



Council Meeting Agenda

July 13, 2011

CITY COUNCIL CHAMBERS

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

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

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

July 13, 2011
3:30 p.m. Meeting

Escondido City Council Community Development Commission

CALL TO ORDER

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

ORAL COMMUNICATIONS

At this time the public may comment on items not appearing on the agenda. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.)

CLOSED SESSION: (COUNCIL/CDC/RRB)

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

- II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
 - a. Property: 455 N. Spruce St., 480 N. Spruce St., and 525 N. Quince St.
Agency Negotiator: Clay Phillips
Negotiating parties: City and JMI Sports
Under negotiation: Price and terms of payment

 - b. Property: A parcel on the north side of West Valley Parkway between City Hall and the California Center for the Arts, Escondido, APN#229-372-20
Agency Negotiator: Charles Grimm
Negotiating parties: City of Escondido and Various Parties
Under negotiation: Price and terms of payment

ADJOURNMENT



Council Meeting Agenda

July 13, 2011
4:30 p.m. Meeting

Escondido City Council
Community Development Commission
Mobilehome Rent Review Board

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

PRESENTATIONS: Mercado District

PROCLAMATIONS: NK Towing and Roadside Service
Parks and Recreation Month, July 2011

ORAL COMMUNICATIONS

At this time the public may comment on items not appearing on the agenda. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) *NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 30 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 June 8, 2011**
 Regular Meeting of June 15, 2011

4. **AWARD OF BID FOR LEGAL ADVERTISING FISCAL YEAR 2011-12** – Request Council award the bid for the City's legal advertising for a one-year period to North County Times.

Staff Recommendation: Approval **(City Clerk's Office: Marsha Whalen)**

RESOLUTION NO. 2011-99

5. **NOTICE OF COMPLETION FOR TRACT 839 EUREKA RANCH PUBLIC IMPROVEMENTS: UNIT 1, UNIT 4 AND UNIT 5** – Request Council authorize staff to file a Notice of Completion for the Public Improvements associated with Tract 839 Eureka Ranch, Units 1, 4 and 5.

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

6. **BUDGET ADJUSTMENT FOR EUREKA RANCH COMMUNITY FACILITIES DISTRICT (CFD 2006-01)** – Request Council approve a budget adjustment to increase funds available for disbursement by including interest earned on CFD 2006-01 funds.

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

7. **SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION FOR THE PREVIOUSLY APPROVED 41-LOT "RINCON ESCONDIDO" RESIDENTIAL DEVELOPMENT (ER 2004-48 AND TR 892, 2004-52-PZ/PD/GE/PZ/DA, 2004-06-AN)** – Request Council adopt a Supplemental Mitigated Negative Declaration for a previously approved 41-lot, clustered residential subdivision; Tentative Subdivision Map; Preliminary, Master and Precise Development Plan; Grading Exemptions; Annexation/Reorganization; and a Development Agreement.

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

RESOLUTION NO. 2011-89

CONSENT CALENDAR - Continued

8. **SETTING SPECIAL TAX LEVY FOR COMMUNITY FACILITIES DISTRICT NO. 2006-01 (EUREKA RANCH)** – Request Council set the Special Tax Levy for the Community Facilities District (CFD) No. 2006-01 (Eureka Ranch).

Staff Recommendation: Adopt and File **(Finance Department: Gil Rojas and Renee Bojorquez)**

RESOLUTION NO. 2011-94

9. **SETTING SPECIAL TAX LEVY FOR COMMUNITY FACILITIES DISTRICT NO. 2000-01 (HIDDEN TRAILS)** – Request Council set the Special Tax Levy for the Community Facilities District (CFD) No. 2000-01 (Hidden Trails).

Staff Recommendation: Adopt and File **(Finance Department: Gil Rojas and Renee Bojorquez)**

RESOLUTION NO.: 2011-95

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

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

PUBLIC HEARINGS

10. **SHORT FORM RENT APPLICATION INCREASE FOR TOWN AND COUNTRY CLUB PARK** – Request Council consider the short-form rent increase application submitted for Town and Country Club Park, granting an increase of 75% If the change in the Consumer Price Index, an average of \$7.61 per space per month, for the period December 31, 2008 – December 31, 2010.

Staff Recommendation: Approval **(Housing Division: Jerry VanLeeuwen)**

RESOLUTION NO.: RRB 2011-06

PUBLIC HEARINGS - Continued

11. **AMENDMENT TO THE INTERIM DOWNTOWN SPECIFIC PLAN (AZ 09-0006)** – Request Council amend the Interim Downtown Specific Plan consisting of two sub items that would revise the Permitted Use Matrix and eliminate parking requirements in the core downtown area. Sub item A would refine the land use categories, notations and permitted uses primarily in the Historic Downtown District, but inclusive of all districts within the specific plan. Sub item B would eliminate on-site parking space requirements for existing, new or expanding non-residential uses within Vehicle Parking District No. 1 and the proposed Vehicle Parking District No.2.

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

RESOLUTION NO. 2011-90

12. **URBAN WATER MANAGEMENT PLAN** – Request Council approve the City's 2010 Urban Water Management Plan.

Staff Recommendation: Approval (**Utilities Division: Lori Vereker**)

RESOLUTION NO.: 2011-93

CURRENT BUSINESS

13. **IMPLEMENT TWO-HOUR AND THREE-HOUR PARKING TIME ZONES AT VARIOUS LOCATIONS CITYWIDE** - Request Council implement two-hour and three-hour parking time zones at various locations Citywide with minor field adjustments per field conditions.

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

RESOLUTION NO. 2011-46

14. **BID AWARD FOR PHASE 2, REGIONAL GENERAL PERMIT (RGP)** - Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with the lowest responsive and responsible bidder, AECOM Technology Corporation, in the amount of \$269,990 for the Phase 2, Regional General Permit (RGP) Project.

Staff Recommendation: Approval (**Utilities Division: Cheryl Filar and Jeff Warner**)

RESOLUTION NO. 2011-97

CURRENT BUSINESS - Continued

15. **FIRST AMENDMENT TO THE LEXUS DIGITAL SCREEN CONTENT AND OPERATION AGREEMENT (Case No. ADM 11-0104, 1205 Auto Parkway)** – Request Council authorize the Mayor and City Clerk to execute the First Amendment to the Lexus Digital Screen Content and Operation Agreement.

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

RESOLUTION NO. 2011-88

16. **FUNDING FOR CALIFORNIA CENTER FOR THE ARTS, ESCONDIDO** – Request Council approve a budget adjustment in the amount of \$200,000 for additional funding for the California Center for the Arts, Escondido.

Staff Recommendation: Approval (**Council Subcommittee**)

17. **GENERAL PLAN UPDATE STATUS AND CLIMATE ACTION PLAN (CASE NO. PHG 09-0020, PHG 10-0016)** – Request Council review and endorse draft goals and policies intended for inclusion in the updated General Plan to be analyzed in the Environmental Impact Report; and consider a request to initiate a private General Plan Amendment request involving 22 acres on Amanda Land; and review progress on other activities pertaining to the General Plan Update.

Staff Recommendation: Review goals and policies, initiate the General Plan Amendment for processing and direct staff to proceed with analyzing the Citywide General Plan Update (**Community Development/Planning: Barbara Redlitz**)

18. **NOTICE OF COMPLETION FOR JUNIPER SENIOR HOUSING – 215 E. WASHINGTON AVENUE** – Request Council authorize staff to file a Notice of Completion for Juniper Senior Housing.

Staff Recommendation: Approval (**Neighborhood Services: Jerry VanLeeuwen and Rich Buquet**)

19. **APPROVAL AND AUTHORIZATION FOR RELEASE REQUEST FOR PROPOSALS (RFP) FOR AFFORDABLE HOUSING PURPOSES** – Request Council authorize staff to release a Request for Proposals (RFP) for the provision of first-time homebuyer or long-term affordable rental housing opportunities through the redevelopment of six vacant parcels in two mobile home parks. The RFP will include a total of up to \$763,087 in Neighborhood Stabilization Program (NSP) funds.

Staff Recommendation: Approval (**Housing Division: Jerry VanLeeuwen**)

CURRENT BUSINESS - Continued

20. **DESIGNATION OF VOTING DELEGATE TO LEAGUE CONFERENCE** – Request Council designate a voting delegate and up to two alternates to represent the City of Escondido at the business meeting to be held during the League of California Cities Annual Conference September 21-23, 2011 in San Francisco.

Staff Recommendation: None **(City Clerk's Office: Marsha Whalen)**

FUTURE AGENDA

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

Staff Recommendation: None **(City Clerk's Office: Marsha Whalen)**

ORAL COMMUNICATIONS

At this time the public may comment on items not appearing on the agenda. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda.

COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
July 20	No Meeting		No Scheduled Meeting	
July 27	No Meeting		No Scheduled Meeting	
August 3	No Meeting		No Scheduled Meeting	
August 10	Wednesday	3:30 & 4:30 p.m.	City Council Meeting	City 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.



Agenda Item: No. 3
Date: July 13, 2011

APPROVAL

OF

MINUTES

CITY OF ESCONDIDO
June 8, 2011
3:30 p.m. Meeting Minutes

Escondido City Council
Community Development Commission

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 3:30 p.m. on Wednesday, June 8, 2011 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. Councilmember Diaz arrived at 4:05 p.m. 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.

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

- a. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido City Employee Association
Supervisory Bargaining Unit**
- b. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido City Employee Association
Administrative/Clerical/Engineering (ACE) Bargaining Unit**
- c. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Maintenance & Operations, Teamsters Local 911**

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

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

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:20 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
June 8, 2011
4:30 p.m. Meeting Minutes

Escondido City Council
Community Development Commission

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 4:30 p.m. on Wednesday, June 8, 2011 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; Marsha Whalen, City Clerk; and Liane Uhl, Minutes Clerk.

PROCLAMATIONS

Mayor Abed introduced Judy Weichers, Housing Department, who presented Micah & Chandra Sumner and Gabriela Cervantes with a proclamation for Homeownership Month, June 2011.

ORAL COMMUNICATIONS

Ralph Ginese, Escondido Classified Employees Association President, stated the Association employees have taken the biggest budget cuts in the past.

Kevin Niems, Escondido, voiced concern with code enforcement of feather flags at his business.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco that the following Consent Calendar items be approved. 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 May 4, 2011
Regular Meeting of May 11, 2011**
4. **INCREASE SPENDING AUTHORITY FOR PHASE 3 OF THE TULIP STREET IMPROVEMENT PROJECT AND BUDGET ADJUSTMENT TO UTILIZE UTILITIES FUNDS –**
Request Council approve an increase in spending authority in the amount of \$250,000 for the contract with Southland Paving, Inc. on Phase 3 of the Tulip Street Improvement Project; and approve a budget adjustment allocating \$335,000 of Utilities Department funds for water line work. (File No. 0600-10 [A-3006])

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

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

None

PUBLIC HEARINGS

5. **STREET VACATION – PORTION OF NORTH ELM STREET –** Request Council approve the street vacation. (File No. 0690-40)

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

RESOLUTION NO. 2011-58

John Crayton, Engineering 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. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve the street vacation and adopt Resolution No. 2011-58. Motion carried unanimously.

6. **ADOPTION OF AN INTERIM FISCAL YEAR 2011/12 AND 2012/13 TWO YEAR OPERATING BUDGET –** Request Council approve the Fiscal Year 2011/12 Operating Budget for the City of Escondido and the Escondido Community Development Commission; and approve the Appropriations Limit (GANN Limit) for Fiscal Year 2011/12. (File No. 0430-30)

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

- a. **RESOLUTION NO. 2011-65**
- b. **RESOLUTION NO. 2011-66**
- c. **CDC RESOLUTION NO. 2011-07**

Gil Rojas, Finance Director, 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.

Patty Huerta, Escondido Education Compact, requested Council continue funding the Education Compact.

Roy Garrett, Escondido, indicated the community didn't agree with the Council's proposed budget cuts.

Ralph Ginese, Escondido, urged Council to keep the branch library, pools, and recreation programs open.

Amie DeFrain, Escondido, asked Council to not make the proposed cuts to the branch library, recreation, Arts Partnership, History Center and Education Compact.

Melvin Takahara, Escondido, requested that Council not cut the branch library, Arts Partnership, Education Compact, and History Center.

Jerraldeane Quon, Escondido, urged Council to consider their proposal to keep the branch library open and read a letter from Hannah Gailey requesting Council keep the branch library open.

Armando Telles, Escondido, indicated the community should be able to express their opinions to the Council.

M.A. Mareck, Escondido, stated the Council should not make budget cuts to the City Employee Associations.

Alex Galenes, Escondido, asked Council to keep the branch library open.

Gayle Powers, Escondido, distributed a DVD and urged the Council to not close the branch library.

Randy Garcia, Escondido, asked the Council to not cut the community services.

Jerry Davis, Escondido, urged Council to make financially prudent budget cuts.

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 Mayor Abed and seconded by Councilmember Morasco to approve the proposed budget and utilizing \$178,000 from the Recreation Reserves to supplement recreation programs and the balance to maintain the learning centers/computers at the branch library and adopt Resolution No. 2011-66 and CDC Resolution No. 2011-07. Ayes: Abed, Gallo, Morasco and Waldron. Noes: Diaz. Absent: None. Motion carried.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Gallo to approve the Appropriations Limit (GANN Limit) for Fiscal Year 2011/12 and adopt Resolution No. 2011-65. Motion carried unanimously.

CURRENT BUSINESS

7. **REVIEW STATUS OF BUSINESS IMPROVEMENT DISTRICT (BID), BID ANNUAL REPORT, ADMINISTRATION BY THE DOWNTOWN BUSINESS ASSOCIATION (DBA) AND CONSIDER RESOLUTION OF INTENTION TO SET THE PUBLIC HEARING DATE TO LEVY BID ASSESSMENTS RATES FOR FISCAL YEAR 2011/12** – Request Council approve the annual BID report as submitted and set June 22, 2011, at 4:30 p.m. as the public hearing date to levy the BID assessments for FY 2011/12. (File No. 0135-10)

Staff Recommendation: Approval (**Community Development/Code Enforcement Division/Business Licensing: Barbara Redlitz**)

RESOLUTION NO. 2011-54

Barbara Redlitz, Community Development Director, and Thora Guthrie, Downtown Business Association President, gave the staff report and presented a series of slides.

Councilmember Waldron recused herself due to a conflict of interest and left the dais.

Armando Telles, Escondido, indicated he did not agree with some of the survey results.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve the annual BID report as submitted and set June 22, 2011, at 4:30 p.m. as the public hearing date to levy the BID assessments for FY 2011/12 and adopt Resolution No. 2011-54. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Abstain: Waldron. Motion carried.

FUTURE AGENDA

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

Staff Recommendation: None (**City Clerk's Office: Marsha Whalen**)

ORAL COMMUNICATIONS

None

COUNCIL MEMBERS COMMITTEE REPORTS/COMMENTS/BRIEFING

Councilmember Gallo stated that Stone Brewing Company is the #3 visitor destination in North County; Mikes BBQ was opening in the Staples shopping center in June, and an interactive kiosk was being installed at the Transit Center.

Councilmember Morasco reported on his trip to Peru.

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:53 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
June 15, 2011
3:30 p.m. Meeting Minutes

Escondido City Council
Community Development Commission

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 3:30 p.m. on Wednesday, June 15, 2011 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.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/CDC/RRB)

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

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

- a. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido City Employee Association
Supervisory Bargaining Unit**
- b. Agency Negotiator: Sheryl Bennett, Clay Phillips
Employee organization: **Escondido City Employee Association
Administrative/Clerical/Engineering (ACE) Bargaining Unit**

II. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:

- a. Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b):
one case
- b. Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9(c): **one case**

ADDED ONE ITEM:

- III CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** Government Code §54956.9(a)
a. Mardis v. City of Escondido, et al, Case No. 37-2010-00057541-CU-PA-NC

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:30 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
June 15, 2011
4:30 p.m. Meeting Minutes

Escondido City Council
Community Development Commission
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council, Community Development Commission and Mobilehome Rent Review Board was called to order at 4:30 p.m. on Wednesday, June 15, 2011 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.

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

ORAL COMMUNICATIONS

Richard Tardell, Escondido, presented a series of pictures and voiced concern with receiving citations from the Police Department on his trailer.

David Jungman, Escondido, distributed information and asked Council for help in completing his Eagle Scout project.

Karen Tatge, ECEA Secretary, indicated the association employees had voiced concern over additional pay cuts.

Carol Rea, Escondido, reported on the judge's visit to Escondido from America in Bloom.

Ralph Ginese, ECEA President, stated the association employees were the lowest paid employees and were struggling with more proposed pay cuts.

Wayne Louth, Escondido, asked Council to tour Carefree Mobilehome Park before their next meeting.

CONSENT CALENDAR

Councilmember Gallo removed item 5 and Councilmember Diaz removed item 4 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron that the following Consent Calendar items be approved with the exception of items 4 and 5. Motion carried unanimously.

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

4. **REJECT ALL BIDS FOR THE ASH STREET-CHANNEL PEDESTRIAN BICYCLE UNDERCROSSING AND AUTHORIZE RE-ADVERTISEMENT** – Request Council reject all bids for the Ash Street-Channel Pedestrian Bicycle Undercrossing Project and direct staff to re-advertise the project for bids. (File No. 0600-10 [A-3019])

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

RESOLUTION NO. 2011-74

Councilmember Diaz asked why the four bids were being rejected.

Ed Domingue, Engineering Services Director, indicated the lowest bidder was non responsive and the other three bids were higher than what had been budgeted for the project. Also, Engineering was reevaluating the project.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Waldron to reject all bids for the Ash Street-Channel Pedestrian Bicycle Undercrossing Project, direct staff to re-advertise the project for bids and adopt Resolution No. 2011-74. Motion carried unanimously.

5. **REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP) FEE ADJUSTMENT** – Request Council authorize the RTCIP Traffic Impact Fee be increased from \$2,081 to \$2,123 beginning July 1, 2011. (File No. 0145-60)

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

RESOLUTION NO. 2011-68

Councilmember Gallo stated he did not agree with the fee increase.

MOTION: Moved by Councilmember Diaz and seconded by Mayor Abed to authorize the RTCIP Traffic Impact Fee to be increased from \$2,081 to \$2,123 beginning July 1, 2011 and adopt Resolution No. 2011-68. Motion carried unanimously.

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

None

PUBLIC HEARINGS

6. **SHORT FORM RENT INCREASE APPLICATION FOR VALLEY PARKWAY MOBILEHOME PARK** – Request Council consider the short-form rent increase application submitted for Valley Parkway Mobilehome Park granting an increase of 75% of the change in the Consumer Price Index, an average of \$5.62 per space per month, for the period of December 31, 2008 to December 31, 2010. (File No. 0697-20-9788)

Staff Recommendation: Approval (**Housing Division: Jerry VanLeeuwen**)

RESOLUTION NO. RRB 2011-04

Michelle Henderson, Housing 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.

Eugene Galope, Escondido, asked Council to not grant the rent increase.

Clint Lau, Park Owners Representative, indicated he was available for questions.

Don Greene, Escondido, asked Council to look at comparable space rents.

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 short-form rent increase and adopt Resolution No. RRB 2011-04. Motion carried unanimously.

7. **FIVE YEAR CAPITAL IMPROVEMENT PROGRAM; THE FISCAL YEAR 2011/12 CIP BUDGET; AND TRANSNET FIVE YEAR LOCAL STREET IMPROVEMENT PROGRAM** – Request Council approve the Fiscal Years 2011/12 – 2015/16 Five-Year Capital Improvement Program (CIP); approve the Fiscal Year 2011/12 Project CIP Budgets; and approve the Transnet Five-Year Local Street Improvement Program of Projects for Fiscal Years 2011/12 – 2015/16. (File No. 0430-30)

Staff Recommendation: Approval (**Finance Department: Gil Rojas and Engineering Services: Robert Zaino**)

a. **RESOLUTION NO. 2011-72**

b. **RESOLUTION NO. 2011-73**

c. **CDC RESOLUTION NO. 2011-06**

Edid Molina, Finance Department, and Robert Zaino, Engineering Services Deputy Director, 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. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Waldron to approve the Fiscal Years 2011/12 – 2015/16 Five-Year Capital Improvement Program (CIP); approve the Fiscal Year 2011/12 Project CIP Budgets; approve the Transnet Five-Year Local Street Improvement Program of Projects for Fiscal Years 2011/12 – 2015/16 and adopt Resolution No. 2011-72, Resolution No. 2011-73 and CDC Resolution No. 2011-06. Motion carried unanimously.

CURRENT BUSINESS

- 8. PRESENTATION ON STREET MAINTENANCE** – A presentation regarding the Pavement Maintenance Program. (File No. 0110-20)

Staff Recommendation: Receive and file (**Engineering Services: Robert Zaino**)

Robert Zaino, Engineering Services Deputy Director, gave the staff report and presented a series of slides.

COUNCIL ACTION: No action, information only

WORKSHOP

- 9. PRELIMINARY CITY COUNCIL ACTION PLAN – ECONOMIC DEVELOPMENT** – Request Council provide direction to staff regarding proposed content for the Economic Development element of the 2011-2012 City Council Action Plan. (File No. 0610-95)

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

Joyce Masterson, Assistant to the City Manager, gave the staff report and presented a series of slides.

Lucy Berk, Escondido, thanked Council for keeping the Historic Preservation Commission.

Carol Rea, Escondido, expressed thanks to the Council for not eliminating the Historic Preservation Commission and asked Council to keep the Design Review Board.

Jimmie Spann, Escondido, thanked Council for keeping the Historic Preservation Commission.

Ashley Christensen, Escondido, thanked Council for not eliminating the Historic Preservation Commission.

Carol Bell, Escondido, indicated that the expertise of the Design Review Board did not overlap with the Planning Commission expertise, but she was willing to work with the Planning Commission.

Wendy Barker, History Center Director, thanked Council for keeping the Historic Preservation Commission and urged Council to keep all of the Boards and Commissions intact.

Jerry Davis, Escondido, indicated that the public art fee could be used to supplement the Escondido Arts Center.

COUNCIL ACTION: By consensus, the City Council accepted the proposed Economic Development element of the City Council Action Plan for 2011-2012 as presented with the following changes/additions: (Final approval for the 2011-2012 Action Plan to occur in August 2011)

- Retain the Historic Preservation Commission
- Explore a new formula for business license fees
- Include language in the General Plan Housing Element to limit the number of very low and low income housing units
- Consolidate Design Review Board with Planning Commission (further confirmation to be determined when the entire Council Action Plan is adopted)
- Update overlay area for South Escondido Boulevard
- Create master environmental document for priority development areas
- Create incentives to encourage demolition of vacant buildings for which there is no interest

FUTURE AGENDA

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

Staff Recommendation: None (**City Clerk's Office: Marsha Whalen**)

City Manager Clay Phillips indicated the Economic Development Subcommittee recommended adding the following items to the June 22, 2011 agenda: incentives on the East Valley project; and the location of the Chamber of Commerce carnival to Westfield Shopping Center.

ORAL COMMUNICATIONS

Delores McQuiston, Escondido, asked about Council statements reported in the North County Times.

COUNCIL MEMBERS COMMITTEE REPORTS/COMMENTS/BRIEFING

Councilmember Gallo indicated that SANDAG would be conducting a public hearing on the Regional Transportation Plan at the San Marcos City Hall from 4:00 p.m. to 7:00 p.m. on Saturday, June 18, 2011.

Mayor Abed stated there would be a Town Hall Meeting at the Mitchell Room on Tuesday, July 12, 2011 from 4:00 p.m. to 6:00 p.m.

ADJOURNMENT

Mayor Abed adjourned the meeting at 9:26 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: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Marsha Whalen, City Clerk

SUBJECT: Award of Bid for Legal Advertising FY 2011-12

RECOMMENDATION:

That the City Council adopt Resolution No. 2011-99 awarding the bid for the City's legal advertising for a one-year period to the *North County Times*.

FISCAL ANALYSIS:

The costs for legal advertising are included within the City Clerk and public project budgets, and are not expected to exceed \$25,000.

BACKGROUND:

The California Public Contract Code §20169 requires when there is more than one newspaper of general circulation in a community that the public bidding process occur for the purpose of publishing legal notices.

A Notice Inviting Bids for Official Legal Advertising was published on June 12 and June 16, 2011, with a bid opening date of June 30, 2011. Bids were received from the *North County Times* and the *Union Tribune*.

