estimated savings to the City if exempt from prevailing wage could be as much as \$16 million total.³

By way of background, California law has included State prevailing wage requirements since 1931, when the Legislature adopted the Public Wage Rate Act. The current requirements are set forth in Labor Code § 1720 *et seq.* State law requires that all workers employed on a public works project of more than \$1,000 must be paid the general prevailing rate of per diem wages for the work performed. Labor Code § 1771. This requirement does not apply to work done by a public agency's own forces.

² The public was notified of this change by a news release dated January 12, 2012, and the revised draft charter was placed on the City's website.

³ Even as a charter city, Escondido will be required to pay prevailing wage for federally or state funded projects. For example, if the City were to receive a grant from the federal Economic Development Agency as a result of the City's CEDS document, the City would have to pay prevailing wages for any public projects funded by these grant monies.

Id. The prevailing wage rates for various job classifications in each locality are set by the State Department of Industrial Relations generally based on wage rates paid in the locality and the nearest market area to a majority or the largest number of workers in a given classification. Labor Code § 1773.9.

The prevailing wage law is designed to ensure that private contractors who enter into collective bargaining agreements can compete for public works contracts. However, the law is not applicable to private agreements. Historically, charter cities have not been bound by state law prevailing wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. *Vial v. City of San Diego* (1981) 122 Cal. App. 3d 346, 348. The League of California Cities notes a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis arguing that the payment of prevailing wages is a matter of statewide concern. In 2004, the California Supreme Court described the issue of whether a charter city may exempt itself from compliance with the prevailing wage law as an "open" and "important" question. See *City of Long Beach v. Dept. of Indust. Relations* (2004) 34 Cal. 4th 942.

Escondido holds a considerable advantage in being able to review the experience of other cities adopting the more limited charters. In the area of prevailing wages, the California Supreme Court's resolution of *State Building and Construction Trades Council of California, AFL CIO v. City of Vista* (2009) 173 Cal. App. 4th 567 rev. granted will be determinative on whether a charter city can exempt itself from prevailing wage laws.

In the lower courts, the City of Vista successfully defended its ordinance exempting municipal contracts from prevailing wage laws based on the City's charter status. See *State Building and Construction Trades Council of California, AFL CIO v. City of Vista* (2009) 173 Cal. App. 4th 567 rev. granted.

Vista became a charter city on June 13, 2007. At the time of the ballot measure, Vista was anticipating the construction of several capital improvement projects, including a new civic center; two fire stations; a new sports park; and a stage house for the Moonlight Theatre. See *State Building and Construction Trades Council of California, AFL CIO v. City of Vista* (2009) 173 Cal. App. 4th 567 rev. granted. Advocating for a vote in favor of the ballot measure, the Vista City Council informed the public that if Vista became a charter city it "could choose when and if it pays 'prevailing wages'" on public works contracts. *Id.* at 573. The voters approved the measure and Vista became a charter city and exempted City funded public works contracts from prevailing wages.

In the Vista case, the trial court and the Court of Appeal agreed that the prevailing wage law does not qualify as a matter of statewide concern because the legislature has been willing to exclude private agreements and a fairly substantial number of publicly-supported contracts from the law's requirements. The Courts also found that the extraterritorial impact of a municipality's contracting practices was not significant or substantial enough to warrant subordination of a municipality's power over its spending, especially when the legislature did not decide to regulate private contracting which

Honorable Mayor and Members of the City Council
April 18, 2012
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has an equal or far larger volume of construction. As such, the lower courts held the City's ordinance exempting municipal projects from the prevailing wage law was valid.

On August 20, 2009, the California Supreme Court granted review of the lower court's decision and the matter has been fully briefed since February 2010, with no activity whatsoever until just recently, when both sides presented oral argument to the California Supreme Court on April 4, 2012. With the matter currently under submission and awaiting decision, there remains a possibility that the California Supreme Court may rule that prevailing wage laws are a matter of statewide concern. Such a ruling would trump the ability of a charter city to use "home rule" to exempt itself from the prevailing wage laws. The Court's decision should be made within the next ninety days, prior to the deadline to submit a ballot measure to the County Recorder's Office for the November election.