An analysis of the bids submitted determined the North County Times to be the most responsive bidder, based on their daily bid price per column inch, their bona fide subscription list of paying subscribers/circulation in Escondido, and additional services available, which gives us flexibility in complying with public noticing laws, as outlined in the bid specifications.

Respectfully submitted,



Marsha Whalen, CMC
City Clerk

RESOLUTION NO. 2011-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AWARDING THE BID FOR THE CITY'S LEGAL PUBLICATIONS FOR A ONE-YEAR PERIOD AND AUTHORIZING THE CITY CLERK TO EXECUTE THE AGREEMENT FOR SERVICES WITH THE NORTH COUNTY TIMES

WHEREAS, pursuant to Section 20169 of the California Public Contracts Code the City of Escondido proceeded to solicit proposals for the City's publication of legal notices; and

WHEREAS, a notice inviting bids was duly published and, pursuant to said notice, bids were received from the *North County Times* and the *Union Tribune*; and

WHEREAS, pursuant to the bids received and on file with the City Clerk's office and for the price set forth, the bona fide subscription list of paying subscribers and circulation in Escondido, and additional services available as outlined in the bid specifications, this City Council desires at this time and deems it to be in the best public interest to approve the bid submitted by the *North County Times*.

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 bid of the *North County Times* for legal publications for a one-year period is accepted and approved.
3. That the City Clerk is hereby authorized to execute the Agreement for Services as attached as Exhibit "A" and incorporated by this reference.



CITY OF ESCONDIDO
AGREEMENT FOR SERVICES
(FOR CONTRACTS \$25,000 OR LESS)

This Agreement is made this _____ day of _____, 2011

Between:	CITY OF ESCONDIDO a Municipal Corporation 201 N. Broadway Escondido, California 92025 Attn: Marsha Whalen, City Clerk 760-839-4617 ("CITY")	And:	NORTH COUNTY TIMES 207 E. Pennsylvania Avenue Escondido, CA 92025 Attn: Melanie Grimsrud Classified Inside Sales Manager 760-839-3333 ("CONTRACTOR")
----------	---	------	--

WHEREAS, the CITY and CONTRACTOR desire to enter into this Agreement for services, the parties agree as follows:

- Services. The CONTRACTOR will furnish all of the legal advertising services described in its proposal dated _____ 2011, which was submitted to City in response to a request for proposals, published on June 12 and 16, 2011. CONTRACTOR'S proposal is found as an attachment to said contract and incorporated by this reference. CONTRACTOR agrees to the terms proposed in Attachment A for a period of one year, through July 15, 2012.
- Scope of Compensation. The CONTRACTOR will be compensated for performance of tasks specified in Attachment A only, unless the parties agree in writing that additional tasks will be included.
- Insurance.
N/A
- No Subcontractors. If CONTRACTOR subcontracts, assigns, or delegates any task without first obtaining the written consent of the CITY, the CITY may terminate the agreement immediately.
- Independent Contractor. CONTRACTOR is an independent contractor and no agency or employment relationship, express or implied, is created by the execution of this Agreement.
- Additional Contract Terms. Both parties agree that this Agreement:
 - And its Attachments are the entire understanding of the parties, and that there are no oral terms.
 - Must prevail if any provision of this Agreement conflicts with any provision of its Attachment(s).
 - And its provisions will not be waived by City because City has waived any provision previously.
 - Will remain effective in its remainder if any court declares any portion of this Agreement invalid.
 - Is governed by California law, in the state and federal courts of North San Diego County.
 - May be executed in multiple copies by photocopy or scanning. Signatures on copies will have same effect as those on original.
 - When placed on file with the Escondido City Clerk, will take precedence over other copies of the agreement.
 - Business License. The CONTRACTOR agrees to obtain a City of Escondido Business License prior to execution of this Agreement.

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

CITY OF ESCONDIDO

CONTRACTOR

City Clerk

Signature

Date: _____

Name and Title (please print)

APPROVED AS TO FORM:

City Attorney

Name of Company (please print)

Date Signed: _____

**CITY OF ESCONDIDO
BID SCHEDULE FOR FY 2011-12
PUBLISHING OF LEGAL NOTICES**

1. Enter name and address of newspaper.
Show address for mailing copy and
address for making payment, if different
NORTH COUNTY Times
207 E. Pennsylvania Ave.
Escondido CA 92025
Email contact: mjamil@nctimes.com
2. Vendor Code (Bidder - Leave Blank)
3. Proof of Adjudication enclosed YES X NO
4. Legal notices, show price per column inch,
maximum for one insertion, per specifications \$ 17.71
5. Legal notices, show price per column inch,
maximum for subsequent insertion per
specifications \$ 17.71
6. Legal notices, show price per column inch,
maximum for material composed or set,
but not printed \$ 17.71
7. Display advertising for one insertion (may
include graphics, camera work composed,
but not printed) \$ 17.71
8. Display advertising for subsequent inser-
tions (may include graphics, camera work
composed, but not printed) \$ 17.71
9. If on-line advertising is available, price per ad \$ 10.00
10. **Publication Dates:** (Use the following symbols
or abbreviations) D S
Daily ----- D
Sunday ----- S

- 11. Show latest certified circulation figures for each designation indicated below. If additional explanation of areas is necessary, please show on a separate sheet and note with ***.

CIRCULATION

- a. City of Escondido
(92025, 92026, 92027, 92029, 92033, 92046)
- b. Rural (Specify location)
- c. Total paid Escondido & Rural*
- d. Unpaid Escondido (City Limits)
- e. Unpaid rural*

DAILY - 9351
 SUNDAY - 10,590
 BONSALL, FALLBROOK, PALM
 PAUMA VALLEY, VALLEY CENTER
 DAILY - 4917
 SUNDAY - 5916

(* Rural - City of Escondido Sphere of Influence)

CERTIFICATION

I, Melanie Jamil, DO HEREBY CERTIFY, UNDER PENALTY OF
 (Print or Type Name)
 PERJURY, THAT THIS INFORMATION IS CORRECT AND THAT ANY MISINFORMATION
 MAY BE CAUSE FOR REJECTION OR CANCELLATION OF THIS BID.

DATE: 6-29-2011

Melanie Jamil
 (Signature of Bidder)
 (SIGNATURE MUST BE NOTARIZED)

JURAT

State of California }
County of San Diego } SS.

Subscribed and sworn to (or affirmed) before me on this 29th day of June, 2011, by
Melanie Jamil, proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.



Lela Killion
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER Classified mgr.
TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Legal Bid for City of
TITLE OR TYPE OF DOCUMENT Escandido

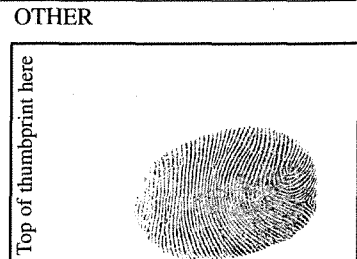
6-7
NUMBER OF PAGES

6-29-11
DATE OF DOCUMENT

ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

RIGHT
THUMBPRINT
OF
SIGNER



Zone	Zip code	Area Name	HHs	NCT			
				Daily	%		
					Sunday	%	
Inland Zone	92025	Escondido		2,607		2,816	
Inland Zone	92026	Escondido		2,862		3,349	
Inland Zone	92027	Escondido		2,570		2,974	
Inland Zone	92029	Escondido		1,312		1,451	
Inland Zone	92028	Fallbrook		3,124		3,389	
Inland Zone	92003	Bonsall		276		321	
Inland Zone	92059	Pala		85		591	
Inland Zone	92061	Pauma Valley		165		191	
Inland Zone	92082	Valley Center		1,267		1,424	

FILE
STEPHEN THUNBERG
Clerk of the Superior Court

APR 27 2001

By: P. FRANK, Deputy

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO, NORTH COUNTY BRANCH

IN THE MATTER OF: THE PROPOSED) CASE NO: 172171
ASCERTAINMENT AND ESTABLISHMENT OF)
THE STANDING OF THE DAILY TIMES) ORDER MODIFYING PREVIOUS
ADVOCATE AS A NEWSPAPER OF GENERAL) AND ESTABLISHING THE DAIL
CIRCULATION) ADVOCATE AS A NEWSPAPER
CIRCULATION)
)
)
)
)
)
) JUDGE: The Honorable John S. Einl

The motion of SOUTHCOAST NEWSPAPERS INC., dba the NORTH COUNTY
TIMES that the judgment previously rendered by this court be modified to change the name of
the newspaper of general circulation from the DAILY TIMES ADVOCATE to the NORTH
COUNTY TIMES came on regularly for telephonic hearing on the 20th day of April, 2001 at 2:00
p.m. in Department 18 of the above-entitled court before the Hon. J. S. Einhorn, Judge
Presiding. The court after considering the motion, declaration and points and authorities in
support thereof, made the following Order:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The motion to modify the judgment establishing the newspaper as one of general circulation is granted. The judgment previously rendered is hereby modified to change the name of the newspaper of general circulation from the DAILY TIMES ADVOCATE to the NORTH COUNTY TIMES.

IT IS HEREBY ADJUDGED that the newspaper, the NORTH COUNTY TIMES is determined and declared to be a newspaper of general circulation for the City of Escondido, County of San Diego, State of California.

Dated: 4-27-2001

JOHN S. EINHORN

THE HONORABLE JOHN S. EINHORN
Judge of the Superior Court

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Dan Higbee, Acting Construction Project Manager

SUBJECT: Notice of Completion for Tract 839 Eureka Ranch Public Improvements, Unit 1, Unit 4 and Unit 5.

RECOMMENDATION:

It is requested that Council approve and accept the public improvements and authorize staff to file a Notice of Completion for Tract 839 Eureka Ranch Public Improvements, Unit 1, Unit 4 and Unit 5.

FISCAL ANALYSIS:

No direct fiscal impact

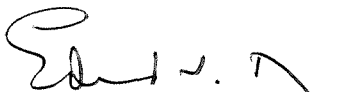
PREVIOUS ACTION:

The final map was recorded on February 15, 2006.

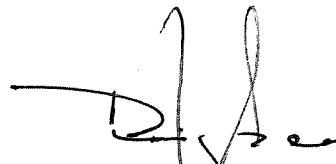
BACKGROUND:

Tract 839 is a three hundred forty (340) lot residential subdivision located at East Valley Parkway east of El Norte Parkway, developed by Lennar Homes. The public improvements associated with these units include water line, sewer line, storm drain, street improvements, curb, gutter & sidewalk and streetlights.

Respectfully submitted,

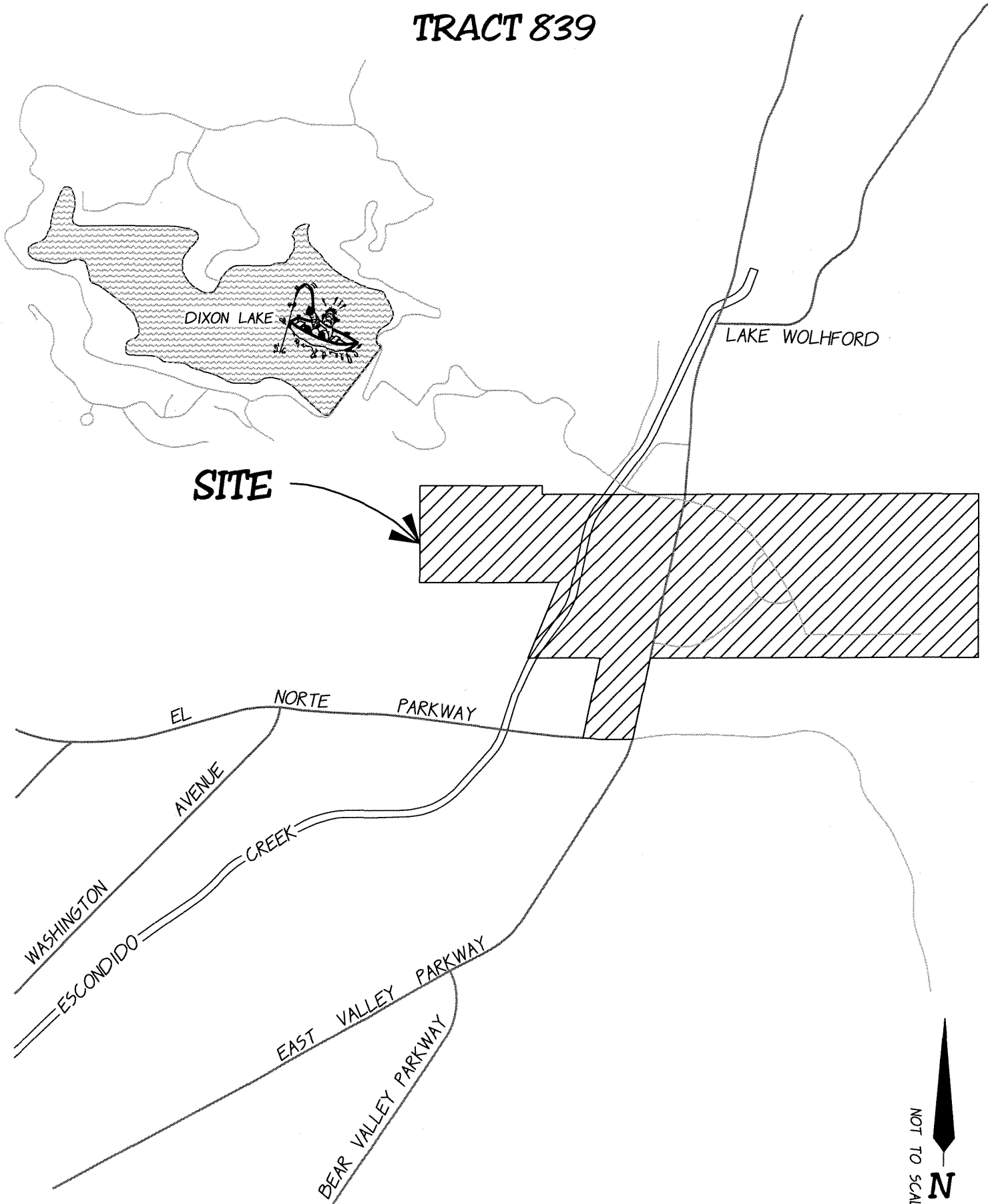


Edward N. Domingue, P.E.
Director of Engineering Services

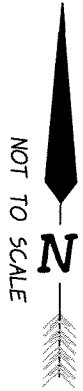


Dan Higbee
Acting Construction Project Manager

EUREKA RANCH TRACT 839



NOTICE OF COMPLETION
CITY COUNCIL MEETING 07-13-2011



CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Engineering Services
SUBJECT: Budget Adjustment for Eureka Ranch Community Facilities District (CFD) 2006-01

RECOMMENDATION:

It is requested that Council approve a budget adjustment to increase funds available for disbursement by including interest earned on CFD 2006-01 funds.

FISCAL ANALYSIS:

There is no fiscal impact to the general fund as interest earned on the CFD funds can only be used for district payments or principal debt reduction. City administrative costs would be covered prior to any payments or principal reduction.

PREVIOUS ACTION:

On September 27, 2006, the Council approved the formation, necessity, certification of election results, and issuance of Special Tax Bonds for CFD 2006-01 per Resolutions 2006-227, 228, 229, and 230 respectively; and the levy of a Special Tax per Ordinance No. 2006-32. Council thereafter also approved the required annual special tax levies to meet debt service obligations.

BACKGROUND:

The City formed CFD 2006-01 to provide streets, storm drain, sewer, and utility undergrounding within the Eureka Ranch development (Tract 839, a 340 unit residential development) and the East Valley Parkway area. These improvements were constructed by the developer, Eureka Escondido, LLC, (Lennar Homes), but partially financed by CFD 2006-01 established in conjunction with this project.

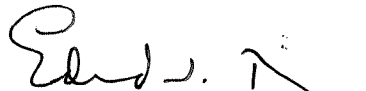
Budget Adjustment Eureka Ranch CFD 2006-01
July 13, 2011
Page 2

The developer has requested, in accordance with the CFD terms, inclusion of the interest earned on CFD funds to the budget to satisfy expenses incurred and validated by city staff and CFD consultants. Within the Acquisition/Financing agreement between the City of Escondido, the CFD 2006-01 Eureka Ranch, and Eureka Escondido, LLC, Section 7 (f) states:

All investment earnings deposited in the Acquisition Fund shall also be deemed transferred to the Construction Contingency line item to pay for cost overruns.

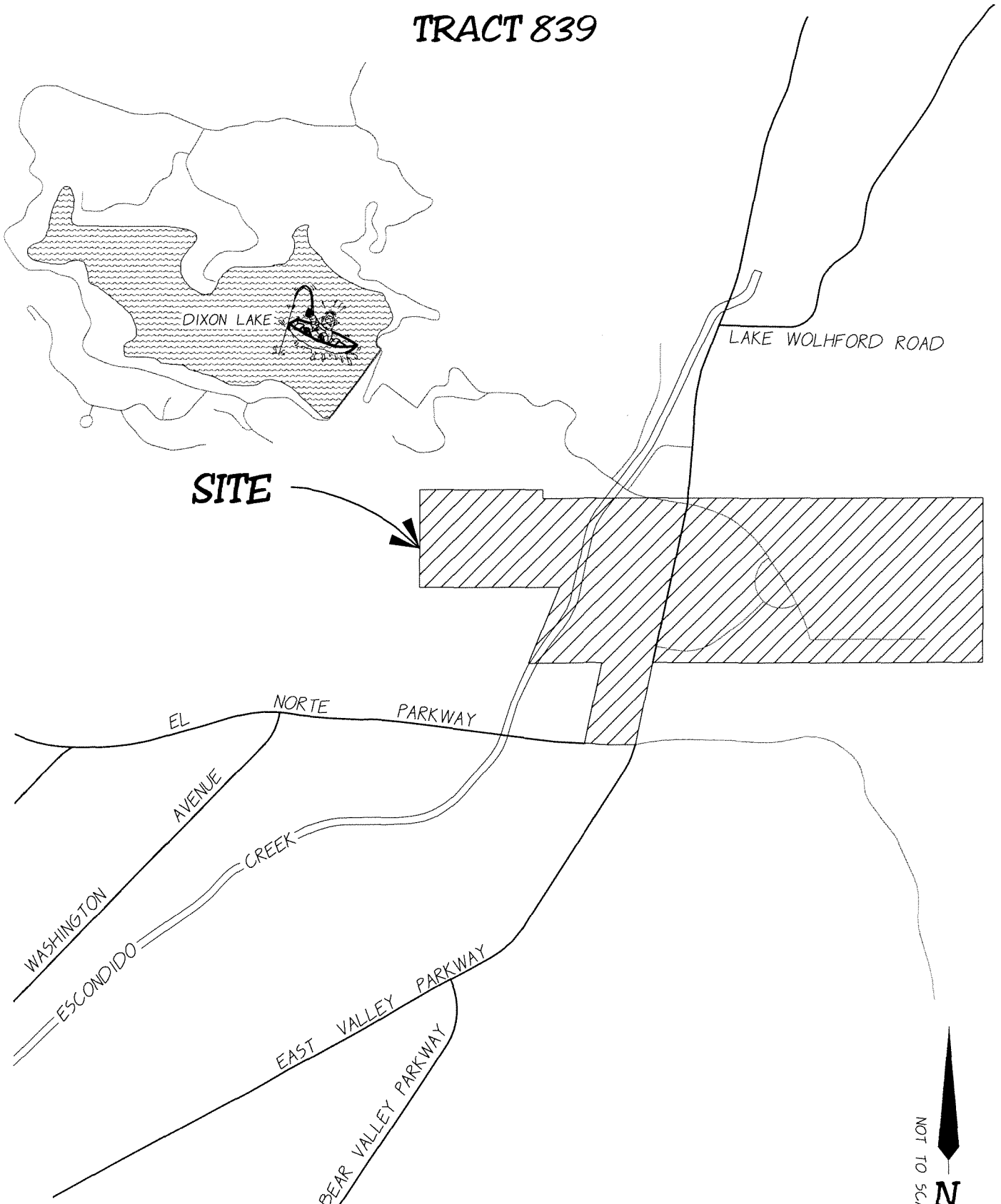
The current interest available is \$862,422. Upon Council approval these additional funds would be available to the developer upon satisfaction of the CFD administrative costs to the city, completion of improvements, and the final acceptance of improvements.

Respectfully submitted,



Edward N. Domingue, PE
Director of Engineering Services

EUREKA RANCH TRACT 839



BUDGET ADJUSTMENT FOR EUREKA RANCH COMMUNITY
FACILITIES DISTRICT (CFD) 2006-01

NOT TO SCALE

N



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: July 6, 2011
Department: Engineering Services
Division:
Project/Budget Manager: Ed Domingue 4813
Name Extension
Council Date (if applicable): July 13, 2011
(attach copy of staff report)

For Finance Use Only
Log #
Fiscal Year
Budget Balances
General Fund Accts
Revenue
Interfund Transfers
Fund Balance

Table with 4 columns: Project/Account Description, Account Number, Amount of Increase, Amount of Decrease. Includes entries for Eureka Ranch CFD and Fund Balance.

Explanation of Request:

Offsite Improvements for Tract 839 Eureka Ranch are nearing final acceptance. These improvements were constructed by Eureka Escondido, LLC, but partially financed by the Community Facilities District (CFD) established in conjunction with this project.

APPROVALS

Department Head (signature) July 6, 2011 Date
City Manager Date
Finance Date City Clerk Date

Distribution (after approval): Original: Finance

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Orcl No. _____

Agenda Item No.: 7
Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: Supplemental Mitigated Negative Declaration for the Previously Approved 41-lot "Rincon Escondido" Residential Development (ER 2004-48 and TR 892, 2004-52-PZ/PD/GE/PZ/DA, 2004-06-AN)

STAFF RECOMMENDATION:

It is requested that Council approve Resolution No. 2011-89 adopting a Supplemental Mitigated Negative Declaration (MND) for a previously approved 41-lot, clustered residential subdivision; Tentative Subdivision Map; Preliminary, Master and Precise Development Plan; Grading Exemptions; Annexation/Reorganization; and Development Agreement.

PROJECT DESCRIPTION:

The project involves a Supplemental MND for a 41-lot Tentative Subdivision Map (with seven open space lots), Preliminary, Master and Precise Development Plan, Grading Exemptions, Prezone and Zone Change, Development Agreement and Annexation/Reorganization. Clustering is proposed through the Planned Development process to allow lot sizes ranging from approximately 8,408 SF to 18,945 SF. A Development Agreement also was approved with a seven-year term with the City in order to proceed with the project and address the developer's obligation to address/off-set identified deficiencies within the North Broadway Critical Deficiency Area. The approved development agreement extends the associated entitlements for the full seven year term of the agreement.

BACKGROUND:

The 20.56-acre project site consists of two parcels located within the City of Escondido, and two parcels within the County. The proposed Annexation (jurisdictional reorganization) involves approximately 15.28 acres of land, which includes two county parcels and an approximately 0.47-acre portion of an adjacent 10-acre parcel to the east, which is proposed for dedication to the City for the completion of North Avenue roadway improvements. The proposed Annexation/Reorganization would need to be approved by the Local Agency Formation Commission (LAFCO), which has discretionary authority for approving the proposed annexation/reorganization. In 2008 a Draft MND was circulated for public review for the above described project and the Escondido City Council adopted the Final MND and approved the proposed project on July 9, 2008.

As a responsible agency under CEQA, LAFCO must consider the environmental document prepared by the lead agency (in this case, the City) as part of their consideration of the proposed annexation/reorganization. During the public review period for the Draft MND, LAFCO inadvertently was not included in the public review distribution list and did not have an opportunity to provide comments on the Draft MND. Upon receipt of the application for annexation/reorganization, LAFCO identified several policy concerns. Since the project site has been used as a container plant nursery,

the property is considered prime agricultural land in accordance with LAFCO policies. The adopted MND contained an analysis of the conversion of agricultural resources, but did not address LAFCO policies regarding the conversion of agricultural land to other uses. Therefore, LAFCO requested the MND be revised to provide an analysis of State law and San Diego LAFCO Policy L-101 concerning the preservation of open space and prime agricultural land to other uses, and be re-circulated for public comment. To comply with LAFCO's request, the City prepared a Supplemental MND, which expands and/or replaces the prior discussion on Agricultural Resources and addresses LAFCO Policy L-101. The document also provides additional information related to Greenhouse Gases.

ENVIRONMENTAL REVIEW:

Consistent with California Environmental Quality Act (CEQA) Guidelines (Sections 15162 and 15163) and in consultation with the State Clearinghouse and LAFCO, the City of Escondido has prepared a Supplemental MND since only minor additions or changes to the previously adopted MND are necessary to adequately address LAFCO's request. No substantial changes are proposed to the project and no new or more severe environmental impacts have been identified as part of this update that would necessitate the preparation of a Subsequent MND or require additional mitigation measures. The same mitigation included in the Final MND approved in 2008 to address potential impacts related to traffic, air quality, biological resources and hazardous materials will continue to be implemented through the adopted Mitigation Monitoring Reporting Program. The project being evaluated in this Supplemental MND is exactly the same as in the previously adopted Final MND as no changes to the project or conditions have been proposed by the applicant or the City of Escondido. The update and public re-circulation of the Supplemental MND are being undertaken solely to fulfill the request of a responsible agency (LAFCO).

LOCATION:

The approximately 20.56-acre project site involves four parcels, two parcels within the City of Escondido, and two parcels within the County of San Diego, generally located on the northern side of Rincon Avenue, east of Creek Hollow Place and west of Fawn Creek Lane, addressed as 1330 Rincon Avenue (APNs 187-370-01, -30, -31 and 224-100-75).

FISCAL ANALYSIS:

Annexing the territory would incrementally increase costs associated with providing municipal services. A property tax exchange with the County would be completed during the annexation process that allows costs to be recouped by the City. The developer would be responsible for any LAFCO application fees, and prevailing facilities/building permit fees at the time of application. The applicant will pay a Community Benefit payment of \$12,000 per unit/lot as part of the Development Agreement terms to construct off-site improvements that benefit the North Broadway Deficiency Area.

GENERAL PLAN ANALYSIS:

The City of Escondido General Plan designates the proposed project site as Suburban (Single-Family Residential, 3.3 du/ac) and Estate II (Single-Family Estate Residential, 2.0 du/ac). Based on the variable slope provisions of the Suburban and Estate II land-use designations contained in the City's General Plan, up to 41 dwelling units/lots would be allowed for the 20.56-acre project site. The project density of approximately 1.99 dwelling units per acre and yield would be consistent with the underlying City Suburban and Estate II General Plan land-use designations.

PUBLIC COMMENT:

During the initial public review period for the MND prepared in 2008, comments were provided by the County of San Diego Department of Planning and Land Use, State Department of Toxic Substances Control, Native American Heritage Commission, and adjacent property owner Lisa Prazeau. These comments were considered by the Escondido Planning Commission and City Council as part of the noticed public hearings conducted for the project. Specific design features were incorporated into the project along with appropriate mitigation measures and conditions of approval to address any relevant comments or potential impacts raised by neighbors or responsible agencies.

As part of the Supplemental MND 30-day public review, various responsible or affected agencies were contacted and/or sent a notice/copy of the supplement environmental document, which included the County of San Diego (Public Works Department and Department of Planning and Land Use); Deer Springs Fire Protection District; Native American Heritage Commission; Valley Center Municipal Water District; LAFCO; Department of Fish and Game (CDFG); U.S. Army Corps of Engineers; and Regional Water Quality Control Board. Property owners within a 500-foot-radius of the site also were sent notices of the Supplement MND. The City received only two comments from the State Department of Toxic Substances Control and LAFCO (attached). The State Department of Toxic Substances Control comments are similar to their original 2008 comments and appropriate conditions were included in the approved project conditions to address their issues. LAFCO comments include a summary of the project environmental review, LAFCO Policy L-101 regarding preservation of open space and agricultural resources, and Policy L-107 addressing any potential jurisdictional conflicts related to the proposed changes of organization.

In order to comply with LAFCO Policy L-107, the project applicant and/or the City of Escondido have consulted with various agencies (including the County of San Diego) to address any potential issues or concerns regarding the proposed reorganization. The site is within the County of San Diego North County Metropolitan Subregional Plan which encourages logical city annexations when basic urban services are required. The project site also is located within the County's Current Urban Development Area (CUDA) which includes County lands where near-term urban development should be directed. County staff has not raised any concerns with the proposed change in land-use or provision of services. Staff feels the Supplemental MND adequately evaluates the increase in density from the existing County land-use designation of Residential 1 (Semi-Rural Residential, 1 du/ac) to Escondido Land-Use Designations of Estate II (Estate Single-Family Residential, up to 2 du/ac) and Suburban (Single-Family Residential, up to 3.3 du/ac). Under the County's land-use designation, up to 29 dwelling units could be constructed on the project site, while 41 dwelling units were approved based on the City's land-use designations. This increase in the number of residential units/lots would not constitute a significant impact since the project density and lot sizes would be consistent with the City's General Plan and Growth Management Ordinance; all public utilities could be provided to support the proposed density; and the project design provides an appropriate transition between the higher density development to the west and south, and estate county development to the north and east. A conflict with existing zoning for agricultural uses does not exist as both the City of Escondido and County of San Diego's adopted policies promote residential rather than agricultural uses of the site. In addition, the project would devote approximately 5.8 acres (over 28%) of the site to permanent open space and clusters estate homes to preserve and enhance sensitive biological resources.

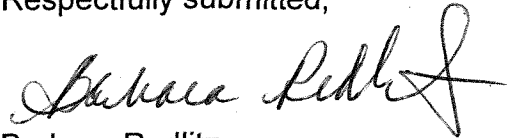
During the LAFCO review process, the Deer Springs Fire Protection District expressed concerns regarding the loss of potential revenue from the proposed detachment from their District. Since that

time, the applicant and City consulted with representatives of the District and resolved their concerns through a future one-time payment of fees to off-set the potential future loss in revenue.

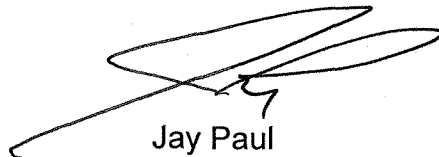
SUMMARY:

Staff feels that LAFCO concerns regarding the proposed annexation/reorganization have been adequately addressed through the issuance and re-circulation of the Supplemental MND. The County of San Diego has not raised any issues or concerns regarding the proposed change in land-use designation, conversion of the nursery to a residential use, or provision of services to the site. Any outstanding issues raised by responsible agencies have either been addressed in the revised environmental document, mitigation measures, project conditions of approval, and project design. Therefore, staff recommends adoption of the Supplemental MND, as requested by LAFCO. Following the Council's action, the adopted Supplemental MND will be forwarded to LAFCO to complete the application for the annexation/reorganization.

Respectfully submitted,



Barbara Redlitz
Director of Community Development



Jay Paul
Associate Planner

FINAL SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

For

"Rincon Oaks Estates"

(Rincon Escondido, LLC)

(City File Nos. ER 2004-48, TR 892, 2004-52-CZ/PD/GE/PZ/DA and 2004-06-AN)

SUPPLEMENTAL COMMENTS

Background

In March 2008, the City of Escondido Planning Division completed an Initial Study and issued a Draft Mitigated Negative Declaration for a proposed 41-unit clustered residential subdivision known as "Rincon Oaks Estates." Discretionary actions associated with the project included Master and Precise Development Plans, Pre-zoning, Grading Exemptions, Reorganization (including Annexation to the City of Escondido) and a Development Agreement. The approximately 20.56 acres which comprise the site are generally located on the northern side of Rincon Ave, east of Conway Drive, addressed at 1300 Rincon Avenue (APNs 187-370-01, -30, -31 and 224-100-75).

A Draft Mitigated Negative Declaration was circulated for public review from March 13, 2008 - April 11, 2008. A notice of the Mitigated Negative Declaration was published in the North County Times on March 13, 2008, and mailed to all addresses within a 500-foot radius of the project site. The MND was sent to the Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit for distribution among state agencies (SCH# 2008031050). During the public review period comments were provided by the County of San Diego Department of Planning and Land Use, State Department of Toxic Substance Control, Native American Heritage Commission and Lisa Prazeau. These comments were considered by the Escondido Planning Commission and City Council as part of the noticed public hearings conducted for the project. Appropriate conditions were adopted to address any relevant comments or potential impacts. The Escondido City Council adopted the Final Mitigated Negative Declaration and approved the proposed project on July 9, 2008. A Notice of Determination was filed with the San Diego County Recorder's Office.

The San Diego Local Agency Formation Commission (LAFCO), a responsible agency which has the authority for approving the proposed reorganization which affects a portion of the site, was inadvertently left off the public review distribution list for the MND. LAFCO has requested the City of Escondido provide an analysis of State laws governing State Law and San Diego LAFCO Policy L-101, and re-circulate the document for public comment.

To comply with LAFCO's request, the City has prepared the following Supplemental Mitigated Negative Declaration which expands and/or replaces the prior discussion on Agricultural Resources. The document also provides additional information related to Greenhouse Gases. **It should be noted that the project being evaluated in this Supplemental MND is exactly the same as in the previously certified Final MND as no changes to the project or conditions have been proposed by the applicant or the City of Escondido. Consistent with State Environmental Quality Act (CEQA) Guidelines (Sections 15162 and 15163) and in consultation with the State Clearinghouse that indicated a Supplemental MND may be used for this project, the City of Escondido has prepared a Supplemental Mitigated Negative Declaration since only minor additions or changes to the previously adopted Mitigated Negative Declaration are necessary to adequately address LAFCO's request. No substantial changes are proposed to the project and no new or more severe environmental impacts were identified as part of this update that would necessitate the preparation of a Subsequent Mitigated Negative Declaration. The same mitigation included in the Final MND approved in 2008 to address potential impacts related to air quality, traffic, biological resources, and hazardous materials will continue to be implemented through the adopted Mitigation Monitoring Reporting Program. The update and public re-circulation of the supplemental mitigated declaration are being undertaken solely to fulfill the request of a responsible agency (LAFCO).**

Affected public agencies and the interested public may submit comments on the Supplemental Mitigated Negative Declaration in writing before the end of the 30-day public review period starting on **May 27, 2011**, and ending on **June 27, 2011**. Written comments on the Supplemental Mitigated Negative Declaration should be submitted to the following address by 5:00 p.m., **June 27, 2011**. Following the close of the public comment review period, the City of Escondido will consider this Supplemental Mitigated Negative Declaration and received comments in determining adoption of the Supplemental Mitigated Negative Declaration.

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

Contact: Jay Paul, Associate Planner
Telephone: (760) 839-4537
Fax: (760) 839-4313
e-mail: jpaul@ci.escondido.ca.us

A hard copy of this document and plans are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division.

The following section was included to address comments received during the 30-day public review period for the Supplemental MND.

As part of the Supplemental MND 30-day public review, various responsible or affected agencies were contacted and/or sent a notice/copy of the supplement environmental document, which included the County of San Diego (Public Works Department and Department of Planning and Land Use); Deer Springs Fire Protection District; Native American Heritage Commission; Valley Center Municipal Water District; LAFCO; Department of Fish and Game (CDFG); U.S. Army Corps of Engineers; and Regional Water Quality Control Board. Property owners within a 500-foot-radius of the site also were sent notices of the Supplement MND. The City received only two comments from the State Department of Toxic Substances Control and LAFCO (attached). The State Department of Toxic Substances Control comments are similar to their original 2008 comments and appropriate conditions were included in the approved project conditions to address their issues. LAFCO comments include a summary of the project environmental review, LAFCO Policy L-101 regarding preservation of open space and agricultural resources, and Policy L-107 addressing any potential jurisdictional conflicts related to the proposed changes of organization.

In order to comply with LAFCO Policy L-107, the project applicant and/or the City of Escondido have been in contact with various agencies (including the County of San Diego) to address any potential issues or concerns regarding the proposed reorganization. The site is within the County of San Diego North County Metropolitan Subregional Plan which encourages logical city annexations when basic urban services are required. The project site also is located within the County's Current Urban Development Area (CUDA) which includes County lands where near-term urban development should be directed. County staff has not raised any concerns with the proposed change in land-use or provision of services. The original Final MND evaluates the increase in density from the existing County land-use designation of Residential 1 (Semi-Rural Residential, 1 du/ac) to Escondido Land-Use Designations of Estate II (Estate Single-Family Residential, up to 2 du/ac) and Suburban (Single-Family Residential, up to 3.3 du/ac). Under the County's land-use designation, up to 29 dwelling units could be constructed on the project site, while 41 dwelling units were approved based on the City's land-use designations. This increase in the number of residential units/lots would not constitute a significant impact since the project density and lot sizes would be consistent with the City's General Plan and Growth Management Ordinance; all public utilities could be provided to support the proposed density; and the project design provides an appropriate transition between the higher density development to the west and south, and estate county development to the north and east. A conflict with existing zoning for agricultural uses does not exist as both the City of Escondido and County of San Diego's adopted policies promote residential rather than agricultural uses of the site. In addition, the project would devote approximately 5.8 acres (over 28%) of the site to permanent open space and clusters estate homes to preserve and enhance sensitive biological resources.

During the LAFCO review process, the Deer Springs Fire Protection District expressed concerns regarding the loss of potential revenue from the proposed detachment from their District. Since that time, the applicant and City consulted with representatives of the District and resolved their concerns through a future one-time payment of fees to off-set the potential future loss in revenue.



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

SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

CASE NO.: ER 2004-48 (Related Case Nos. TR 892, 2004-52-CZ/PD/GE/PZ/DA and 2004-06-AN)

DATE ISSUED: May 24, 2011

PUBLIC REVIEW PERIOD: May 27, 2011 – June 27, 2011

LOCATION: Approximately 20.56 acres generally located on the northern side of Rincon Avenue, east of Conway Drive, addressed as 1300 Rincon Avenue (APNs 187-370-01, -30, -31 and 224-100-75).

PROJECT DESCRIPTION: Proposed 41-lot clustered residential subdivision (with seven Open Space Lots A-G), Master and Precise Development Plan, Prezone from County zoning to City Zoning, Zone Change to Planned Residential Development, Grading Exemptions, Annexation/Reorganization, and a Development Agreement.

APPLICANT: Rincon Escondido, LLC (Ed Bonanni)

BACKGROUND: The Escondido Planning Division has prepared a Draft Supplemental Mitigated Negative Declaration (SMND) for the project described above. The project and the Final Mitigated Negative Declaration (City File No. ER 2004-48) were approved/adopted by the Escondido City Council on July 9, 2008. This Supplemental Mitigated Negative Declaration has been prepared and is being re-circulated for 30-day public review to comply with a request by the San Diego Local Agency Formation Commission (LAFCO) to provide additional analysis of State Law and LAFCO Policy L-101 regarding prime agriculture. The supplemental document also updates information related to Global Climate Change-Greenhouse Gases. The project being evaluated in this Supplemental MND is exactly the same as in the previously adopted Final MND and no changes to the project have been proposed by the applicant or the City of Escondido.

FINDINGS: Consistent with State Environmental Quality Act (CEQA) Guidelines (Sections 15162 and 15163) and in consultation with the State Clearinghouse, the City of Escondido has prepared a Supplemental Mitigated Negative Declaration since only minor additions or changes to the previously adopted Mitigated Negative Declaration are necessary to adequately address LAFCO's request. No substantial changes are proposed to the project and no new or more severe environmental impacts have been identified as part of this update that would necessitate the preparation of a Subsequent Mitigated Negative Declaration. The same mitigation included in the Final MND approved in 2008 to address potential impacts related to traffic, air quality, biological resources and hazardous materials will continue to be implemented through the adopted Mitigation Monitoring Reporting Program. Copies of the Supplemental Mitigated Negative Declaration and adopted Final Mitigated Negative Declaration and Initial Study are on file and available for public review in the Escondido Planning Division, at 201 N. Broadway, Escondido, CA 92029.


 Jay Paul
 Associate Planner

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

MAY 25 2011

BY L. Kesian
 DEPUTY

FILED IN THE OFFICE OF THE COUNTY CLERK
 San Diego County on MAY 25 2011
 Posted MAY 25 2011 Removed JUN 29 2011
 Returned to agency on L. Kesian JUN 29 2011
 Deputy

Final Supplemental Mitigated Negative Declaration

Revisions to 2008 Final MND

A strike-out/underline format is being used to identify proposed revisions to the 2008 Final MND. The following section includes: a replacement for Section II Agricultural Resources and a new Section IVa. Greenhouses Gases.

II. Agricultural Resources

Significance Criteria and Impact Analysis

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

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c. Involve other changes in the existing environment, which, due to the location or nature, could result in conversion of Farmland to non-agricultural use?

The California Department of Conservation (CDC) prepares maps and compiles statistical data used for categorizing agricultural lands and analyzing related impacts. Agricultural lands are rated according to a number of factors including soil quality, and irrigation status. According to the Farmland Mapping and Monitoring Program, the "Rincon Oaks Estates" property has not been determined to be Prime Farmland or Farmland of Statewide Importance. This mapping source does, however, classify the area as Unique Farmland.

The site is not listed as Prime, Unique or Farmland of Statewide Importance as identified in the City of Escondido's General Plan EIR (Figure 5.12-3-April 2000) which was prepared for the City's most recent General Plan revisions in 2000.

Adopted planning and zoning documents for both the City of Escondido and the County of San Diego envision residential use of the property rather than preserving the land for agricultural use. The City of Escondido General Plan designates the project site as Suburban (Single-Family Residential, 3.3 du/ac) and Estate II (Single-Family Residential, 2.0 du/ac). In 2008, the City of Escondido adopted pre-zoning changing the classification from R-1-10 (Single-Family Residential) to Planned Residential Development. The County's General Plan Update-North County Metropolitan Plan designates the property as Semi-Rural Residential (SR-1); County zoning for the property is RS-1 (Single-Family Residential). The property is not subject or has ever been part of a Williamson Act contract or other agricultural land contract.

The California LESA Model provides a scoring system to determine significance of impact to agricultural resources. The model includes an analysis of four separate criteria: project size (relative to soil types), water availability, surrounding agricultural lands and surrounding protected resource lands. While Rincon Oaks Estates would be considered Unique Farmlands, the point system included in the LESA model would not classify the conversion as being considered as a significant impact by CEQA (total combined score of 63.47 but less than 20 points for Site Assessment).

The San Diego LAFCO, is a responsible agency, which has discretionary approval for the reorganization. A portion of "Rincon Oaks Estates," approximately 15.55 acres, is proposed for annexation to the City of Escondido, detachment from County Service Area No. 135, and the Deer Springs Fire Protection District.

A number of state laws address LAFCO's role with respect to prime agriculture and open space. The Cortese-Knox-Hertzberg Act of 2000 mandates that LAFCOs are required to consider how spheres of influence or changes of organization could affect open space and prime agricultural land. Commissions are directed to guide development away from prime agricultural lands-unless that action would not promote the planned, orderly, efficient development of an area and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency's boundary (Govt. Code Section 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code Section 56668). The San Diego LAFCO has adopted Legislative Policy L-101 (Preservation of Open Space and Agricultural Lands) to implement state objectives.

Government Code Section 56064 which is found in the Cortese-Knox-Hertzberg Act of 2000, defines "Prime agricultural land" as an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of four qualifications (noted in italics below). Following the four qualifications is an evaluation if the reorganization area meets the identified criteria.

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

The USDA Natural Resources Conservation Service maps show that the proposed reorganization area include four soil types.

Soil Map Unit Name	Map Unit Symbol	Class	Storie Index	Acres
Greenfield sandy loam, 5 to 9 % slopes	GrC	Class II	77	0.5 acres
Ramona sandy loam, 2 to 5 % slopes	RaB	Class II	65	4.8 acres
Visalia sandy loam, 0 to 2 slopes	VaA	Class I	90	9.5 acres
Ramona sandy loam, 9 to 15 % slopes, eroded	RaD2	Class IV	48	0.7 acres

Approximately 14.8 acres of the reorganization area would be considered class I (VaA) or class II soils (RaB, GrC). However, commercial agriculture does not require specific soil types. Over 90% of agriculture in San Diego County is conducted on non-prime agricultural soils.

The Pacific Palisades Nursery, which is operating within the proposed reorganization area, does not use any of the on-site soils as all products are kept within containers or boxes rather than being planted. As such, the nursery is not soil-dependent and could as easily operate on an asphalt or other surface. A significant portion of the various sized planter boxes/containers support ornamentals rather than food-producing agriculture. The nursery also includes roadways/paths, office trailers(s) and various piles of soils and amendments.

Irrigation of the land would be considered feasible as the property is within the Valley Center Municipal Water District. As discussed in a later portion of this analysis, adopted policies limiting agricultural water usage and the high cost of water present economic obstacles to farming.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

Visalia sandy loam, 0 to 2 percent, which comprises 9.5 acres of the reorganization area, has a Storie Index Rating of 90. Approximately 6.0 acres are classified with ratings less than 80 by the Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the 11 United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

The land does not currently support and has not previously supported livestock for the production of food and fiber.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual bases from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

According to aerial photographs, the site was used for a dirt track course for motorcyclists and motocross drivers, an after-hours driving range and horse riding trails during the 1980's. The proposed reorganization area is within a transitional residential/estate and semi-rural area. Portions of the property were first used for a wholesale container stock nursery in 1991. The nursery does not involve planting fruit, nut-bearing trees, vines, bushes or crops.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

The existing nursery is marginally profitable despite a significant subsidy. The owner of the nursery has been using the property free of charge on a temporary basis. It is very unlikely the reorganization area could ever successfully support a more significant commercial operation as the property does not have a history of planted agriculture, is burdened with significant water costs and does not have a long-term right to use the land free of charge.

Although the reorganization area is not designated as "Prime Farmland" by the California Department of Conservation Division of Land Resources, the reorganization area would be considered to be prime agricultural by LAFCO as only one of the four applicable criteria listed in Government Code Section 56064, needs to be met.

Government Code Section 56377 directs LAFCO to guide development away from prime agricultural lands-unless that action would not promote the planned, orderly, efficient development of an area and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open space lands outside of an agency's boundary.

The San Diego Local Agency Formation Commission has adopted Legislative Policy L-101 (Preservation of Open Space and Agricultural Lands). It is the policy of the Commission to:

- (1) such an action would not promote the planned, orderly, efficient development of an area or the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;

(2) Require rezoning of territory (city only) to identify areas subject to agricultural preservation and planned development;

(3) Follow San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.

In accordance with the State Government Code 56377 and the San Diego LAFCO Policy L-101, preservation of "Rincon Oaks Estates" for agricultural purposes would be inconsistent with the objectives of state law and adopted local policies because:

- (1) The reorganization area has been in the City of Escondido's adopted sphere of influence for several decades. LAFCO, by virtue of including the territory within the City's sphere, anticipated the eventual residential development of the property and the need for city services. LAFCO has comprehensively reviewed and approved updates to the City of Escondido sphere numerous times since the sphere was initially adopted. If preservation of the land for agricultural purposes was LAFCO's historical intent or current policy, the reorganization area would not have been included and subsequently re-affirmed as being within the City of Escondido's adopted sphere of influence.
- (2) Established planning and zoning for both the County of San Diego and City of Escondido recognize that residential use of the reorganization territory is a more desirable purpose rather than agriculture. The site is within the County of San Diego North County Metropolitan Subregional Plan which encourages logical city annexations when basic urban services are required. County policies designate the reorganization territory as a "Current Urban Development Area" (CUDA) because services are readily available. According to County policies, development is to be directed to CUDA areas such as "Rincon Oaks Estates" while other outlying portions of the region should be preserved for agricultural use. The County's General Plan Update-North County Metropolitan Subregional Plan designates the property as Semi-Rural Residential (SR-1); County zoning for the property is RS-1 (Single-Family Residential). Adopted policies of the City of Escondido also envision residential use of "Rincon Oaks Estates" rather than permanent agriculture. The City of Escondido General Plan designates the project site as Suburban (Single-Family Residential, 3.3 du/ac) and Estate II (Single-Family Residential, 2.0 du/ac); adopted pre-zoning is Planned Residential Development.
- (3) The City of Escondido General Plan policies support existing agricultural activity in the community while planning for the transition of designated properties such as Rincon Oaks Estates to other uses in a manner which is consistent with the policies of the Land Use Element and Community Facilities Element of the General Plan. The City has identified Prime, Unique or Farmland of Statewide Importance in the City of Escondido's General Plan EIR (Figure 5.12-3-April 2000) and has implementing policies and regulations for agricultural considered for preservation. The City's General Plan land use element promotes the continuance of farming within Rural I and Rural II designations and has a RA zone (Residential Agriculture) available for areas planned for agricultural use. After thorough study, the City of Escondido concluded that the use of general plan land use designations or zoning classification that preserved agriculture was not warranted for the reorganization area.
- (4) Although the site has been used as a container stock nursery, the surrounding area has been changing from agriculture-type development to residential development. Grove operations are located further to the east and southeast within the unincorporated County. The proposed project is not proposing infrastructure extensions which would impact existing off-site agriculture. Therefore, the proposed development would not result in significant or cumulative impacts to adjacent agricultural resources.
- (5) Agriculture is incompatible with existing and future land uses. Immediately adjacent to the west is a neighborhood with single-family homes with lots ranging from 4,000-5,000 square feet. The City has approved a Conditional Use Permit for the development of a religious facility to the south which includes a temple/cultural center and two-story dormitory. Neighbors from the adjacent residential community have complained about truck traffic from the nursery and the use of pesticides. In recent years, unincorporated areas in Escondido have been particularly impacted by med-fly quarantines.