Notwithstanding the California Supreme Court's decision in the Vista case, the state legislature can always react by adopting specific legislation declaring prevailing wage laws to be matters of statewide concern or by specifically limiting the authority of a charter city (as in the case of SB 922). Indeed, the ability of the legislature to influence which laws become matters of statewide concern will always be a limitation on the authority and control of a charter city.

Section 302 of the draft charter exempting the City from paying prevailing wages on local public works projects provides the City with more local authority and cost savings. However, the validity of this section will depend largely on the California Supreme Court's decision in the Vista case.

Adoption of a Charter/AB 1344

On its own motion, the City Council may propose a charter and submit it to the voters for adoption. See Cal. Gov't Code § 34458. An election to decide on the adoption of a charter may be called by the City Council. See Cal Const art. XI, § 3. A majority of voters must vote in favor of the proposed charter for it to be ratified. The charter will not go into effect until it has been filed and accepted by the Secretary of State. See Cal. Gov't Code § 34459.

Since the last public meeting regarding the charter, the law regarding the charter adoption process has changed. On October 9, 2011, the Governor signed AB 1344 into law. This law, effective January 1, 2012, significantly changes the public hearing process for a charter proposal and the timelines for submission of ballot language for a charter election. AB 1344 changes the timeframes to submit ballot language to the voters from 88 days before the election to 95 days before an established statewide general, statewide primary, or regularly scheduled municipal election. In addition, state law now mandates that the ballot language contain an enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city council will, pursuant to an adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval.

Honorable Mayor and Members of the City Council
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Page 8

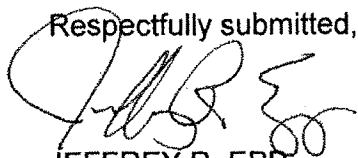
This legislation also alters the public process required before a charter proposal can be placed on the ballot. The law requires that prior to approving the submission to the voters of a proposal to adopt a charter, the governing body shall hold at least two public hearings on the matter of the proposed charter and the content of the proposed charter. Notice of the public hearings shall be given by publication in a newspaper designated by the governing body and circulated throughout the city and by posting the notice in three public places within the jurisdiction at least 21 calendar days prior to the date of each public hearing. The second hearing shall be held at least 30 days after the first public hearing. At least one of the public hearings shall be held outside of normal business hours to facilitate public participation. The governing body shall not conduct a vote on whether to approve the submission to the voters of the proposal to adopt a charter until 21 days after the second public hearing.

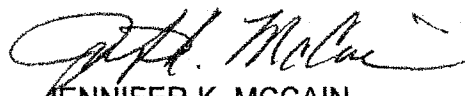
To date, study has taken place and public input has been received through three public City Council meetings held on March 9, 2011, April 13, 2011, and September 28, 2011 (a public workshop devoted solely to the proposed charter). The draft charter was also placed on the City's website on September 29, 2011 and a revised draft was placed on the City's website on January 12, 2012. This public hearing has been properly noticed and the second public hearing is scheduled for May 23, 2012 at 6:00 p.m.

Conclusion

Council is requested to hold a public hearing on the proposed city charter for the City of Escondido (attached) and listen to public comments and suggestions and provide direction on any changes to the proposed city charter.

Respectfully submitted,


JEFFREY R. EPP
City Attorney


JENNIFER K. MCCAIN
Assistant City Attorney

Attachment (Proposed Draft Charter)

CHARTER OF THE CITY OF ESCONDIDO

PREAMBLE

WE THE PEOPLE of the City of Escondido declare our intent to restore to our community the historic principles of self governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed and firm in the conviction that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all of the citizens of Escondido, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Escondido.

CHARTER

Article 1 Municipal Affairs

Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the citizens of the City of Escondido.

Section 101. Powers

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Escondido. The boundaries of the City of Escondido shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter

takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2 Form of Government

Section 200. Form of Government

This municipal government established by this Charter shall be known as the "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Article 3 Fiscal Matters

Section 300. Economic and Community Development

The City shall encourage, support, and promote economic development and community development in the City.