Future planned residential development or an increase in the agricultural operations beyond the container nursery would likely increase the current land use conflicts.

- (6) Agricultural water rates in San Diego are some of the highest in the State. Imported water from the San Diego County Water Authority is more than 30 times than those of the Central Valley Project or Imperial Irrigation District which provides water for significant areas of California agriculture. The cost of imported water poses a threat to the economic viability of the on-site nursery. In 2009, new water policies required that all agricultural users reduce their water consumption by at least 30% from the amount used in 2006-2007 or risk being subject to a series of fines for non-compliance. To meet this mandate, the nursery operator disconnected all sprinklers and began hand-watering individual containers on a weekly basis. Despite their efforts, expenses more than doubled despite using less than 50% of its prior water consumption. In response to the new agricultural water policies, the majority of the nursery stock was moved to other locations or sold. In 2011, the property is obligated to reduce water usage by 20% from the amount used in 2006-2007.
- (7) LAFCO policies supports preservation of open space as well as prime agriculture. The development associated with the proposed reorganization would devote approximately 5.8 acres (over 25% of the site) to permanent open space and clusters estate homes to preserve sensitive biological resources. Agricultural use of class I and II soils would likely impact sensitive environmental resources without any required mitigation.
- (8) The long-term feasibility of the site for commercial farming is limited. The reorganization area has never been planted with agricultural products or supported livestock. An area that support largely ornamental landscape plants in containers would not be considered particularly valuable or offer a significant opportunity in the larger context of the region's agriculture. Ornamental trees and shrubs are the largest segment of the agricultural crops in San Diego and the loss of a very small area would represent only a minimal and incremental loss of the over 300,000 acres of farmland which exist within the region. The on-site nursery, which could be easily relocated, is subject to high water costs and the loss of the free use of the property. Although class I or II soils exist on part of the reorganization area, most agriculture in San Diego County is conducted on soils which are not classified by LAFCO law as prime.

In conclusion, the proposed project would not significantly impact agricultural resources because:

- A conversion of Prime Farmland or Farmlands of Statewide Importance, as defined by the Department of Conservation, is not being proposed;
- Although the site is classified as Unique Farmland, a conversion of the site for non-agricultural purposes would not be considered significant by the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation;
- The site is not subject to a Williamson Act Contract;
- Other changes such as infrastructure extensions are not being proposed which would convert Farmland of Statewide Importance;
- Although LAFCO laws would categorize the reorganization area as Prime Agriculture, preservation is not required if retention of the land for farming would not promote the orderly, efficient development of an area. Adopted plans of the City of Escondido and County of San Diego anticipate residential rather than agricultural use of the proposed reorganization area while promoting agricultural activities within the city.
- A conflict with existing zoning for agricultural use does not exist as both the City of Escondido and County of San Diego's adopted policies promote residential rather than agricultural use;

d. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

e. Result in the loss of forest land or conversion of forest land to non-forest use?

The project site is not located within an existing zone designated for forestry uses and there are no forestry lands or uses on or adjacent to the site.

Iva. Greenhouse Gases

Based on Appendix G.VII of the State CEQA Guidelines, a project would have a significant environmental impact on Greenhouse Gases (GHG) if it would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

In response to rising concern associated with increasing GHG emissions and global climate change impacts, both plans and regulations have been adopted at the international, national and state levels with the aim of reducing GHG emissions. The State of California has adopted a number of programs aimed at indentifying statewide and regional GHG emission caps, GHG emissions reduction targets, and actions and timelines to achieve the target GHG reductions. Executive Order (EO S-3-05) signed by Governor Schwarzenegger on June 1, 2005, established the following GHG reduction targets for the state of California: (1) by 2010, reduce GHG to 2000 levels; (2) by 2020 reduce GHG emission to 1990 levels; (3) by 2050 reduce GHG emissions to 80 percent below 1990 levels. In response to the Executive Order, the California Legislature passed Assembly Bill (AB) 32 (Nunez) the "California Global Warming Solutions Act of 2006." AB 32 establishes a cap on statewide greenhouse gas emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emissions levels. AB 32 charges the California Air Resources Board (CARB), the state agency charged with regulating statewide air quality, with implementation of the act. Under AB 32, greenhouse gases are defined as: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

CARB has not adopted thresholds of significance for GHG emissions for residential projects. The South Coast Air Quality Management District (SCAQMD)(Tier 2) regulations exclude projects with annual emissions lower than a screening threshold. The SCAQMD Working Group has recommended a 3,000 MTCO₂EQ threshold annually for residential projects. The City of Escondido currently has not established screening thresholds for GHG emission analysis. In order to serve as a guide for determining when a project triggers the need for a GHG significance determination, the guidance in the California Air Pollution Control Officers Association (CAPCOA) report "CEQA & Climate Change," dated January 2008 is used as a standard for this analysis. CAPCOA indicates an annual generation rate of 900-metric tons of GHGs is used as a conservative threshold for requiring further GHG analysis and mitigation. This emission level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects. Based on CAPCOA based thresholds, 50 residential homes would generate up to 900 metric tons of GHGs. The proposed project, consisting of only 41 residential lots, would not exceed the screening threshold of 900 metric tons of GHG emissions or exceed the CARB reporting threshold.

Vehicle Emissions - Vehicular emissions are the greatest contributor to GHG emissions. Individual residential projects do not have direct control over the types of vehicles or emission/fuel standards that would result from development. However, GHG emissions related to the project would be reduced by up to 36 percent by the year 2020 through a combination of compliance/implementation of state-wide and federal programs/regulations on vehicle engine and fuel technologies. Efforts to reduce transportation emissions by reducing vehicle miles traveled (VMT) on a regional level are anticipated to come from polices related to changes in future land use patterns and community design, as well as through improvements in public transportation. By reducing miles vehicles travel, vehicle emissions would be reduced. Because of the limited number of vehicle trips that would be produced by 41 new single-family homes on the area circulation network, the project is not anticipated to increase local vehicle trip lengths sufficient enough to increase the average regional trip length, as defined in the California Air Resources Board (CARB) Business-As-Usual (BAU) 2020 Forecast used to develop the regulations to reduce vehicle GHG emissions. Therefore direct and indirect impacts on statewide, regional or area-wide vehicular GHGs would not be considered significant.

Construction impacts include short-term emissions associated with the construction of the project. Construction GHG emissions include emission from heavy construction equipment, truck traffic, and worker trips. CARB methodology recommends total construction GHG emissions are annualized over a 30-year period. Based on

the size of the site and number of homes proposed (41 residential lots) anticipated construction emissions would be less than significant since CO₂ emissions would not exceed 900 metric tons. Therefore, the project impact on GHG emissions and climate change would be less than significant.

Operational Emissions - To meet the goals of AB 32, the project must achieve a reduction in GHG emissions of up to 33 percent below "business as usual" levels. Based on the latest guidelines and baseline emission calculations for energy efficiency, business as usual is defined as the emissions that would have occurred in the absence of reductions mandated under AB 32. The CARB Scoping Plan, "BAU" is considered to be the equivalent of compliance with Title 24 requirements, as defined in the year 2008. Future building energy efficiency to achieve BAU emission targets would be achieved through compliance with the current Title 24 Energy Efficiency Standards, and other Project Design Features (PDFs). On a state and region-wide level, greenhouse gas emissions are expected to be reduced from energy efficiency gains from the increase amount of electricity produced from renewable energy sources, and energy efficient industries, homes and buildings. Other land development applicable measures such as water conservation, materials use and waste reduction, and green building design and development practices also is anticipated to achieve additional emissions reductions. In addition, landscaping is subject to the City's Water Efficient Landscape requirements, which further increases water conservation efforts. The proposed project/homes would be built to meet or exceed Title 24 standards as required under the current California Building Code Green Building requirements. Therefore, due to the limited number of homes, and with the combination of reductions from state measures and PDFs, the project would not result in significant impacts related to GHG emissions.

The project is projected to be consistent with the 2020 California goals for GHG emissions of Executive Order S-3-05 and does not hinder the implementation of AB 32. Therefore, the project would not conflict with any applicable plan to reduce GHG emissions.

City of Escondido: The Climate Action Plan

The City of Escondido is in the process of developing a Climate Action Plan as part of the City's General Plan Update. The plan will address GHG emissions from communities (commercial, industrial, residential and other) and from City operations. The plan will consist of the following six major elements: Energy Conservation, Water and Wastewater Systems, Waste Reduction and Recycling, Air Quality, Sustainable Land Use Planning, and Public Landscaping and Street Trees. The plan will include discussion on the local impacts of climate change, actions to be adopted by the City to achieve sustainable development goals, emissions baselines and forecasts, emissions reduction strategies, and mitigation measures. The City's Climate Action Plan will include the implementation of the GHG reduction strategies by conducting a baseline GHG emissions inventory and setting up a baseline year of 1990. It is anticipated that a 28 to 29 percent reduction target relative to the year 1990 baseline will be achieved by year 2020.



1600 Pacific Highway • Room 452 • San Diego, CA 92101
(619) 531-5400 • FAX (619) 557-4190

San Diego Local Agency Formation Commission

Website: www.sdla Alco.org

Chairman

Carl Hilliard
Councilmember
City of Del Mar

June 24, 2011

Vice Chairwoman

Dianne Jacob
County Board of
Supervisors

Jay Paul, Associate Planner
City of Escondido Planning Division
201 N. Broadway
Escondido, CA 92025

Members

Bill Horn
County Board of
Supervisors

SUBJECT: Notice of Intent to Adopt a Supplemental Mitigated Negative Declaration for "Rincon Oaks Estates" (ER2004-48, TR892, 2004-52-CZ/PD/GE/PZ/DA, 2004-06-AN)

Bud Pocklington
South Bay
Irrigation District

Mr. Paul,

Mark Lewis
Mayor
City of El Cajon

Thank you for providing the San Diego Local Agency Formation Commission (LAFCO) an opportunity to provide comments on the above referenced project. LAFCO is empowered by the California State Legislature with discretionary authority over proposed changes to local government organization, extension of municipal services, and any associated sphere of influence actions (California Government Code § 56000, et seq.).

John Ingalls
Santa Fe
Irrigation District

Andrew L. Vanderlaan
Public Member

Lorie Zapf
Councilmember
City of San Diego

LAFCO is directed to exercise its discretionary authority in a manner that encourages orderly development and growth while fulfilling many regional priorities, such as accommodating additional growth within, or through the expansion of local agency boundaries. LAFCO is also required to consider the impact that proposed jurisdictional changes may have on providing necessary governmental services and housing for persons of all incomes.

Alternate Members

Greg Cox
County Board of
Supervisors

Sherri Lightner
Councilmember
City of San Diego

San Diego LAFCO is typically a responsible agency for environmental review under the California Environmental Quality Act (CEQA) when a proposed project requires LAFCO discretionary approval(s). As a responsible agency, LAFCO would typically utilize the lead agency's CEQA documentation; therefore, it is important for the lead agency's environmental documents to be germane to the statutory responsibilities of LAFCO.

Jim Janney
Mayor
City of Imperial Beach

Jo MacKenzie
Vista Irrigation District

Therefore, we offer the following comments:

Harry Mathis
Public Member

- The "Rincon Oakes Estates" project (and its associated Mitigated Negative Declaration) was originally submitted to San Diego LAFCO in 2008 as a proposed reorganization to the City of Escondido.

Executive Officer

Michael D. Ott

- As noted by the City of Escondido in the Supplemental Comments of the subject Supplemental Mitigated Negative Declaration (MND), the City had "inadvertently" omitted LAFCO from the distribution of the project's draft Mitigated Negative Declaration for review and comment during the 30-day public review period required by CEQA (March 13 - April 11, 2008).

Counsel

Thomas Bosworth

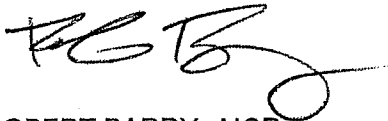
Mr. Paul
June 24, 2011
Page 2

Therefore, LAFCO was not provided an opportunity to provide comments on the draft MND as a responsible agency.

- As a result of the City's 2008 omission, the project's final MND contained inadequate discussion of the categories pertinent to LAFCO's purview and, accordingly, did not satisfactorily address LAFCO's responsible agency concerns.
- The City of Escondido has produced a supplement to the previously adopted MND which has been re-circulated for public review and comment per the CEQA guidelines. The Supplemental MND is intended to fulfill LAFCO's requirements to analyze the project's proposed conversion of prime agricultural lands (as defined by Government Code Section 56064) and the proposal's conformance with San Diego LAFCO Policy L-101 (Preservation of Open Space and Agricultural Lands).
- The Supplemental MND includes an expanded discussion regarding agricultural impacts, the proposal's conformance with Policy L-101, and Global Climate Change-Greenhouse Gasses. The revised Agricultural Resources section correctly identifies the proposed reorganization area as "prime agricultural land" (per the statutory definition in Government Code Section 56064) due to the presence of Class I and Class II soils.
- While the proposed reorganization area has been located within the City of Escondido's sphere of influence for many years, it should be noted that inclusion of territory within a city sphere does not indicate "historical intent or current policy" of LAFCO to promote a particular land use on the subject territory. LAFCO is prohibited from imposing any conditions that would directly regulate land use (Government Code Section 56375(a)(7)).
- San Diego LAFCO Policy L-107 addresses jurisdictional conflicts related to proposed changes of organization or reorganization. The policy requires the subject proposal's applicant to demonstrate that adjacent jurisdictions and interested parties have been consulted, that any jurisdictional conflicts have been identified, and that the identified conflicts have been resolved or remain unresolved. Therefore, the Supplemental MND should identify any jurisdictional conflicts, and whether they were resolved or remain unresolved.

Should you have any questions, or if San Diego LAFCO may be of any further assistance, please contact me at (619) 531-5409.

Sincerely,



ROBERT BARRY, AICP
Local Governmental Analyst

RB:ra

Attachments: Policy L-101
Policy L-107



Department of Toxic Substances Control

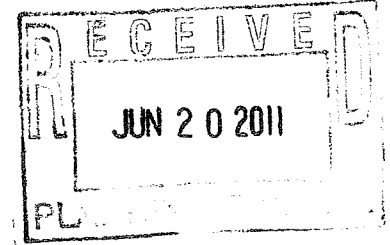


Linda S. Adams
Acting Secretary for
Environmental Protection

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

Edmund G. Brown Jr.
Governor

June 16, 2011



Mr. Jay Paul
City of Escondido Planning Division
201 North Broadway
Escondido, California 92025

DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR RINCON OAKS ESTATES (SCH# 2008031050)

Dear Mr. Paul:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "Proposed 41-lot clustered residential subdivision, Master and Precise Development Plan, Prezone from County Zoning to City Zoning, Zone Change to Planned Residential Development, Grading Exemptions, Annexation/Reorganization, and a Development Agreement. A portion of the site currently is being used as a container-plant nursery, which is proposed to be removed with this development".

Based on the review of the submitted document DTSC has the following comments:

- 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- 2) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - EnviroStor, a database primarily used by the California Department of Toxic Substances Control, at [www. Envirostor.dtsc.ca.gov](http://www.Envirostor.dtsc.ca.gov).

- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
- 4) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 5) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by

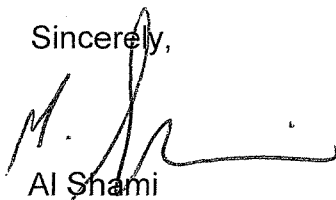
Mr. Jay Paul
June 16, 2011
Page 3

the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

- 6) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 7) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

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

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

Mr. Jay Paul
June 16, 2011
Page 4

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

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

CEQA # 3233



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

FILED
 Gregory J. Smith, Recorder/County Clerk

MAR 12 2008

A. Consul

BY _____ DEPUTY

MITIGATED NEGATIVE DECLARATION

CASE NO.: ER 2004-48

DATE ISSUED: March 10, 2008

PUBLIC REVIEW PERIOD: March 12, 2008 – April 11, 2008

LOCATION: Approximately 20.56 acres generally located on the northern side of Rincon Avenue, east of Conway Drive, addressed as 1300 Rincon Avenue (APNs 187-370-01, -30, -31 and 224-100-75).

PROJECT DESCRIPTION: Environmental review for a proposed 41-lot clustered residential subdivision (with seven Open Space Lots A-G), Master and Precise Development Plan, Prezone from County zoning to City Zoning, Zone Change to Planned Residential Development, Grading Exemptions, Annexation/Reorganization, and a Development Agreement. Proposed residential lot sizes range from approximately 8,408 SF to 18,945 SF. Proposed homes would be one-story in height, ranging from approximately 2,811 SF to 3,450 SF in size. The site currently is used as a container-plant nursery, which is proposed to be removed with this development. The site contains two open flood-control channels, which would be widened and incorporated into the open space/flood-control design. The modified channels also would be used for habitat preservation, creation and enhancement. Conceptual grading includes a combination of cut and fill slopes with approximately 20,513 cubic yards of cut, 97,542 cubic yards of fill, and import of approximately 82,911 cubic yards of material. Fill slopes up to ten feet in height are proposed along the western boundary of the proposed project, and Grading Exemptions are requested for cut slopes up to approximately 33 feet in height (with an inclination of 2:1) within the southeastern corner of the site.

Access to the project would be provided by the improvement of North Avenue (Local Collector Road, 62' - 66' ultimate right-of-way) through the project from Rincon Avenue on the south. Secondary emergency access would be provided from the improvement of existing access easements offsite towards the northern boundary of the project through county property and out to Cleveland Avenue. North Avenue at the northerly terminus of the project would be gated and through public access would not be provided. Off-site improvements includes installation of an all-way stop at the intersection of Rincon Avenue and Conway Drive, and a pedestrian walkway along the eastern side of Conway Drive from Rincon Avenue to Lehner Avenue.

APPLICANT: Rincon Escondido, LLC (Ed Bonanni)

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

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


 Jay Paul
 Associate Planner

FILED IN THE OFFICE OF THE COUNTY CLERK
 San Diego County on MAR 12 2008
 Posted MAR 12 2008 Removed _____
 Returned to agency on _____
 Deputy A. Consul

FINAL MITIGATED NEGATIVE DECLARATION

For

"Rincon Oaks Estates"

(Rincon Escondido, LLC)

(City File Nos. ER 2004-48, TR 892, 2004-52-CZ/PD/GE/PZ/DA and 2004-06-AN)

(Previously Circulated for Public Review)

ENVIRONMENTAL CHECKLIST SUPPLEMENTAL COMMENTS

An Initial Study Environmental Checklist was prepared for this project and is included as a separate attachment to this Mitigated Negative Declaration (MND). The information contained in the Initial Study and the MND will be used by the City of Escondido to determine potential impacts associated with the proposed development.

INTRODUCTION

This Mitigated Negative Declaration (MND) assesses the environmental effects of the proposed Re-Organization/Annexation, Pre-Zone, Zone Change, Tentative Subdivision Map, Grading Exemptions and Development Agreement to construct a 41-lot, single-family residential subdivision on approximately 20.56 acres of land, addressed as 1300 Rincon Avenue (APNs 187-370-01, -30, -31 and 224-100-75). The reorganization consists of annexation to the City of Escondido and detachment from County Communications District Service Area 135 (Regional 88 MHZ Radio) and the Deer Springs Fire District. A MND is prepared when an Initial Study Environmental Checklist indicates that no substantial evidence exists that the project or any of its aspects, with mitigation, may cause a significant impact on the environment. A MND is a written document that describes the potential impacts of a proposed project and why those impacts would not have a significant effect on the physical environment based upon implementation of mitigation measures that are a part of the project. The attached environmental Initial Study has been used to focus this study on physical factors that may be impacted by the proposed project. The Initial Study also serves the purpose of "providing documentation on a "factual basis" for concluding that a Negative Declaration or Mitigated Negative Declaration is appropriate and the proposed project would not have a significant affect on the environment, along with any mitigation measures required to reduce potential impacts to a less than significant level. As provided by CEQA, the San Diego Local Agency Formation Commission (LAFCO) will act as a responsible agency because of their role in reviewing and potentially approving the proposed annexation/reorganization. The project also would require appropriate permits for any off-site work within the County of San Diego's jurisdiction; a U.S. Army Corps of Engineers/Clean Water Act Section 404 permit for impacts to wetlands; Regional Water Quality Control Board Section 401 Water Quality Certification and Waste Discharge Permit; and a California Department of Fish and Game 1603 Streambed Alteration Agreement.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the Mitigated Negative Declaration in writing before the end of the 30-day public review period starting on **March 13, 2008** and ending on **April 11, 2008**. Written comments on the Mitigated Negative Declaration should be submitted to the following address by 5:00 p.m., April 11, 2008. Following the close of the public comment review period, the City of Escondido will consider this Mitigated Negative Declaration and received comments in determining the approval of this project.

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

Contact: Jay Paul, Planner
Telephone: (760) 839-4537
Fax: (760) 839-4313
e-mail: jpaul@ci.escondido.ca.us

A hard copy of this document and plans are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division.

PROJECT DESCRIPTION

The project involves a proposed 41-lot clustered residential subdivision (with seven Open Space Lots A-G), Master and Precise Development Plan, Prezone from County zoning to City Planned Development zoning, Zone Change to Planned Residential Development, Grading Exemptions, Annexation/Reorganization, and a Development Agreement. Proposed residential lot sizes range from approximately 8,408 SF to 18,945 SF. Proposed homes would be one-story in height, ranging from approximately 2,811 SF to 3,450 SF in size. The site currently is used as a container plant nursery (Pacific Paradise Nursery) which is proposed to be removed with this development. The site contains two open flood-control channels, which would be widened and incorporated into the open space/flood control design. The modified channels also would be used for habitat preservation, creation and enhancement. The open space plan includes on-site trails and a small neighborhood park. Several private access/utility easements are located across the property, which either would need to be removed or incorporated into the final project design.

Access to the project would be provided by the improvement of North Avenue (Local Collector Road, 62' - 66' ultimate right-of-way) through the project from Rincon Avenue on the south. Rincon Avenue across the project frontage would be improved to Local Collector Standards, including curb, gutter and sidewalk. Secondary emergency access would be provided from the improvement of existing access easements off site towards the northern boundary of the project through county property and out to Cleveland Avenue. North Avenue at the northerly terminus of the project would be gated and through public access would not be provided. An existing off-site well located within the easement is proposed to be retained, and the adjacent power pole (located on the project site) and meter that serves the well is proposed to be removed. All proposed streets would be constructed to City requirements. The internal streets (excluding the extension of North Avenue) would be private streets and maintained by the project Homeowners Association. Proposed off-site improvements include the following:

- Improvements to Rincon Avenue across the project frontage within the existing right-of-way, and any necessary transition work to connect to existing improvements.
- Improvement of North Avenue to its ultimate width along the western side of a 10-acre parcel located within the County (APN 187-370-04, Esposito). Offer of dedication of the necessary roadway to the City of Escondido (approx. 31' x 659') and agreements/easement for any off-site grading in association with the roadway improvements would be required to be secured by the developer. Off-site grading and drainage improvements also are proposed on APN 187-370-04 in order to correspond to the planned drainage improvements on the adjacent project site and the address neighborhood issues regarding the

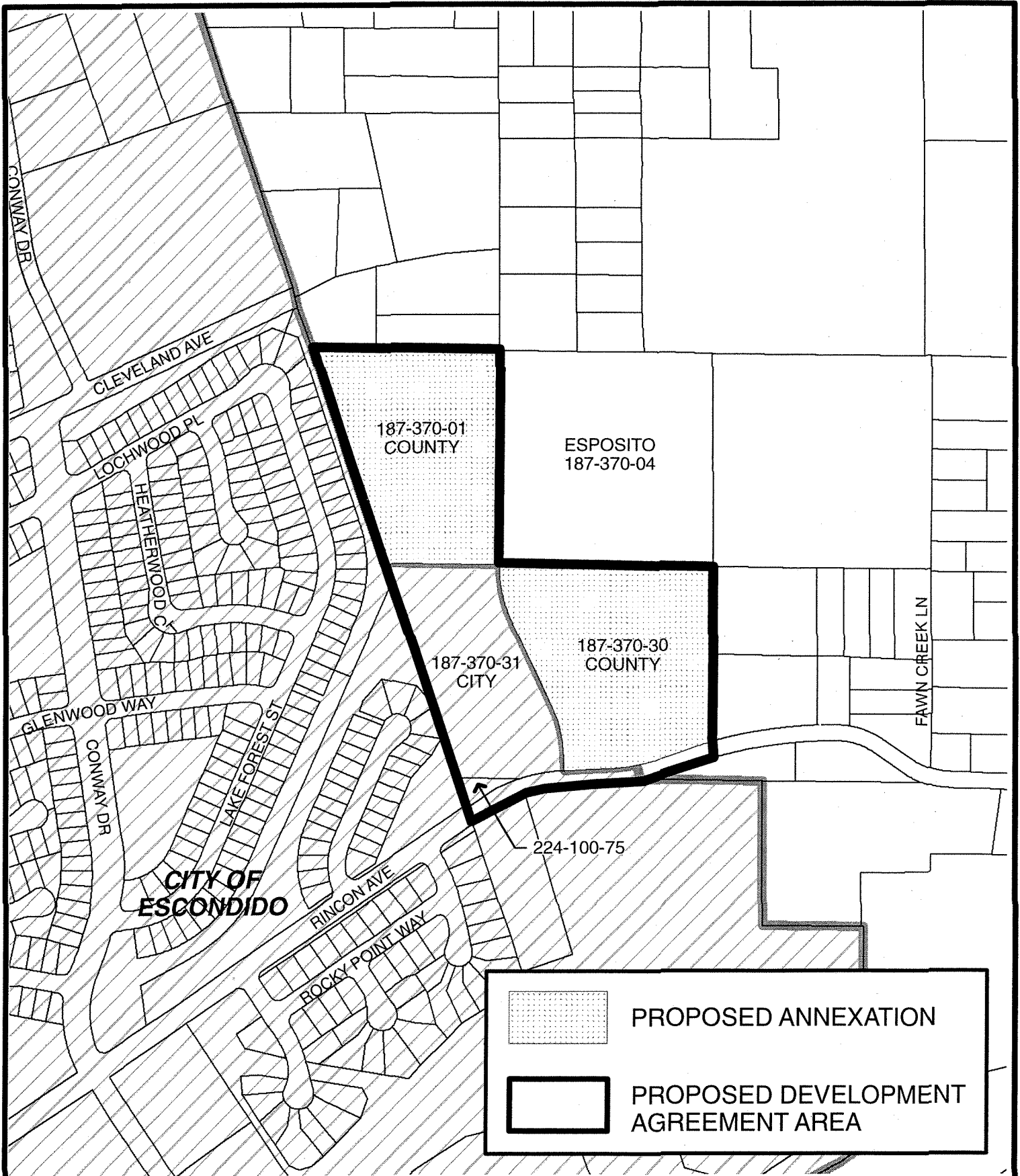
current drainage pattern. Any grading or improvements within the County would require appropriate permits issued by the County Public Works Department.

- Improvement of North Avenue (north of the project site to Cleveland Avenue) in order to provide the necessary secondary emergency access. Improvements to the eastern terminus of Cleveland Avenue where Cleveland Avenue becomes a private easement access within the county also is proposed to be improved. Appropriate easements/agreements would need to be secured from adjacent county residents in order to widen the roadway to its required width of 24 feet and for any off-site grading and drainage improvements on private property. The proposed off-site improvements also would require the appropriate permits from the County.
- Installation of an all-way stop and appropriate striping at the intersection of Rincon Avenue and Conway Drive.
- Installation of a paved pedestrian walkway along the eastern side of Conway Drive from Rincon Avenue to Lehner Avenue. The proposed walkway would be constructed within the existing right-of-way. The final design requirements shall be as determined by the City Engineering Division and County Public Works Department as part of the final engineering design prepared by the developer. Appropriate permits would need to be obtained from the County Public Works Department since the walkway would be located within the County's jurisdiction.

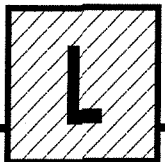
The applicant has secured appropriate County approvals/permits, offer of roadway dedication(s) or easements, and letters of permission from adjacent property owners for the proposed off-site improvements to North Avenue/Cleveland Avenue, drainage improvements and associated grading (County of San Diego DWGs. L-15153, and L-15204). The County also determined the off-site grading and drainage improvements on APN 187-370-04 (Esposito), and the proposed roadway improvements north of the project site within existing roadway and utility easements would not result in a significant impact to the environment and the improvements were exempt from further CEQA review. However, the Biological Report prepared for the proposed planned residential project has included any potential off-site impacts to wildlife resources and habitat areas, and appropriate mitigation measures have been included for the proposed improvements.

Conceptual grading includes a combination of cut and fill slopes with approximately 20,513 cubic yards of cut, 97,542 cubic yards of fill, and import of approximately 82,911 cubic yards of material. Fill slopes generally would be located along the western area of the project and along the proposed drainage channels. Fill slopes would range in height from approximately 4' feet to 8' (Lots 1 – 7); 7' to 10' (Lots 8 – 13); 2' to 10' (Lots 15, 16 and Open Space Lot "F"); and up to approximately 6' along the northern and eastern boundary of Lots 21 - 28. The cut areas generally are located towards the southeastern area of the site. Grading Exemptions are requested for cut slopes up to approximately 33 feet in height (with an inclination of 2:1) along Lots 30 and 31.

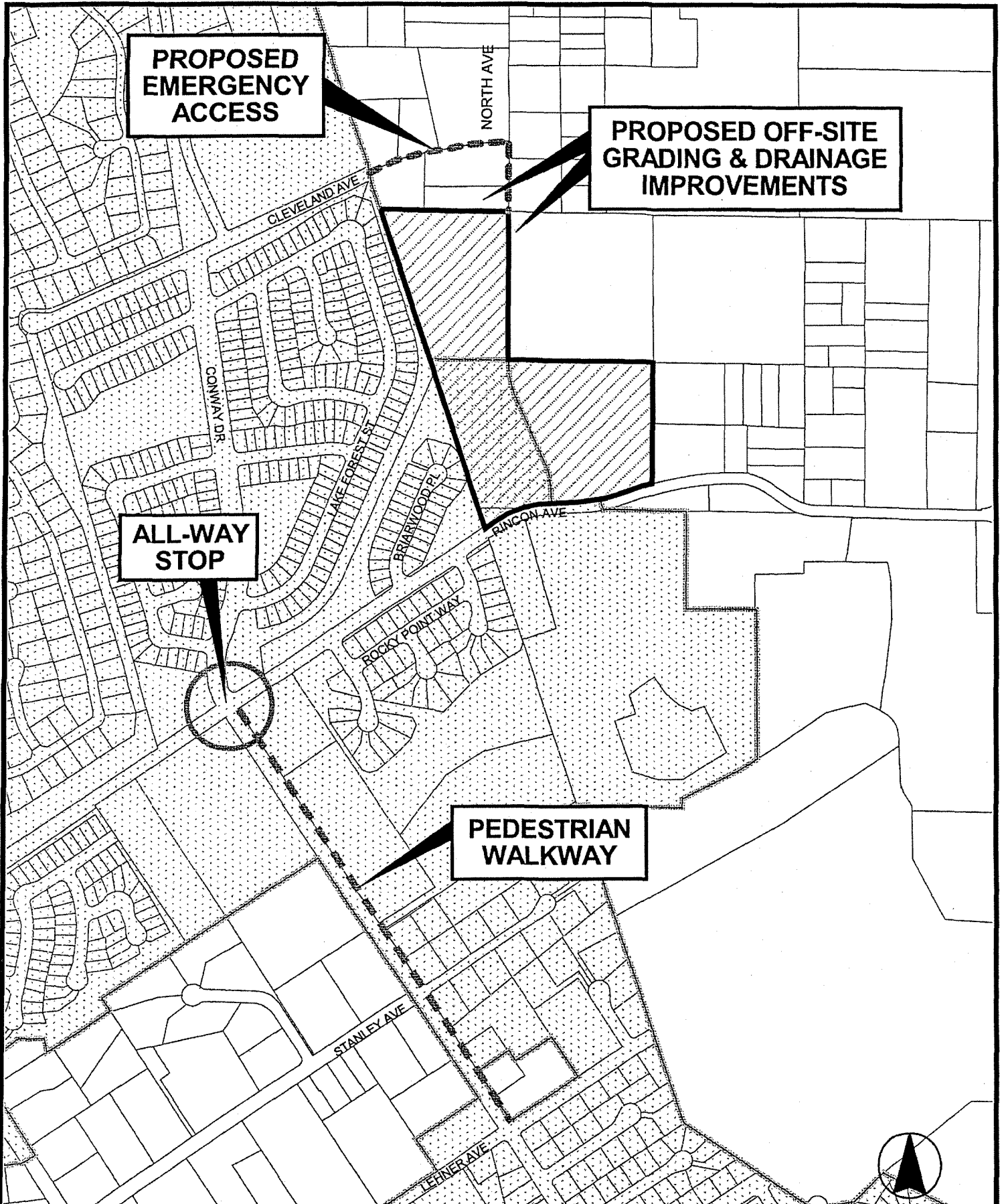
The current zoning on the project site is City R-1-10 (Single-Family Residential, 10,000 SF min. lot size) and County RS-1 (Single-Family Residential, 1-acre min. lot size). A Prezone and Zone Change are requested from the existing zoning designations to City Planned Development Residential zoning. The City's General Plan Land-Use Designation for the property is Suburban and Estate II. The Suburban designation allows a density of up to 3.3 dwelling units per acre and a minimum lot size of 10,000 SF, and the Estate II designation allows a maximum density of up to 2 dwelling unit per acre and minimum lot size of 20,000 SF. Based on the slope categories, constrained land and Circulation Element Street dedications within the underlying land-use designations, the allowable yield for the project is 41 lots. The proposed density of the project is approximately 1.99 du/ac. Clustering is proposed through the Planned Development process which would allow minimum lots



**PROPOSED ANNEXATION & DEVELOPMENT
 AGREEMENT INITIATION
 TR 892/2004-52-PD/GE/CZ/PZ/DA**



LOCATION/ZONING



**PROPOSED
EMERGENCY
ACCESS**

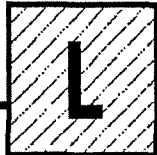
**PROPOSED OFF-SITE
GRADING & DRAINAGE
IMPROVEMENTS**

**ALL-WAY
STOP**

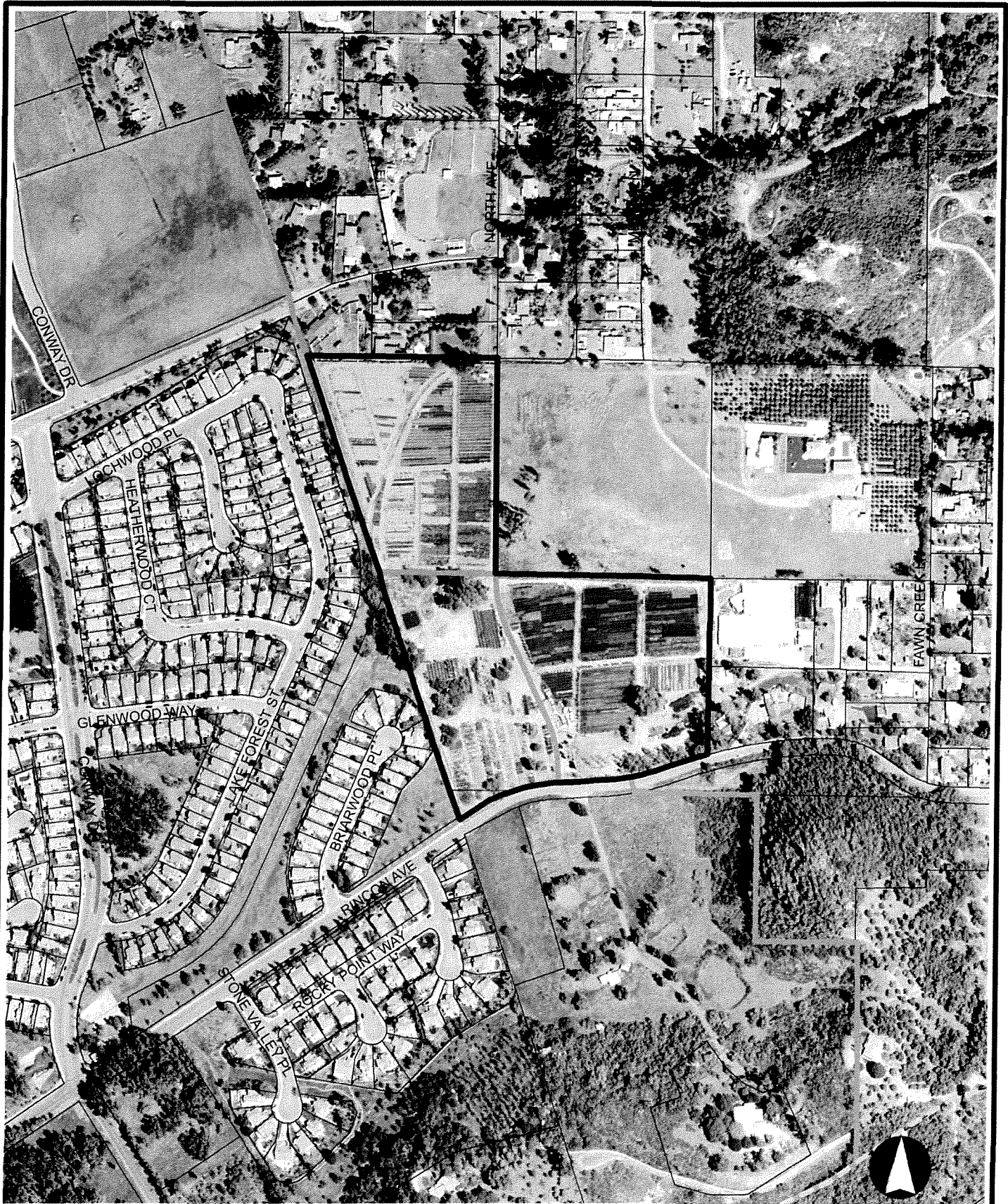
**PEDESTRIAN
WALKWAY**

Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

**PROPOSED OFF-SITE IMPROVEMENTS
TR 892/2004-52-PD/GE/CZ/PZ/DA**



LOCATION/ZONING

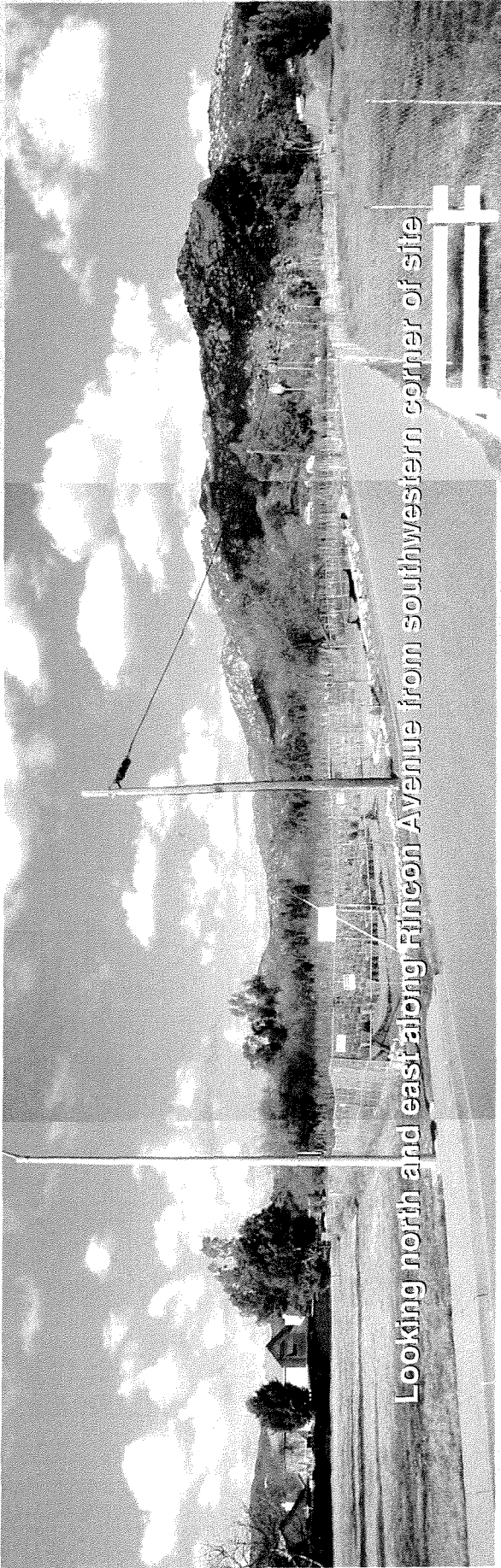


Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGIS. All rights reserved.

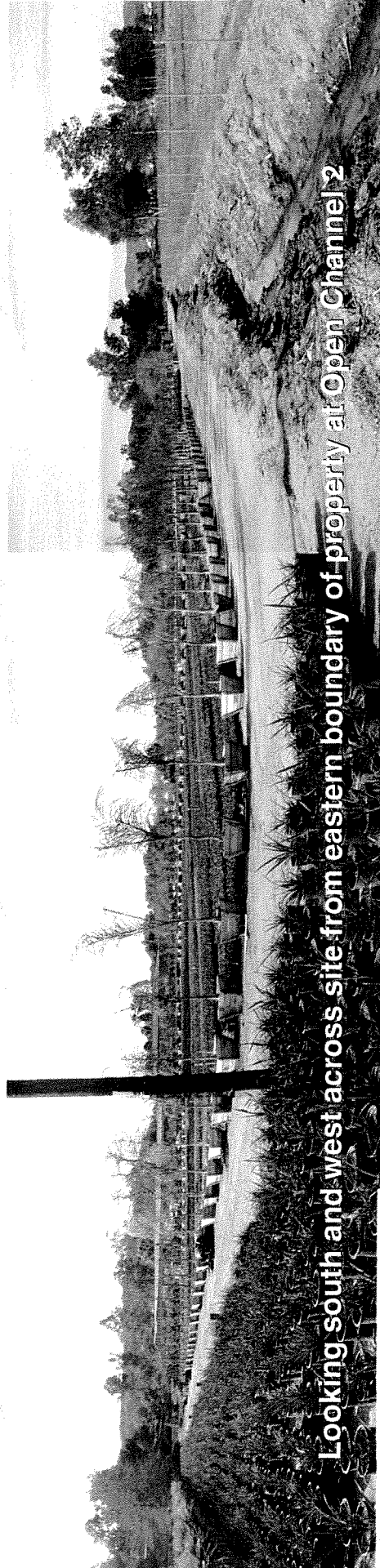
PROPOSED PROJECT TR 892/2004-52-PD/GE/CZ/PZ/DA



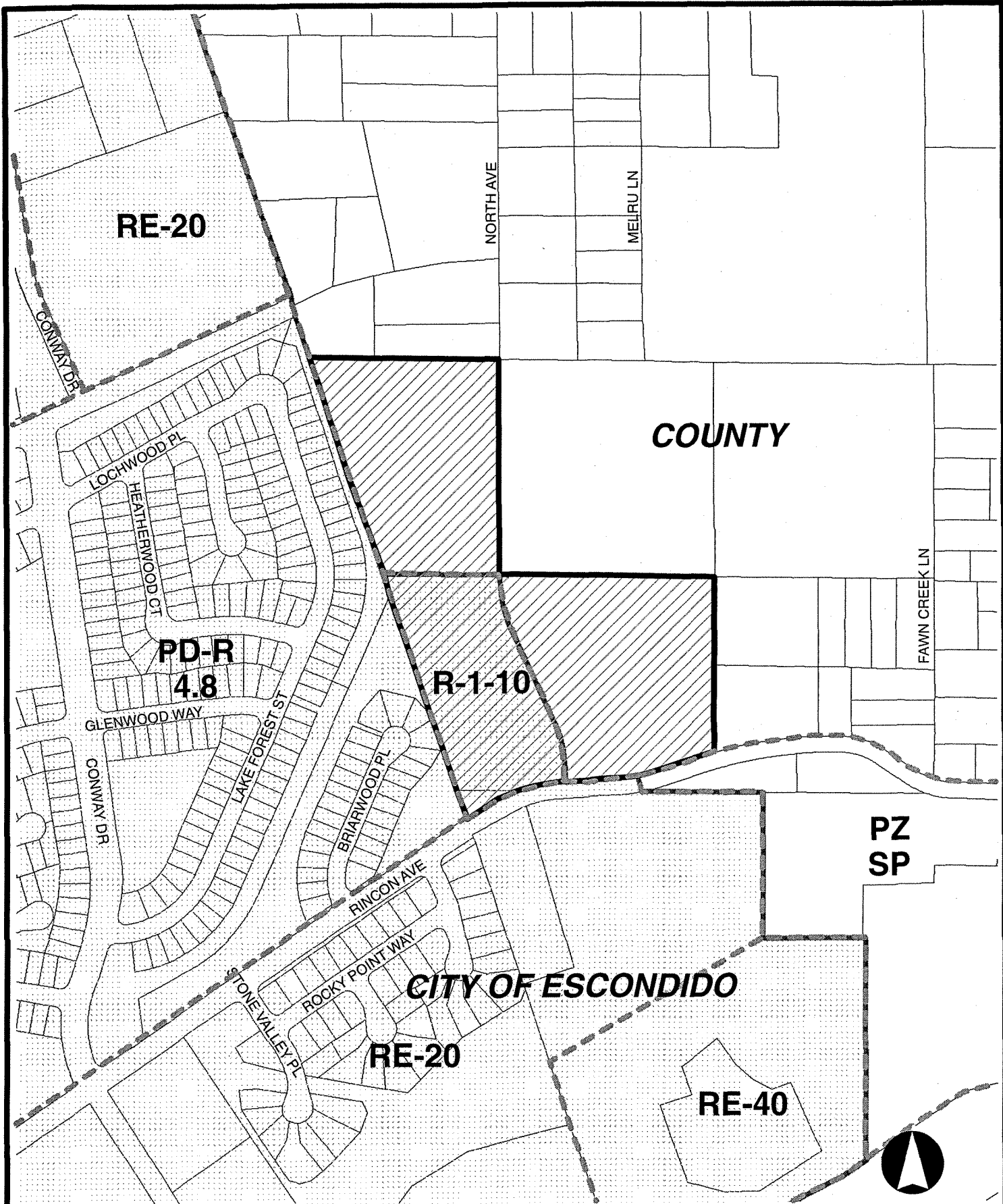
LOCATION/ZONING



Looking north and east along Filmore Avenue from southwestern corner of site



Looking south and west across site from eastern boundary of property at Open Channel 2

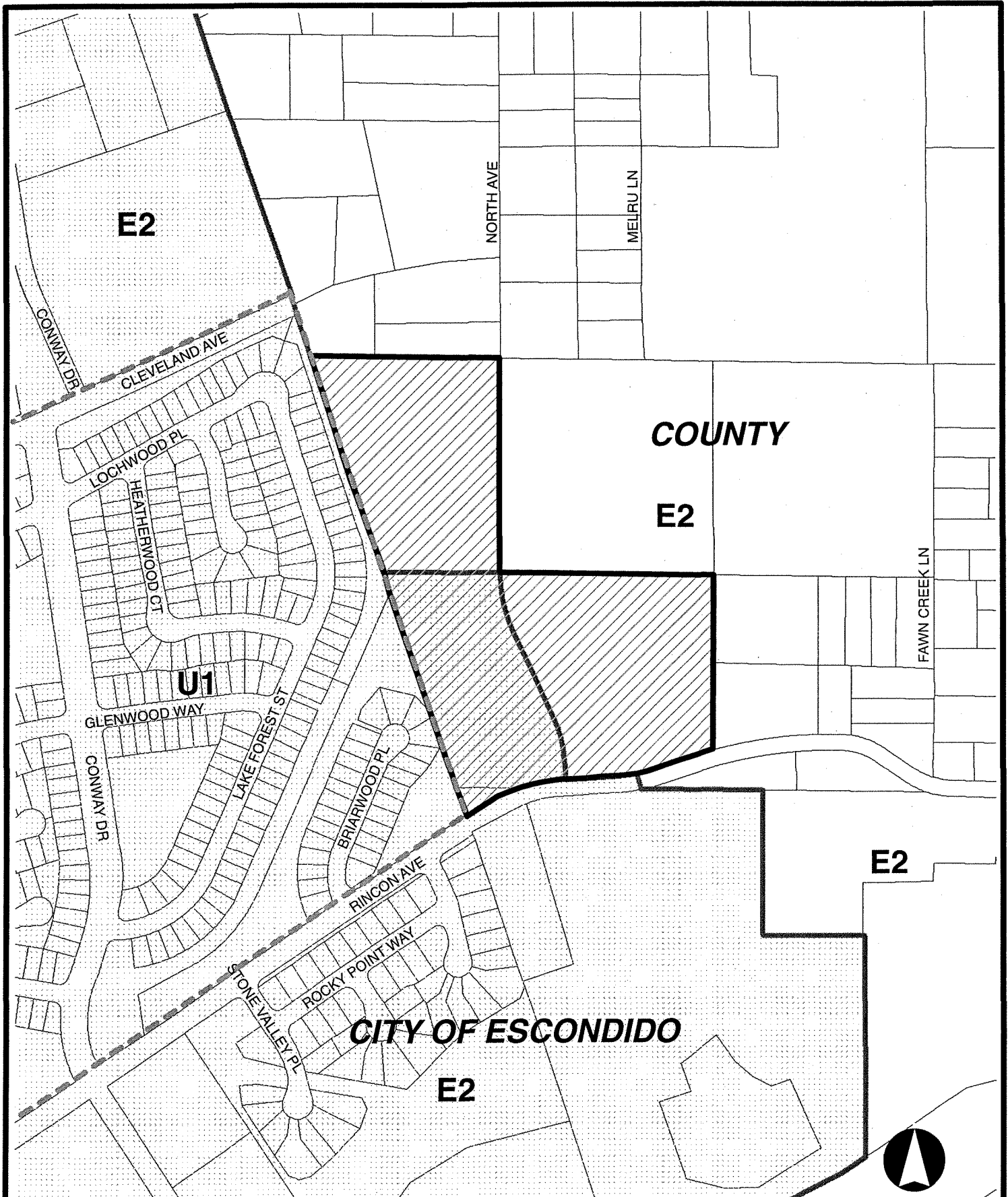


Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

PROPOSED PROJECT
TR 892/2004-52-PD/GE/CZ/PZ/DA



LOCATION/ZONING



Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

PROPOSED PROJECT
TR 892/2004-52-PD/GE/CZ/PZ/DA



CITY OF ESCONDIDO TENTATIVE MAP - TRACT NO. 892

SHEET 1 OF 4

LEGAL DESCRIPTION

LEGAL PROPERTY IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
LOT 3 OF FRACTIONAL SECTION 34 AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 34, T4S, R10E, S10E, RANGE 2, QUARTER 1, TOWNSHIP 34 SOUTH, RANGE 2 WEST, SAN DIEGO, STATE OF CALIFORNIA.
APR 18-77-01-00 AND 18-77-03-00 AND 18-77-05-00 AND 24-10-00-75-00.