Section 301. Public Works Contracts

The City is exempt from the provisions of all California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including but not limited to, the compensation rates to be paid for the performance of such work.

Section 302. Prevailing Wage

No City contract shall require payment of the prevailing wage schedule unless: the prevailing wage is legally required, and constitutionally permitted to be imposed, by federal or state grants pursuant to federal or state law; or the project is considered by the City Council not to be a municipal affair of the City; or payment of the prevailing wage schedule is authorized by resolution of the City Council. Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates published by the State of California.

Section 303. Fair and Open Competition

The City will promote fair and open competition for all City construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of City construction contracts.

Section 304. Definition of Public Works

For purposes of this Article, the term "public works" means: (1) A building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, redevelopment project, or other facility owned or to be owned or to be contracted

for by the City of Escondido or the Escondido Community Development Commission, that is paid for in whole or in part with tax revenue paid by residents of the City of Escondido; or (2) Any other construction service or nonconstruction service.

Section 305. Voluntary Employee Political Contributions

Unless otherwise required by law, neither the City, nor its agents, shall deduct from the wages, earnings or compensation of any City employee any political contributions unless the employee has first presented, and the City has received, a signed written authorization of such deductions, which authorization must be renewed annually and may be revoked by the employee at any time by giving written notice of such revocation to the City.

**Article 4
Revenue Retention**

Section 400. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited

No person whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

**Article 5
General Laws**

Section 500. General Law Powers

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Section 501. Council Member Compensation

Notwithstanding the previous paragraph, the salary of the Mayor and the Council Members will continue to be set pursuant to California Government Code sections 36516 and 36516.1 where the formula considers city population and state law.

**Article 6
Interpretation**

Section 600. Construction and Interpretation

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

Section 601. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

**Article 7
Amendment**

Section 700. Amendment to Charter, revised or repealed

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.

DRAFT

**AUTHENTICATION
AND
CERTIFICATION**

Authenticated and certified to be a true copy by Mayor Sam Abed and City Clerk Diane Halverson.

Date of Municipal Election: _____

ATTEST:

Sam Abed, Mayor

Diane Halverson, City Clerk

DRAFT

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15
Date: **May 23, 2012**

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney
Jennifer K. McCain, Assistant City Attorney

SUBJECT: Second Public Hearing on Proposed City Charter [Supplemental Report]

The City Council has received additional public comment regarding the cumulative voting alternative, disclosed in the election portion of your staff report. The following is additional analysis for your consideration of this issue.

In a cumulative voting system, voters would have X number of votes and can distribute them among the candidates any way they see fit. This number of votes is usually equal to the number of seats to be filled. If voters have five votes, they can cast one vote each for their top five preferred candidates, they can "consolidate" all five votes for one candidate for whom they have an especially strong preference, or they can divide their votes between their top two choices, and so on.

Cumulative voting, and in fact any alternative at-large voting system, has been criticized because of the potential for strategic voting by those who "know" the system. Furthermore, under cumulative voting, there is a risk of an individual either (1) not electing any candidate of their choice if the voter spreads out votes to like-minded candidates while many other "single shot" all their votes to one opposing candidates or (2) in seeking to prevent outcome, a group of voters actually influences the election less by "single shooting" all their votes to one candidate when they in fact had enough votes to elect multiple candidates. Both of these outcomes, and vote splitting outcomes under instant runoff/ranked voting, arguably run afoul of the one person, one vote constitutional mandate.

Cumulative voting is sometimes used in corporations, and some of the problems it has caused can be easily applied to the City Council. For example, one commentator has observed:

"The problems with cumulative voting far outweigh any theoretical benefit related to minority interests. Cumulative voting makes it easy for disruptive, fringe, and single-issue candidates to get on the board. Moreover, once a bad director has been elected, cumulative voting makes it almost impossible to remove that director from the board. With conventional voting, i.e., casting one vote for each candidate, candidates must seek a broader base of support thereby increasing the likelihood that more moderate, business-like candidates are elected. If a director is dysfunctional or out of control, a conventional (non-cumulative) voting system allows the membership to more easily remove and replace that director."