OWNER
MASON & ASSOCIATES, INC.
CALIFORNIA LIMITED LIABILITY COMPANY
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

APPLICANT/AGENT
ESCONDIDO, LLC
CALIFORNIA LIMITED LIABILITY COMPANY
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

OWNER'S CERTIFICATE
I HEREBY CERTIFY THAT I AM THE SECOND OWNER OF THE ABOVE DESCRIBED PROPERTY AND I HAVE READ THE TENTATIVE MAP AND THE LEGAL DESCRIPTION THEREOF AND I HAVE NO OBJECTION TO THE SAME. I HAVE NO OTHER INTEREST IN THE PROPERTY AND I HAVE NO OTHER CLAIMS TO THE PROPERTY. I HAVE NO OTHER CLAIMS TO THE PROPERTY AND I HAVE NO OTHER CLAIMS TO THE PROPERTY.

DATE
APR 18-77-01-00 AND 18-77-03-00 AND 18-77-05-00 AND 24-10-00-75-00.

ENGINEER
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EARTHWORK QUANTITIES*
TOTAL VOLUME: 11,500 CY
TOTAL CUT: 11,500 CY
TOTAL FILL: 0 CY

NOTES
GENERAL PLAN DESIGNATION: ESCONDIDO I (R-1)
EXISTING CITY: SUBURBAN (S) & ESTATE II (EII)
ZONING DESIGNATION: S & E (ESTATE II)
ESTATE II (EII) RESIDENTIAL (R-1-10) & 20,000-SF (R-1-20)
ESTATE II (EII) RESIDENTIAL (R-1-10) & 20,000-SF (R-1-20)
ESTATE II (EII) RESIDENTIAL (R-1-10) & 20,000-SF (R-1-20)

LAND DIVISION STATEMENT
I HEREBY CERTIFY THAT I AM THE SECOND OWNER, AS SHOWN ON THE LATEST QUALIFIED SURVEY, OF THE ABOVE DESCRIBED PROPERTY AND I HAVE READ THE TENTATIVE MAP AND THE LEGAL DESCRIPTION THEREOF AND I HAVE NO OBJECTION TO THE SAME. I HAVE NO OTHER INTEREST IN THE PROPERTY AND I HAVE NO OTHER CLAIMS TO THE PROPERTY.

BENCHMARK
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

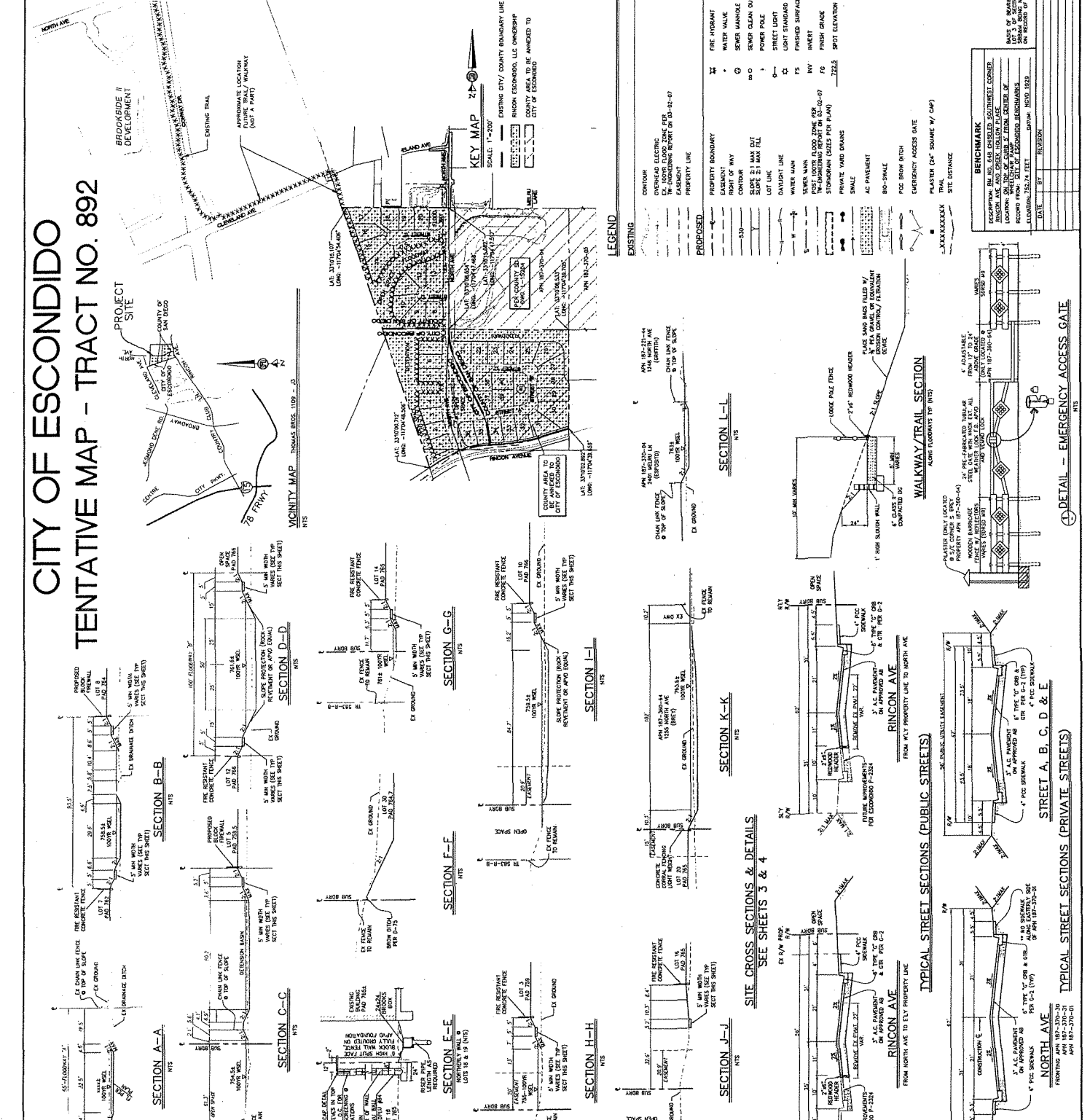
EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

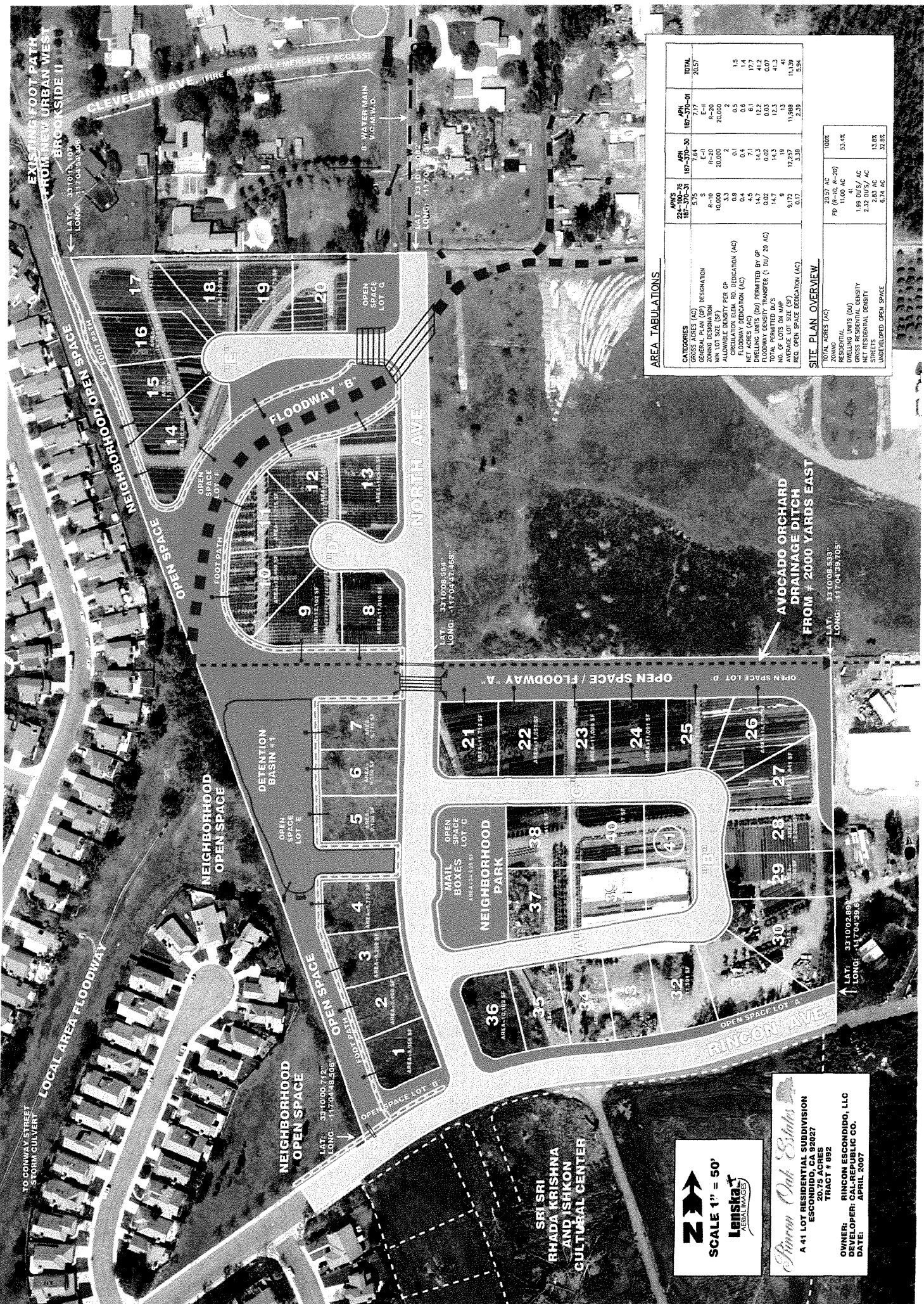
EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

EMERGENCY ACCESS GATE
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101



ESCONDIDO
City of Escondido
MASON & ASSOCIATES, INC.
2508 DELMAR HEIGHTS RD., SUITE 200
SAN DIEGO, CALIFORNIA 92108
PHONE (619) 594-4100
FAX (619) 594-4101

DATE: 04/18/2024	BY: [Signature]	REVISION: 1.0
E.I.P.	SUBMITTED	APPROVAL



AREA TABULATIONS

CATEGORIES	2007-75 187-370-31	APN 187-370-30	APN 187-370-01	TOTAL
GROSS ACRES (AC)	5.75	7.64	7.17	20.57
ZONING DESIGNATION	R-10	R-10	R-10	
MIN LOT SIZE (SF)	10,000	20,000	20,000	
ALLOWABLE DENSITY PER GP	3.3	0.1	0.5	1.5
FLOODING DENSITY PER GP	0.8	0.1	0.1	1.0
FLOODING DENSITY TRANSFER (1 DU/ 20 AC)	4.5	7.1	6.1	17.7
NET ACRES (AC)	14.7	14.3	12.2	41.2
DWELLING UNITS (DU) PERMITTED BY GP	0.02	0.02	0.03	0.07
DWELLING UNITS (DU) PERMITTED BY FLOODING DENSITY TRANSFER (1 DU/ 20 AC)	14.9	14.3	12.3	41.5
NO. OF LOTS ON AVE	14	14	13	41
AVERAGE LOT SIZE (SF)	9,172	12,237	11,968	11,139
REQ. OPEN SPACE DEDICATION (AC)	0.17	3.38	2.39	5.94

SITE PLAN OVERVIEW

TOTAL ACRES (AC)	TOTAL
20.57 AC	20.57 AC
REQ. OPEN SPACE DEDICATION (AC)	5.94 AC
DWELLING UNITS (DU)	41
GROSS RESIDENTIAL DENSITY	1.98 DUS/ AC
STREETS	2.32 DUS/ AC
UNDEVELOPED OPEN SPACE	6.74 AC
	32.92 AC

N
SCALE 1" = 50'
Leiska
AERIAL IMAGES

Pinnon Oak Estates
A 41 LOT RESIDENTIAL SUBDIVISION
ESCONDIDO, CA 92027
TRACT # 892
OWNER: RINCON ESCONDIDO, LLC
DEVELOPER: CAL-REPUBLIC CO.
DATE: APRIL 2007

**SRI SRI
RHADA KRISHNA
AND ISHKON
CULTURAL CENTER**

AVOCADO ORCHARD
DRAINAGE DITCH
FROM # 2000 YARDS EAST
LAT: 33°10'08.533" N
LONG: -117°04'39.705" W

LAT: 33°10'00.534" N
LONG: -117°04'48.468" W

LAT: 33°10'02.898" N
LONG: -117°04'39.688" W

sizes of 7,250 SF within the Suburban land-use designation, and 10,000 SF within the Estate II land-use designation. The General Plan encourages clustering in order to protect or preserve sensitive natural resources, avoid hazardous areas, or preserve the natural appearance of hillsides (City of Escondido 1990: VII-10). Clustering involves assessing the natural characteristics of a site and grouping the buildings or lots through on-site transfer of density rather than distributing them evenly throughout the project as in a conventional subdivision. Fifty percent of the lots must be adjacent to open space, and the amount of lot size reduction, in square feet, must be replaced as open space. Approximately 6.74 acres of open space is proposed on the project site.

The project site is located within the North Broadway Region of Influence which is an area where critical infrastructure deficiencies exist, as specified in the citywide facilities plan (Growth Management Ordinance). The applicant has requested to enter into a Development Agreement with the City in order to proceed with the project and address the developer's obligation to address/off-set identified deficiencies within the North Broadway Critical Deficiency Area in conformance with the City's Growth Management Ordinance (Article 68 of the Zoning Code). The City Council initiated the Development Agreement and Annexation process on December 11, 2002, and authorized staff to proceed with the project.

The proposed Annexation (jurisdictional reorganization) involves approximately 15.28 acres of land and consists of annexation to the City of Escondido and detachment from County Communications District Service Area 135 (Regional 88 MHZ Radio) and the Deer Springs Fire District. The property proposed for annexation includes two parcels owned by the project applicant (APNs 187-370-01 and -30, totally approximately 14.81 acres) and an approximately 0.47-acre portion of an adjacent parcel to the east of the project site (187-370-04, Esposito) which is proposed for dedication to the City for the completion of the North Avenue roadway improvements. A boundary adjustment may be necessary to separate it from the larger parcel as part of the offer of dedication and annexation. The Rincon Avenue street frontage also would be annexed to the City of Escondido.

A Homeowners' Association (HOA) and/or Landscape Maintenance District would provide for appropriate maintenance for any common improvements, perimeter walls, on-site trails/walkways, parkway landscaping along Rincon Avenue, drainage/storm water facilities, and the emergency access gate(s). The homeowner's association would be established prior to the sale of any units.

PROJECT LOCATION AND ENVIRONMENTAL SETTING

The approximately 20.56-acre project site involves four parcels, two parcels within the City of Escondido, and two parcels within the County of San Diego, generally located on the northern side of Rincon Avenue, east of Creek Hollow Place and west of Fawn Creek Lane, addressed as 1300 Rincon Avenue.

	Parcel Information			
	City	County	County	
APNs	224-100-75 187-370-31	187-370-30	187-370-01	Total
Gross Acres	5.75	7.64	7.17	20.56

The project site is characterized by relatively flat land with some sloping topography within the southeastern corner. Two open graded flood control drainage channels cross the property, one entering from the north and one from the east. The site naturally draining towards the southwest. Elevations on site range from approximately 766' towards the northwestern corner, 762' towards the northeastern corner, 795' towards the southeaster corner, and 756' towards the southwestern corner. Soils on site consist primarily of Visalia sandy

loam (0-5% slopes) through the central portion of the site, and Ramona sandy loam (2-5% slopes) within the northern and southern most portions of the site. The property currently is developed with an active plant nursery (Pacific Paradise Nursery), consisting of container stock in various sized planter boxes/containers, dirt and gravel roadways/paths, large and small storage containers, manufactured office trailer(s), and various piles of soils and amendments. The subject property supports six habitat/cover types including; disturbed Willow Scrub, wetlands, open drainage channel, annual grasslands, eucalyptus trees, and disturbed and developed habitat. The proposed project would directly impact approximately 26.89 acres of habitat (20.56 acres on site and 7.34 acres off site).

The project site is directly served by Rincon Avenue located along the southern boundary of the property. Rincon Avenue is designated as a Local Collector (62' - 66' ultimate right-of-way) on the City's Circulation Element. Rincon Avenue currently is developed as a two-lane rural collector and has not been improved to its ultimate width across the project frontage or further to the east within the County. Rincon Avenue has been developed to its ultimate width immediately west of the project site within the City, including curb, gutter and sidewalks. Overhead utility lines are located across the project frontage along the northern side of Rincon Avenue, which would be undergrounded as part of the project.

The project site is located within the City of Escondido Suburban (Single-Family Residential, up to 3.3 du/ac) and Estate II (Residential Estate, up to 2.0 du/ac) General Plan land-use designations. The County General Plan land-use designation for the two County parcels is R(1), which allows residential development on 1, 2 and 4-acre lots depending on the corresponding slope categories. The project site also is located within the County's Current Urban Development Area (CUDA) which includes County lands to which near-term urban development should be directed. This neighborhood is a transitional area between the more densely developed residential areas of Escondido, to the estate and semi-rural county environment. The zoning and land uses adjacent to the proposed development area are as follows:

North: County RS-1 zoning (Single-Family Residential, 1-acre min. lot size) / Single-family, generally single-story ranch-style homes are located immediately north and northeast of the project site within the County on lots ranging in size from approximately 14,628 SF to 4.28 acres. Two single-family lots directly abut the project site along the northern boundary. The lots/homes immediately to the north generally are located at a similar elevation (approx. 766' towards the northwest and 762' towards the northeast) to the project site with large yards and mature landscaping. The side or rear yards of these homes generally orient towards the project site. Fencing along the northern property boundary consists of ornamental white vinyl privacy fencing, open wood rail type fencing, and chain-link fencing. A well is located off-site towards the northeastern corner of the site within an existing utility-unimproved access easement. Power to the well is provided from an adjacent power pole located on the project site. North Avenue is located north of the project site, which provides access to the adjacent county properties. North Avenue is not paved up to the northern boundary of the property site and currently does not provide access to the subject property since the easement is fenced.

South: RE-20 zoning (Residential Estate, 20,000 SF min. lot size) / A large undeveloped parcel (approx. 22.44 acres) is located south of the project site across Rincon Avenue. Lots sizes to the south range from approximately 2.11 acres to 22.44 acres. A Conditional Use Permit (Case No. 99-50-CUP) was approved for the development of a religious facility on the subject site, which includes a 32,000 SF temple/cultural hall and 7,500 SF, two-story dormitory building. Single-family homes on lots ranging in size from approximately 5,700 SF to 13,888 SF, with open space areas, are located southwest of the project site within the City. Larger estate lots and agriculture (generally avocado groves on steep slopes) are located southeast of the project site within the County.

East: County RS-1 zoning (Single-Family Residential, 1 acre min. lot size). Single-family, generally single-story ranch style homes and limited agriculture is located east of the project site on lots ranging in size from approximately 0.50 acres to 10 acres. Access to the adjacent lots/homes generally is provided from Sunrise Road and Fawn Creek Lane, which intersects Rincon Avenue on the south, or from Melru Lane via North Avenue to the north. Several large greenhouse type structures are located on a two-acre lot immediately along the eastern boundary of the project site. Sunrise Road is a private easement access roadway and terminates at the eastern property boundary, but currently does not provide access to the site. Chain-link fencing is located along the eastern property boundary. Off-site vegetation generally consists of ornamental landscaping associated with the adjacent residences, along with mature trees, limited agriculture, open pasture and grove trees. The adjacent homes/lots generally are situated at a higher elevation than the project site towards the south (elevation of 787'), and similar or slightly higher elevations towards the north (elevations ranging from 766' to 760').

West: PD-R 4.8 zoning (Planned Development Residential, 4.8 dwelling units per acre) / A single-family residential planned development (Escondido Tract 583-R) is located west of the project site on lots ranging in size from approximately 4,000 SF to 5,500 SF, with minimum lot widths of 45 feet, and common open space lots/areas. An open space lot associated with the adjacent planned development is located along the western boundary of the project site, which ranges in width from approximately 14 feet to 28 feet. The off-site open space area generally is vegetated with non-native grasses (which are frequently mowed/maintained), mature ornamental trees, and native vegetation associated with the east/west trending drainage channel that exits the project site on the west and flows through the adjacent development. The adjacent one- and two-story homes generally are located several feet higher in elevation than the project site (pad elevations ranging from 767' towards the north and 757' towards the south), and the rear or sides of the homes orient towards the project site. Wooden fencing associated with the residential properties is located along the rear of the lots. Chain-link fencing associated with the existing nursery is located along the western boundary of the project site.

I. LAND USE AND PLANNING

Significance Criteria and Impact Analysis

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

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

The City of Escondido General Plan designates the proposed project site as Suburban (Single-Family Residential, 3.3 du/ac) and Estate II (Single-Family Estate Residential, 2.0 du/ac). The project is adjacent to similar clustered and estate residential development, open field and limited agriculture. The minimum lot size for Estate II is 20,000 SF and 10,000 SF for Suburban, unless the development is clustered in accordance with the cluster provision in Chapter VII of the General Plan. Application of the General Plan density calculations for the proposed project would potentially yield 41 units, which includes consideration of environmentally constrained areas and the two on-site drainage channels. Clustering is encouraged in the General Plan in order to protect sensitive natural resources, avoid hazardous area, or preserve the natural appearance of hillsides. Clustering involves assessing the natural characteristics of a site and grouping the buildings or lots through on-site transfer of density rather than distributing them evenly throughout the project as in a conventional subdivision. The minimum lot size standard for single-family clustered development within the E2 land use

designation is 10,000 SF and 7,920 SF for the Suburban designation. Fifty percent of the lots must be adjacent to the open space, and the amount of lot size reduction, in square feet, must be replaced as open space. The proposed project has been designed in accordance with the land uses designated for the project area by the General Plan and with the Clustering provisions with lot sizes ranging from approximately 8,408 SF to 18,945 SF. Approximately 5.81 acres of open space would be provided as part of the project design. The rezoning/zoning designations are proposed to be Planned Development (PD) which is consistent with the General Plan and would allow for clustering of the residential units. The clustering design would not increase the overall density of the site, but would allow for reduced lot sizes, larger open space lots, and preservation of the on-site drainage courses and biological resources. The proposed project is characterized as "in-fill" because the development is planned within an established residential neighborhood and the project is adjacent to residential development to the north, west, southwest, and east.

The General Plan indicates the maximum development yield of Suburban lands shall be calculated according to the following topography/slope categories. The actual yield also has been adjusted for existing drainage channels and habitat areas in accordance with the General Plan and Subdivision Ordinance. Based on the variable slope provisions of the Suburban and Estate II land-use designations contained in the City's General Plan, up to 41 dwelling units/lots would be allowed for the 20.56-acre project site as follows:

	<u>General Plan Yield</u>	<u>Existing Topography</u>	<u>Yield</u>
0-25%:	3.3 dwelling units per acre	5.75 ac	14.6 lots
25 – 35%:	1.5 dwelling units per acre	0.0 ac	0 lots
35% +:	1 dwelling unit per 20 acres	<u>0.0 ac</u>	<u>0 lots</u>
		5.75 ac	14.6 lots

The City's General Plan land-use designation for the two County parcels is Estate II (up to 2.0 dwelling units per acre) with a minimum lot size of 20,000 SF. The General Plan indicates the maximum development yield of Estate II lands shall be calculated according to the following topography/slope categories. The actual yield also has been adjusted for constrained lands such as existing drainage channels and habitat areas in accordance with the General Plan and Subdivision Ordinance.

	<u>General Plan Yield</u>	<u>Existing Topography</u>	<u>Yield</u>
0-25%:	2 dwelling units per acre	14.64 ac	26.73 lots
25 – 35%:	1 unit per 1 acre	0 ac	0 lots
35% +:	1 dwelling unit per 20 acres	<u>0.169 ac</u>	<u>0.008 lots</u>
		14.81 ac	26.74 lots

The County land-use designation for the site is Residential (1) with a zoning designation of RS-1, which allows single-family residential development on one-acre minimum lots. The project site also is located within the County's Current Urban Development Area (CUDA) which includes County lands where near-term urban development should be directed. The potential yield based on the slope categories for this designation are as follows:

- 0-15%: 1 acre minimum parcel size
- 15-25%: 2 acre minimum parcel size
- 25%+: 4 acre minimum parcel size

From a land use perspective, no adverse impacts are anticipated given the relatively small size of the project and number of lots, and the existing residential character of the surrounding area. The proposed project would

not disrupt or divide the physical arrangement of the area since the project is adjacent to similar single-family residential development within the City and County, as discussed in the above section (Environmental Setting). The project density of approximately 1.99 dwelling units per acre would be consistent with the underlying City Suburban and Estate II General Plan land-use designations, and compatible with residential development throughout the neighborhood. Access to the project site currently is provided by a public Circulation Element Street (Rincon Avenue). Development of the project and proposed improvements would not adversely alter or impact the existing circulation pattern throughout the surrounding neighborhood since all streets and intersections would operate at acceptable levels of service. The project's construction also would not create any new land use barriers, preclude the development of surrounding parcels, or otherwise divide or disrupt the physical arrangement of the surrounding community since the project is considered infill type development. Further, the configuration of the areas' existing street network and sidewalks would not be adversely affected by the project. Adequate public facilities are available and water and sewer service can be provided to the project with nominal extension of nearby existing facilities.

Plan to Plan

From a zoning "plan to plan level" the proposed clustered planned development is consistent with the adopted land-use designations in the City's General Plan and provides for the orderly transition between proposed and planned urban land uses to the west and south, and the estate and semi-rural/agricultural development to the north and east within the County. The current County zoning and General Plan on the two County parcels, in combination with the City's Suburban land-use designation and R-1-10 zoning on the two City parcel(s) for the 20.56-acre site theoretically would allow up to approximately 29 single family units consisting of minimum 10,000 SF lots within the City and minimum one-acre lots within the County. The proposal involves an increase of up to 12 units more than the County's zoning and General Plan. This increase in the number of lots would not constitute a significant impact since the project density and lot sizes would be consistent with the City's General Plan and Growth Management Ordinance, and all public utilities would be provided by the City of Escondido to support the proposed density.

Adjacent County properties located to the north and east of the project site are within the Escondido Sphere of Influence and General Plan boundaries. The City's General Plan land-use designation for the adjacent County parcels is Estate II, which would allow up to 2.0 dwelling units per acre with minimum 20,000 SF lots. Many of the adjacent residential properties to the north (along North Avenue) and east (along Sunrise Road and Fawn Creek Lane) generally are built to or exceed their current County General Plan yields and minimum zoning lot sizes. Therefore annexation, development or subdivision of these parcels is not anticipated in the near future. Two 10-acre properties east and northeast of the project site (APNs 187-370-04 and -05) also are located within the County with a City General Plan land-use designation of Estate II, and are either undeveloped or underdeveloped. Future annexation and subdivision of these parcels could potentially yield up to 40 single-family residential lots, with minimum 20,000 SF lot sizes, which would be compatible with the proposed development.

Plan to Ground

From a "plan to ground level" the proposal would result in changes to the existing landscape, and would transform the existing nursery to a more suburban/estate setting by development of 41 lots/dwelling units and open space areas on the site. The project design, density and lot sizes conforms to the existing transitional nature of Escondido Development, which "feathers" development densities from the urbanized center to the rural fringe. The proposed density and lot sizes is planned to transition from the proposed smaller lots within the Suburban land-use designation, which would be adjacent to more intensive clustered single-family development within the City to the west, to larger lots within the Estate II designation, which would be adjacent to existing county properties to the north and east. The project also would provide open space areas, trails and sidewalks to connect adjacent open space areas and existing and planned trails to the west, and northwest. Proposed

landscaping, decorative parkway walls and entry design elements are intended to provide an aesthetically pleasing buffer along Rincon Avenue. The preservation and enhancement of the on-site drainage courses and wetland habitat would serve to reduce visual impacts and also impacts to sensitive biological resources. The project would add traffic to area roadways, but not more than anticipated at the time the General Plan was last updated. The increase in homes from the development would be considered an incremental increase given the number of existing and planned homes within the neighborhood. This is not considered significant since the proposed project would be in conformance with the adopted City of Escondido density provisions for the site, and would be consistent with the surrounding development pattern. Therefore, no significant land use impacts would occur as a result of the proposed project. Impacts from manufactured slopes and removal of mature trees and sensitive habitat would be mitigated by implementation of a landscape design plan that provides for revegetation in conformance to city and regional habitat planning guidelines. The project would include provisions for ongoing maintenance of landscaping through a Homeowners' Association and other appropriate measures approved by the City and Wildlife Agencies.

Growth Inducement

The City of Escondido General Plan designates the project site a Tier 2A-Urbanizing Neighborhood. Tier 2A neighborhoods are predominantly residential and the overall patterns of development and urban services has been established, thus making this area suitable for infill on existing parcels. Growth inducement generally is dependent on the presence or lack of existing utilities and municipal or public services, or when the project removes obstacles to population growth or future development. The project would directly contribute to an incremental growth in population by providing additional housing opportunities in north-central Escondido to serve existing and new residents. The construction of new housing on the project site would accommodate development on underdeveloped parcels in an area designated for this purpose consistent with policies and objectives of the City's Growth Management Element. Public facilities are available in the area to serve the proposed uses, and most of the adjacent properties within the City and County already have developed or are approved for development. The project does not encourage the premature development or development generally that is more intensive or out of character with adjacent residential properties in the area. Growth within this area was anticipated and included in the General Plan when adopted, and is consistent with the City of Escondido planning goals. Implementation of the project may increase the rate of development on nearby underdeveloped land to the east/northeast since improved access (North Avenue) and sewer would be available. These adjacent parcels also are designated Tier 2A and their future development is anticipated. However, annexation to the City of Escondido would be required along with the approval of a development agreement to address any existing deficiencies within the North Broadway Region of Influence in conformance with the City's Growth Management Ordinance. Therefore, the proposed project does not present a significant growth inducing impact.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

The subject property is identified on the City's Draft Multiple Habitat Conservation Program (MHCP) Subarea Plan (Spring 2002) as "Agricultural Land" and "Natural Habitats." Adjacent properties to the east within the County are identified as Agricultural and Developed/Disturbed, and properties to the north within the County are identified as Developed/Disturbed. Properties to the west within the City are identified as Developed/Disturbed, and properties to the south within the City are identified as Natural Habitats and Developed/Disturbed. The proposed project would not conflict with applicable environmental plans since the subject development area does not contain area designated for preservation (as indicated on the latest MHCP maps) or any other conservation planning area. The site is not adjacent to any areas proposed for preservation. Appropriate mitigation has been provided for potential impacts to Biological Resources. The removal of any mature trees

would be replaced in conformance with the City's Landscape Ordinance with specimen sized trees at a minimum 1:1 ratio.

Aesthetics

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

The project site is relatively flat and developed with a container-plant nursery, internal dirt and gravel access roads/paths, storage containers of various size, a greenhouse structure, and perimeter chain-link fencing. Two open drainage courses are located across the site, with disturbed wetland habitat and scattered willow scrub habitat and eucalyptus trees. The property is not located on a ridgeline identified in the Community Open Space/Conservation Element of the General Plan or along a designated scenic highway. The area surrounding the site consists of clustered residential development, estate and semi-rural development, open space, open pasture and limited agricultural uses. Grove operations generally are located on the steeper hillsides to the east and southeast within the County. Low-lying hills are visible off-site to the northeast, east, and southeast. Implementation of the proposed project would change, but would not significantly alter the viewshed and aesthetic nature of the current nursery site, changing it from an agricultural type operation to a suburban type development, with passive and active open space areas. Since the topography of the site is relatively flat and does not contain any significant visual resources, such as prominent topographical features or rock outcroppings, adverse landform alteration impacts would not be anticipated from the proposed grading design and development of the infrastructure and homes. A moderate amount of grading (including approximately 82,911 cubic yards of import) is proposed for the site and any grading and subsequent compaction of the site, as necessary, will be per City standards (Article 55, Escondido Zoning Code) to the satisfaction of the City Engineer. The proposed grading design, raised pad elevations and open environmental flood-control channels would be similar to existing cluster development to the west within the City, and other clustered development throughout the North Broadway Neighborhood. Existing native and non-native vegetation would be replaced by new landscaping, and enhancement and preservation of the existing drainage channels. The project would not damage any significant scenic resources within a designated State scenic highway or create an aesthetically offensive site open to the public since the site is not located along a State scenic highway and the property would be developed with residential development in accordance with the underlying General Plan land-use designation.

The proposed homes would be one story in height and range between 2,811 SF to 3,450 SF in size. Proposed average lot widths range from approximately 74 feet to 110 feet. The architectural design for the planned homes is drawn primarily from City standards, augmented with additional features to conform to the estate/semi-rural character of the area. The homes reflect the single-story California/Mediterranean themes of the area, including stucco exteriors with natural earth tones, tile roofs, and stone exterior enhancements. Proposed development would be less dense than development to the west and southwest within the City, and would be visually consistent with residential uses already in existence or planned in this area. Proposed clustering of development would not result in a significant visual or aesthetic impact to the viewshed since it allows for increased preservation of open space areas/natural habitats. Impacts are considered less than significant because proposed open space, perimeter and internal landscaping, decorative parkway walls and perimeter walls, preservation and enhancement of natural habitat and drainage courses, and appropriate setbacks would provide a visual buffer and enhance the visual quality between on-site residential areas and adjacent properties, roadways and public areas. Limiting the homes to single-story in height, in combination with the orientation of

the homes, proposed pad elevations, perimeter open space buffers, perimeter setbacks, and conceptual landscape design would maintain views up the upper portions of the hillsides and skylines across the site. These design elements provide a suitable transition from the more urban lands within the City to the west, northwest and southwest, and the larger estate and semi-rural parcels to the east within the county, and also serve to reduce the overall aesthetic and community character impact to below a level of significance.

Cumulative Impacts: Existing and planned development have altered and would continue to alter the existing landforms and visual setting throughout the general project area from that of open space/agriculture to more urban/estate development. However, given the existing, approved, and proposed development pattern in the project area, the conversion of open undeveloped land and change in the visual setting would not represent a significant individual or cumulatively significant impact.

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

Development of the subject site would create some additional sources of light and glare in the area. Compliance with the City's Outdoor Lighting Ordinance would ensure that impacts related to light and glare, resulting from development of the site, are less than significant, especially to planned open space/habitat areas.

II. AGRICULTURE RESOURCES (PLEASE REFER TO UNDERLINED REVISIONS IN SUPPLEMENTAL DOCUMENT)

Significance Criteria and Impact Analysis

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

- ~~a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?~~
- ~~b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?~~
- ~~c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?~~

~~The project site is within a residential/estate and semi-rural area and is developed with an active container-stock nursery. General Plan Agricultural policies support existing agricultural activity and land use in the community while planning for possible transition to urban uses in a manner which is consistent with the policies of the Land Use Element and Community Facilities Element of the General Plan. The site is not listed as Prime, Unique or Farmland of Statewide Importance as identified in the General Plan Final EIR (Figure 5.12-3 – April 2000) which was prepared for the City's most recent General Plan revisions in 2000. The property also is not involved in a Williamson Act Contract or other agricultural land contract. Although the site has been used as a container-stock nursery, the surrounding area has been changing from agricultural-type development to residential development. Grove operations still are located further to the east and southeast within the County. Therefore, the proposed development would not result in significant individual or cumulative impacts to agricultural resources.~~

III. TRANSPORTATION/TRAFFIC

According to the City of Escondido Environmental Quality Regulation (Article 47, Sec. 33-924), impacts are considered significant if the project:

1. Causes the level of service (LOS) of a circulation element street to fall below a mid-range of LOS "D" and /or adds more than 200 ADT to a circulation element street with a LOS below the mid-range "D" yet above LOS "F". According to the Escondido General Plan, the minimum acceptable LOS is "C".
2. Exceeds, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways.
3. Results in a change of air traffic patterns, including either an increase in traffic levels or in a location that results in substantial safety risks or increased hazards due to a design feature.
4. Results in inadequate emergency access or parking capacity, or conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).
5. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

General Plan Circulation Policy D2.3 states that:

"... Due to the physical design characteristics, environmental resource considerations, existing development, freeway interchange impacts and incomplete system improvements, level of service "C" may not be feasible in all areas at all times. However, level of service "C" should be pursued in the ultimate implementation of the circulation system."

A Traffic Impact Analysis was prepared for the proposed project by Investigative Sciences and Engineering, Inc., to assess potential impacts from the proposed 41-lot residential development. The project study area generally is determined by the limits or extent of where 50 peak-hour project trips would travel to or from the site, which is based on Congestion Management Program (CMP) guidelines. The project is calculated not to generate more than 50 peak-hour trips. Current and future traffic analyses along three street segments and intersections were analyzed as part of the Traffic Study prepared. At these segments/locations, traffic operations were studied prior to and after implementation of the proposed project, and deficiencies and impacts were identified. Under the City of Escondido's adopted standards, a direct significant impact would occur on a street if project implementation degrades the LOS to worse than mid-level "D" and increases the v/c ratio by more than 0.02. If the segment already operates at mid-LOS D or worse in the baseline condition, a significant cumulative impact would result if the project increases v/c by more than 0.02. The following intersections were analyzed as part of this study:

- Rincon Avenue/Ash Street (un-signalized)
- Rincon Avenue/Conway Drive (un-signalized)
- Conway Drive/Lehner Avenue (un-signalized)

Additionally, the following street segments also were analyzed:

- Rincon Avenue from Broadway to the project boundary
- Ash Street from Rincon Avenue to Lehner Avenue
- Conway Drive from Rincon Avenue to Lehner Avenue

The proposed 20.56-acre project site fronts onto and currently takes access from Rincon Avenue, which is classified as a City of Escondido Local Collector Street (62' – 66' ultimate right-of-way with 42' curb-to-curb width) from the project boundary to Ash Street. This section of roadway is constructed as a two-lane undivided

roadway and the existing level of improvements and roadway width varies along its length. Rincon Avenue from Ash Street to Broadway is classified a Collector Road, and is constructed as a four-lane undivided roadway with a center two-way left-turn lane. The posted speed limits on Rincon Avenue is 40 MPH between Broadway and Conway Drive, with no parking signs on both sides of the roadway from Broadway to the project boundary. Access to the project would be provided by the improvement of North Avenue through the project site intersecting Rincon Avenue on the south. North Avenue is classified as a Local Collector on the City's Circulation Element (62' – 66' ultimate right-of-way/42' curb-to-curb). Internal access is proposed via two cul-de-sac streets and one loop road that will connect to North Avenue. A gated secondary emergency access roadway (min. 24 feet in width) would be provided at the northern terminus of North Avenue (at the north end of project boundary) that would connect to Cleveland Avenue within the County. The gated emergency access would not allow for through public access. Existing conditions along the street segments are as follows:

Existing Segment ADT Volumes and Level of Service (LOS)

<u>Street Segment</u> From/To	<u>Rincon Ave</u> Broadway to Ash St	<u>Rincon Ave</u> Ash St to Conway Dr	<u>Rincon Ave</u> Conway Dr to Project	<u>Ash St</u> Rincon Ave to Lehner Ave	<u>Conway Dr</u> Rincon Ave to Lehner Ave
Roadway Classification	Collector	Local Collector	Local Collector	Collector	Local Collector
# Lanes Built	4 + TWLTL	2	2	2	2
LOS E Capacity	34,200	15,000	15,000	15,000	15,000
Existing ADT (Year 2004)	8,107	8,673	550	4,390	1,636
Existing V/C	0.237	0.578	0.037	0.293	0.109
Existing LOS	A	C	A	B	A

The project traffic generation was calculated using SANDAG trip rates for the San Diego Region. Credit was taken for an existing wholesale nursery on the site. The proposed 41 lots are anticipated to generate up to 410 Average Daily Trips (ADT) with 33 AM peak-hour trips and up to 41 PM peak-hour trips. The trips generated by the nursery (approx. 41) would be replaced by the residential project for a net increase of approximately 369 ADT. The original traffic analysis was updated to take into account the operation of Reidy Creek Elementary School, and the impact to the intersection of Conway Drive/Rincon Avenue from the relatively new elementary school and other developments throughout the area. The updated traffic study also evaluated and took into account the identified street segments/intersections that were analyzed in the traffic studies/environmental documents for four recently approved residential projects throughout the neighborhood (Escondido Tracts 932, 927, 928 and 894) to ensure appropriate coordination and consistency between the documents. The Engineering Department indicated the proposed project would not result in a significant direct or cumulative impact to the existing levels of service on the adjacent streets since a stable flow of traffic is maintained along the street segments. The Engineering Department also indicated the proposed project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels of service on any of the adjacent roadways since the project would not add 200 additional trips to a circulation element street with a service level below the mid-range of LOS D. The study concluded that all identified street segments would operate at LOS "C" or better under the study scenarios of existing; existing + project; existing + cumulative; and existing + cumulative + project. All three intersections were calculated to operate at LOS "C" or better under the study scenarios. However, the northbound movement on Conway at Rincon operates at LOS E without the project and LOS F with the project. Therefore, converting the existing Rincon Avenue and Conway Drive intersection to an all-way stop controlled intersection would mitigate the LOS "F" northbound (NB) movement to LOS "A." Additionally, all additional movements at that intersection would be expected to operate at LOS "A."

Therefore, the following mitigation measure is required:

Mitigation Measure

- 1. Prior to occupancy of the first unit, an all-way stop shall be installed at the intersection of Rincon Avenue and Conway Drive, including appropriate striping. Appropriate painted stop bars/crosswalks on all approaches to the intersection also shall be installed.**

Cumulative Impacts – The Engineering Department indicated that based on the analysis in the traffic analysis prepared for the project used in conjunction with the traffic studies prepared for four other recently approved projects within the area (Escondido Tract's 932, 927, 928 and 894) indicated the project would not result in any significant direct or cumulative impact to the Levels-of-Service of the adjacent road segments and intersections with the implementation of the above mitigation measures to address the existing and direct impacts at the intersection of Rincon Avenue/Conway Drive. The project is subject to all citywide development and traffic impacts fees at the time of building permit issuance to offset project related impacts, as well as any terms/fees of the proposed Development Agreement.

Temporary Construction Traffic – Temporary construction-related traffic impacts would occur during grading and construction activities. Moderate grading is anticipated to prepare the site and heavy equipment used for grading and excavation, once staged, typically remains on site until grading and similar activities for a given stage of construction is completed and would not contribute to a significant increase in traffic. The number of trucks anticipated to import an estimated 82,911 cubic yards of material is based on a capacity of up to 18 cubic yards per truck or about 4,606 truck loads of materials (approximately 9,212 truck trips, one in and one out). The current estimate is the import would take about half a year to complete with approximately 35 truck loads per day (generally Monday – Friday) which equates to approximately 70 truck trips per day (140 passenger car equivalent trips - PCE) over the course of the grading operations to bring in the fill material to the site. The street segment operations were analyzed under an existing plus construction truck traffic scenario (including Interstate 15 ramps to Country Club Drive, and Country Club Drive from Centre City Parkway to Broadway). The proposed construction traffic would not result in a direct significant impact to the Levels of Service along the street segments or intersections. Additional traffic would be associated with employee trips to and from the site, equipment delivery and removal, and other related activities. The amount of construction traffic would fluctuate during different phases of the construction, but most of the heavy truck/haul truck trips would cease upon completion of the grading phase. Potential conflict within existing traffic along the road segments from hauling and construction operations would be further avoided by requiring the project proponent to coordinate and implement safety/traffic control measures with the City that minimize potential conflicts, especially during peak school drop-off and pick-up hours. All measures would be implemented prior to the onset of construction activities as part of the project conditions of approval and grading permit.

Design Features/Hazards/Emergency Access – The proposed development would not result in inadequate emergency access, as determined by the Fire Department, since gated secondary emergency access would be provided for the project by the improvement of existing roadway easements north of the project to Cleveland Avenue. All roadways (including North Avenue and Rincon Avenue) would be constructed to City Design Standards. Emergency and non emergency response times of the Escondido Fire Department would remain the same with the proposed development. Appropriate sight distance at the intersection of North Avenue and Rincon Avenue and all internal streets would be provided.