(See <http://www.davis-stirling.com/Cumulativevoting/tabid/1888/Default.aspx#ixzz1vi3X8aa0>.)

From the legal perspective, one of the biggest hurdles for adoption of a cumulative voting system for a California city is the California Voting Rights Acts ("CVRA") and lawsuits alleging a CVRA violation. Cumulative voting is still considered "at-large" voting and its implementation would not prevent future CVRA challenges. The CVRA can only be violated by a political subdivision using an "at-large" voting system. (Cal. Elec. Code § 14027). Thus, the implementation of a district system precludes a CVRA violation. An "at-large method of election" is broadly defined by the CVRA to mean:

(a) "At-large method of election" means any of the following methods of electing members to the governing body of a political subdivision:

- (1) One in which the voters of the entire jurisdiction elect the members to the governing body.
- (2) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body.
- (3) One which combines at-large elections with district-based elections. (Cal. Elec. Code § 14026(a).)

In our opinion, modified election methods, such as cumulative voting, fall under the broad "at-large" definition. Cumulative voting has also been defined as an alternative type of at-large voting by the California Court of Appeals. (*Sanchez v. City of Modesto*, 145 Cal.App.4th 660, 670(2006)). Thus, a change to a cumulative voting method will not preclude a future claim brought under the CVRA. This is a fairly well known legal fact that flows from the clear language and intent set forth in the CVRA. This is why in every case in California brought under the CVRA the remedy imposed has been "district" elections.

The CVRA specifically lists including district-based elections in a Court ordered remedy:

Upon a finding of a violation [of the CVRA] the court **shall implement** appropriate remedies, **including** the imposition of **district-based elections**, that are tailored to remedy the violation. (Cal. Elec. Code § 14029.)

Sanchez v. City of Modesto is the only case which discusses possible CVRA remedies. In that case, the California Court of Appeals specifically declined to decide whether alternative election methods could be a remedy ordered by the Court under the CVRA.

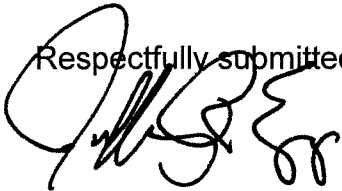
Some proponents of cumulative voting suggest that in *Sanchez* the court sanctions cumulative voting as a remedy. We disagree. In the "factual and procedural background" portion of the opinion, the Court of Appeals lists the *Sanchez* Plaintiffs' assertions that the CVRA enlarges the potential relief beyond the Federal Voting Rights Act ("FVRA"). (*Sanchez*, 145 Cal.App.4th at 670-71.) One of Plaintiffs' assertions is that alternative election methods, including cumulative voting, would be an appropriate remedy. This particular reference to cumulative voting is simply the Court's recitation of the plaintiff's position, and is not the opinion of the Court itself.

Honorable Mayor and Members of the City Council
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Because of mutual agreements in legal settlements (rather than court rulings) cumulative voting is used in Peoria, Illinois, in one South Dakota jurisdiction, and also apparently in one Long Island, NY (Port Chester) jurisdiction to the best of our knowledge. We are aware of no court that has ever allowed or imposed it as a remedy at the end of a voting rights lawsuit. On the other hand, district based elections are always the remedy to every California and Federal Voting Rights Act court finding of a violation.

A more pragmatic consideration of this issue is that in the currently pending *Gomez* case, Plaintiffs' counsel has already stated that cumulative voting is not a remedy to which Plaintiffs would agree. Thus, the lawsuit would continue if the City Council did not propose district elections as part of the Charter.

Respectfully submitted,



JEFFREY R. EPP
City Attorney



JENNIFER K. MCCAIN
Assistant City Attorney

FUTURE CITY COUNCIL AGENDA ITEMS
May 17, 2012

*AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617*

Green Sheet Due by Noon on Monday 5/14/12
Staff Reports/Resos due by Noon on Tuesday 5/22/12

MAY 30, 2012
No Meeting (Memorial Day)

Green Sheet Due by Noon on Monday 5/21/12
Staff Reports/Resos due by Noon on Tuesday 5/29/12

JUNE 6, 2012
No Meeting