Pedestrian safety (especially children walking to the neighborhood schools) and potential conflicts with vehicles along the City and County streets has been identified as a significant neighborhood issue as development

continues to occur throughout the area. Currently, there are sidewalks along the northern side of Rincon from Conway Drive to the project's western boundary, and the project would provide additional sidewalks along the northern side of Rincon Avenue across the project frontage to tie into the existing sidewalk. The project also would be required to install an all-way stop at the intersection of Rincon Avenue and Conway Drive, including appropriate roadway striping. However, there is no continuous pedestrian walkway along Conway Drive from Rincon Avenue south to Rincon Middle School (a distance of approximately 2,155 linear feet) requiring pedestrians to walk along the shoulder of this Circulation Element Street or within the roadway. Rincon Middle School is located on the southern side of Lehner Avenue, approximately 230 feet west of the southwestern corner of Lehner Avenue and Conway Drive. The proposed project would generate additional elementary, middle and high school students, increasing the need to provide appropriate pedestrian walkways. In order to address the pedestrian safety issues (especially children that would walk to Rincon Middle School) and provide appropriate walkways for school children, the following mitigation measure is required:

Mitigation Measure:

- 2. Prior to the issuance of the first certificate of occupancy for the project, a paved pedestrian walkway shall be installed along the eastern side of Conway Drive from Rincon Avenue to Lehner Avenue. The final design requirements shall be as determined by the City Engineering Division and County Public Works Department as part of the final engineering design prepared by the developer.**

Conway Drive is designated a Local Collector Road on the City's Circulation Element with an ultimate width of 66 feet (42 feet curb-to-curb). The existing right-of-way for Conway Drive (from Rincon Avenue to Lehner Avenue) is 66 feet in width, but the entire street has not been constructed to its ultimate width, including curbs, gutter and sidewalks. An approximately 545 foot long section of the eastern side of the street has been improved to its ultimate width, including curb, gutter and sidewalk immediately north and south of Honeysuckle Way as part of Escondido Tract 703-A. The proposed pedestrian walkway would be located within the existing right-of-way and no additional dedication of land would be required. Construction of the roadway would require some minor grading and drainage improvements, clearing of non-native and ornamental vegetation, and the removal of some mature trees, which would not be considered a significant impact to the environment and no mitigation would be required. Sections of the roadway are located within the jurisdiction of the County of San Diego. Therefore, the developer would be required to obtain the appropriate permits from the County for the construction of the pedestrian walkway. The final design requirements (including grading, paving materials, and width) will need to be coordinated with both agencies in order to address varying jurisdictional standards and to work around any on-site obstacles. The intersection of Conway Drive/Lehner Avenue is an all-way stop with appropriate signing. The southern side of Lehner Avenue has been improved to its ultimate width from Conway Drive across the Rincon Middle School frontage to the southwestern corner of the school property. Conway Drive also has been improved to its ultimate width from Lehner Avenue to Vista Avenue on both sides of the street. This mitigation measure/condition also has been required of four proposed residential projects within the area which includes:

- TR 932 - 179-unit planned residential development and annexation on approximately 149 acres generally located east of Vista Avenue and Lehner Avenues/northwest of Vista Verde Avenue (Hidden Valley Project-Hallmark Communities).
- TR 927 - 32-lot residential development on approximately 10 acres generally located on the northern side of Lehner Avenue, between Ash Street and Conway Drive (Baker).
- TR 928 - 14-lot residential subdivision on approximately 4.79 acres generally located on western side of Conway Drive, between Lehner Avenue and Stanley Avenue (Baker).
- TR 894 - 11-lot residential subdivision on approximately 3.2 acres generally located on the northern side of Lehner Avenue, between Ash Street and Conway Drive (Buckmaster).

On-Site Parking – Appropriate on-site parking would be provided for each phase of the project. On-street parking along North Avenue would not be restricted. Two- and three-car garages would be provided for each home, along with standard parking within the driveway. On-street parking also would be available.

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

Adopted Plans/Policies – The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. There are no bus stops along the project frontage. The proposed project would not impact any proposed bus routes or stops, or require the development of new or relocated bus stops.

IV. AIR QUALITY

Significance Criteria and Impact Analysis

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

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

Significance Criteria:

Project related impacts exceeding any of the following South Coast Air Quality Management District (SCAQMD) daily emissions criteria could be considered significant requiring the preparation of an Air Quality Impact Report and recommended mitigation measures to reduce identified impacts to less than a significant level:

<u>Pollutant</u>	<u>City</u>	<u>APCD</u>
• Carbon Monoxide (CO)	550 lbs/day	550 lbs/day
• Oxides of Sulfur (SOx)	250 lbs/day	250 lbs/day
• Reactive Organic Gases (ROG)	55 lbs/day	-----
• Oxides of Nitrogen (NOx)	55 lbs/day	250 lbs/day
• Fine Particulate Matter (PM)	150 lbs/day	100 lbs/day

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

reduce locally produced contamination to clean air standards.

For long-term emissions, the direct impacts of a project can be measured by the project's consistency with regional plans to improve and maintain air quality. Local air-quality impacts are directly related to the number of vehicle trips and operation levels on adjacent streets and intersections. According to CEQA Guidelines, a project normally is considered to have a significant air quality impact if it violates any ambient air quality standard, contributes substantially to an existing or projected air-quality violation, or exposes sensitive receptors to substantial pollution concentrations.

Project-Related Impacts – Operations emissions come from area sources, including natural gas for space and water heating, and gasoline-powered landscaping and maintenance equipment, and from vehicle operations associated with the project. The Engineering Department indicated the anticipated additional trips generated from the project would not significantly impact the existing Levels of Service on the adjacent streets or intersections (with the implementation of the recommended traffic/intersection mitigation measures). Therefore, the anticipated daily emissions would not exceed local or South Coast Air Quality Management District (SCAQMD) daily emissions criteria. In addition, the proposed project would not result in a substantial increase in the number of vehicles operating in cold start mode or substantially increase the number of vehicles on local roadways. Therefore, the project would not cause an unacceptable concentration of CO at any project-affected intersection. Since the project would not deteriorate the level of service on adjacent streets and intersections, and is not anticipated to exceed SCAQMD thresholds of significance, the project would not result in a significant impact to local or regional air quality. While the proposed project would have an incremental impact to basin-wide air-quality, the individual impacts attributed to the project are immeasurably small on a regional scale and would not cause ambient air-quality standards to be exceeded on a regional scale nor contribute to any adverse cumulative impacts.

Construction-Related Emissions

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emission include:

- Fugitive dust from grading activities;
- Construction equipment exhaust;
- Construction-related trips by worker, delivery trucks and material-hauling trucks; and
- Construction-related power consumption.

Typical earthwork operations would include clearing, grubbing, building demo, and general pad formation and construction of retaining walls. Proposed grading includes a combination of cut and fill slopes with approximately 20,513 cubic yards of cut and import of approximately 82,911 cubic yards of fill materials. Construction equipment primarily would be utilized in an incremental fashion over the course of construction. Approximately 35 truck loads (70 truck trips/140 passenger car equivalent tips) per day would be anticipated over the course of the grading operations to bring in the fill material to the site for a total of approximately 4,606 truck loads/9,212 truck trips. An Air Quality Conformance report was prepared for the project by Investigative Sciences and Engineering, Inc. The report was based on the original grading design, which anticipated on-site grading of approximately 13,666 cubic yards of cut, 113,091 cubic yards of fill, with import of approximately 99,425 cubic yards. Since that time, the grading design has been modified to reduce the amount of import to approximately 82,911 cubic yards. Therefore, the potential air-quality impacts would be correspondingly less than projected in the report. The report indicated the project would be in compliance with all APCD and City thresholds for each phase of the operation, with the exception of the City's threshold for NOx during the rough grading operation. Standard APCD rules require the applicant to implement the specific measures to reduce potential impacts from construction activities. In addition the following mitigation measures have been shown by the California Air Resource Board (CARB) to be effective in reducing NOx emissions. Proper implementation of

these measures is expected to reduce overall emission by at least the 17% margin required to comply with the City's significance threshold for this pollutant. As a project condition, the developer would be required to submit an Air Quality Management Plan to the Planning Division to address the required Mitigation Measures, and retain qualified personnel to monitor the Management Plan conditions to ensure compliance.

Mitigation Measures:

- 1. Use electricity from power poles rather than temporary diesel power generators.**
- 2. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.**
- 3. The engine size of construction equipment shall be the minimum practical size.**
- 4. Construction equipment shall be maintained in tune per the manufacturer's specifications.**
- 5. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.**
- 6. Diesel catalytic converters shall be installed, if feasible.**
- 7. Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site.**
- 8. The project applicant should endeavor to use low-sulfur fuels necessary in order to reduce nitrogen precursors.**

Emission from construction activities, which are localized and short term, could be mitigated using appropriate control measures. The construction measures listed above should be included as conditions of approval of grading permits. Each contractor/applicant is responsible for this task upon verification by the City of Escondido. The phasing of the various construction related elements is beneficial in terms of reducing concurrent emission from construction activities. Construction activities also are a source of fugitive dust emissions that may be a substantial, but temporary impact on local air quality. Dust from grading and other site preparation would generate particulate matter emission. With appropriate use of grading and operation procedures (in conformance with APCD Best Management Practice for dust control), the project would not generate significant particulate matter or dust. The City of Escondido Grading Ordinance and erosion control requirements include provisions for dust control to reduce impacts to air quality during grading and construction activities. At a minimum, these ordinances and provisions require projects to perform regular watering and timely revegetation of disturbed areas to minimize the dust and airborne nuisance impacts to off-site receptors. Emissions from construction equipment, worker and delivery and material-hauling trucks, and construction-related power consumption would be temporary and would result in an extremely small contribution to the SDAB and therefore would not result in a significant impact. Conformance with City's existing Grading and Erosion Control Ordinances combined with the fact that construction is a one-time impact, would ensure that air-quality impacts remain below a level of significance.

Emission factors are not available for lead and, consequently, lead emissions are not calculated. The basin currently is in attainment of the state and federal lead standards. Furthermore, diesel fuel is not leaded.

Consistency with the RAQS

Consistency with the Regional Air-Quality Standards (RAQS) assumptions is determined by analyzing the project with the assumptions in the RAQS. Forecasts used in the RAQS are developed by the San Diego Association of Governments (SANDAG). The SANDAG forecasts are based on local general plans and other related documents that are used to develop population projections and traffic projections. The current City plans allow for and encourage the project site to be developed as residential estate development, thus, the proposed project would not exceed the assumptions used to develop the RAQS and would not obstruct or conflict with the SDAPCD's RAQS.

Odors

During construction, diesel equipment operating at the site may generate some nuisance odors. However, due to the temporary nature of construction, odors associated with project construction would not be considered significant and no mitigation is required.

Cumulative Impacts

The incremental increase in air pollutants generated from the project combined with air quality impacts from surrounding projects would have a cumulative impacts to the air quality in the San Diego area. There are no feasible mitigation measures that can be implemented at the project level that would reduce the cumulative impacts to air quality on a region-wide level. However, each of the cumulative project must show conformance with the Regional Air Quality Strategies and reduce individual project impacts to below a level of significance.

Global Climate Change

Global climate change alleged to be caused by greenhouse gases (GHG) is currently one of the important and widely debated scientific, economic, and political issues in the United States. Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. With the adoption of AB 32, the California Global Warming Solutions Act of 2006, the State of California has determined that global warming proposes a serious threat to the State's economy, public health and environment. As such, actions which may contribute to global warming are beginning to be addressed in CEQA documents. The adopted legislation defines the greenhouse gasses to be considered and regulated as follows: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. An individual project of this scale and nature would not generate enough greenhouse gas emissions to significantly influence global climate change. Greenhouse gas emissions occur in a worldwide system and the project does participate in this potential impact through its incremental contribution, which is combined with the cumulative increase of all other sources of greenhouse gases. There currently are no published thresholds for measuring the significance of a project's cumulative contribution to global climate change. The State of California currently is working to define the greenhouse gas inventory which existed in 1990 to provide a statewide benchmark against which to measure progress. Once that inventory is determined, AB 32 measures future acceptable emissions against that standard over a period of several years. Although the incremental contribution to CHG is not considered significant due to the relatively small size and potential impact from the project, newer projects throughout the City of Escondido continue to implement certain California Air Resources Board Greenhouse Gas Emission Reduction Strategies.

IV. A GREENHOUSE GASES (PLEASE REFER TO NEW SECTION)

V. BIOLOGICAL RESOURCES

Significance Criteria and Impact Analysis

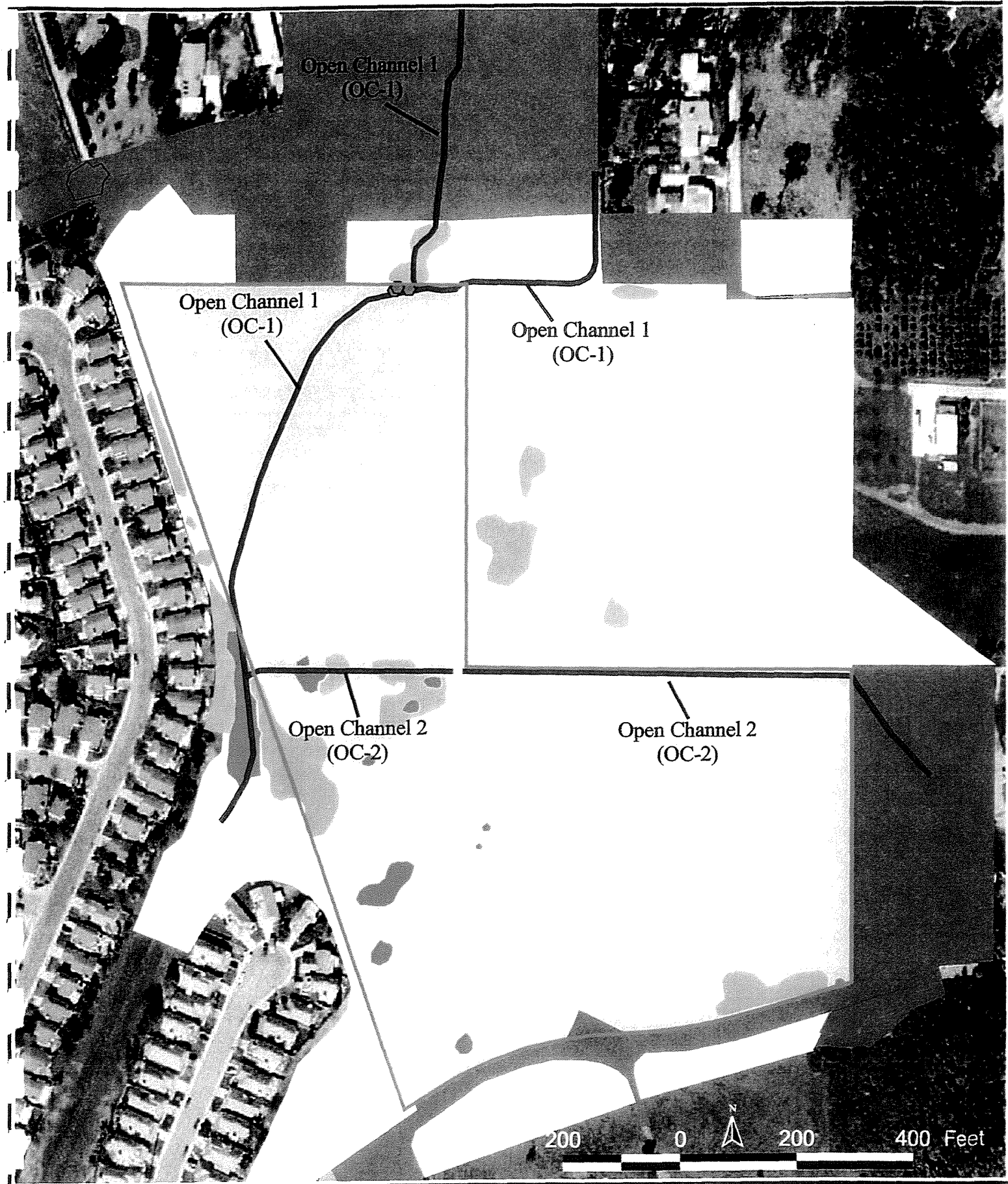
The effects of a project on biological resources are considered to be significant if the proposed project would:

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

- c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
- e. *Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?*
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

A Biological Technical Report was prepared for the project by Consultants Collaborative, Inc., along with a Wetland Habitat Enhancement, Creation, Mitigation and Monitoring Plan, and a proposed Perpetual Habitat Management Plan. The report prepared by Consultant Collaborative updated and took into account the previous Biological Assessments prepared for the project by Vince Scheidt, Biological Consultant. The project site currently is developed as a container-stock nursery. A total of seven vegetation communities/habitats occur on site or within the impact footprint off site (for infrastructure/drainage improvements). The site contains two open flood control channels which cross the property Open Channel 1 (OC-1) and Open Channel 2 (OC-2). Both have an average width of approximately three feet relative to the observed high water or scour line within the graded channels. One channel is graded to allow potential stormwater flows to travel from the northern to the western property edge (OC-1) and the other allows flows to be conveyed from the eastern to the western property line (OC-2). OC-1 is a dry, unvegetated, graded flood control channel which conveys water only related to storm events. OC-2 is a graded flood control channel that supports perennial flow of water that is conveyed onto the property from the irrigated avocado groves to the east. This channel originally was designed, graded and perpetually maintained to safely convey water through the property. It does not support typical native hydrophytic species. The area within the drainage is mowed and cleaned up annual under appropriate permit/notification to the appropriate wildlife agencies prior to the rainy season because a persistent vegetation within the channel precludes the required flow and endangers the on-site nursery operation. No vernal pools were observed on the site. The site supports patches of willow scrub on site, which are categorized as solitary willows (*Salix lasiolepis*) trees or a grouping of three or fewer arroyo willow trees. In general, these trees are within the footprint of the active nursery and have been artificially supported with the regular watering of the nursery in general. These willow trees along do not constitute viable habitat for any sensitive or rare species. Other weedy vegetation found within the areas supporting the willows includes trees tobacco, eucalyptus and tamarisk trees. Mixed chaparral is located off site within the footprint of the proposed Rincon Avenue street widening.

The proposed project will impact approximately 26.89 acres of habitat both on site and off site (19.56 acres of on-site impacts and 7.34 acres of off-site impacts). Of this total, approximately 5.98 acres is considered sensitive. One sensitive plant species, Engelmann oak, would be impacted. All off-site grading/infrastructure improvement, road widening, drainage, emergency access, and required fire buffer impacts have been assessed and incorporated into the impact totals where required. Impacts include the following plant communities: 18.51 acres of disturbed habitat (nursery footprint), 5.6 acres of annual non-native grassland, 1.25 acres of developed area, 1.15 acres of eucalyptus, 0.21 acres of willow scrub, 0.11 acres of open channel, and 0.06 acres of mixed chaparral. The following table lists the acres of each plant community that would be impacted and preserved on-site. Impacts to annual non-native grassland, willow scrub, open channel, and mixed chaparral are considered significant and would require mitigation. A total of 3.45 acres of mitigation is required for identified impacts.



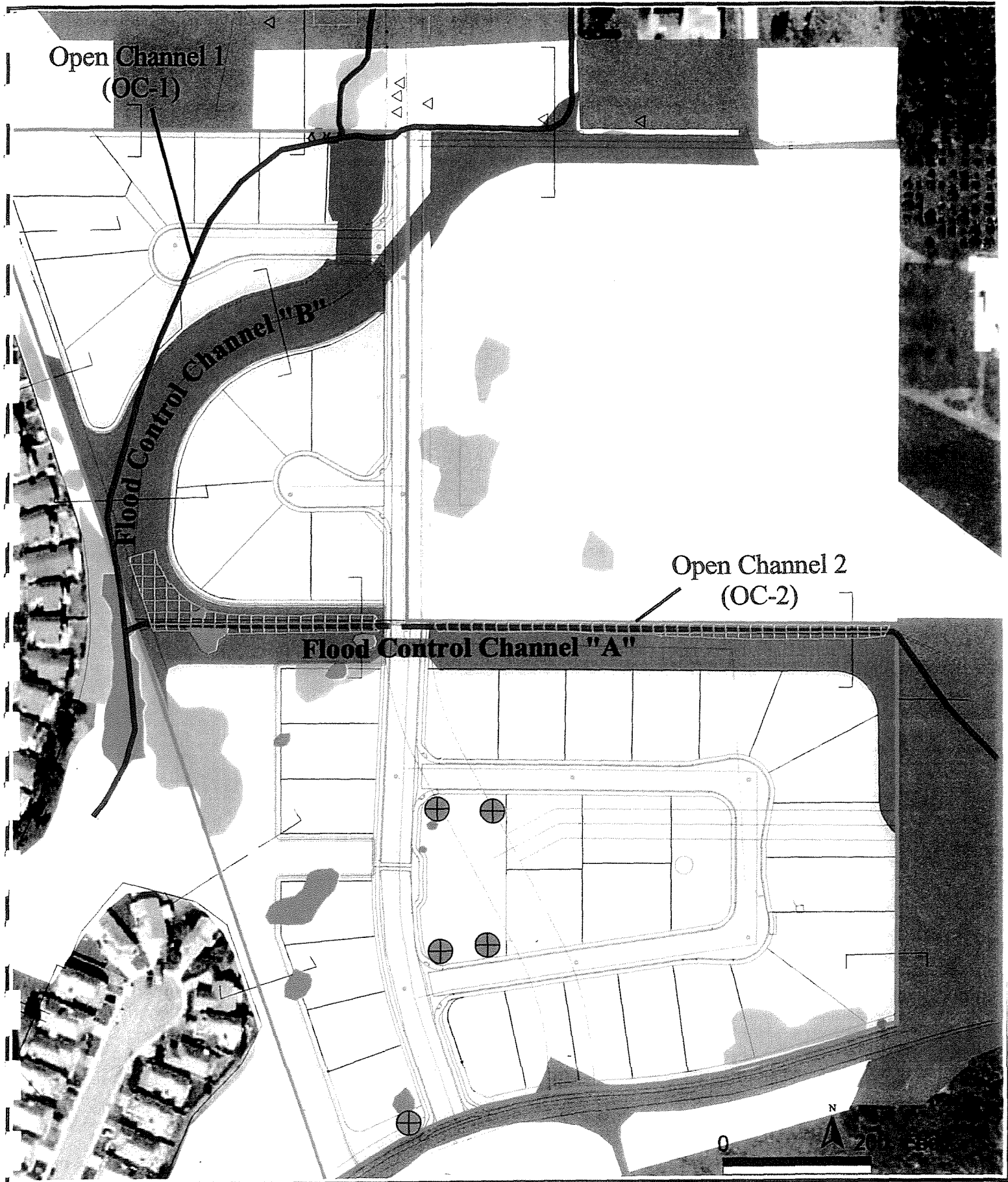
Property

- Chaparral
- Eucalyptus Trees
- Annual grasslands
- Developed
- Disturbed Habitat (Nursery)

159

- Engelmann oak (1)
- Oak tress (3)
- Open Channel
- Willow Scrub

FIGURE 4
Habitat
and
Sensitive Species








-  Property
-  Open Channel
-  Engelmann oak replacements (5:1 ratio)
-  Wetland Restoration/Creation (0.42 acres)
-  Open Channel Creation (soft bottom 2.83 acres)

FIGURE 6
Proposed On-Site
Mitigation

PROPOSED PROJECT IMPACTS

PLANT COMMUNITY	AC. ON-SITE	ON-SITE IMPACTS	OFF-SITE IMPACTS	TOTAL IMPACTS	PRESERVED HABITAT ON-SITE
Non-Native Annual Grassland	0.45	0.14	5.46	5.6	0.31
Open Channel	0.12	0.06	0.05	0.11	0.06
Willow Scrub	0.22	0.21	N/A	0.21	0.01
Eucalyptus	0.57	0.49	0.58	1.15	0.08
Mixed Chaparral	N/A	N/A	N/A	0.06	N/A
Disturbed (Nursery Footprint)	19.02	18.51	N/A	18.51	0.51
Urban/Developed	0.20	0.20	1.25	1.25	0.0
TOTAL	20.57	19.61	7.34	26.89	0.96 ac

MITIGATION FOR IMPACTS TO SENSITIVE HABITAT AND SPECIES

PLANT COMMUNITY	IMPACT TOTAL	MITIGATION RATIO	MITIGATION REQUIREMENTS
Non-Native Annual Grassland	5.6	0.5:1	2.8 ac
Open Channel	0.11	1:1	0.11 ac
Willow Scrub	0.21	2:1	0.42 ac
Eucalyptus	1.15	N/A	N/A
Mixed Chaparral	0.06	2:1	0.12 ac
Disturbed (Nursery Footprint)	18.51	N/A	N/A
Urban/Developed	1.25	N/A	N/A
TOTAL	26.89 ac		3.45 ac

Wildlife Impacts

The impact to common wildlife species would result from the permanent loss of 26.89 acres (area within the grading footprint). The proposed project would cause a temporary displacement of the wildlife that uses the site/habitat. A few animals such as small mammals, amphibians, and reptiles with low mobility may be inadvertently killed during project implementation. Indirect impacts associated with project construction may include a temporary increase in noise and dust from construction equipment. However, these direct and indirect impacts on general wildlife are considered less than significant because these impacts are not expected to reduce the wildlife populations of the area below self-sustaining levels. The project site is not located on a recognized wildlife movement corridor. Wildlife movement, excluding avian, through the site currently is precluded by the chain-link fencing that surrounds the property. Due to the level of disturbance as well as the topography of the area, vernal pools are not expected to occur. The single sensitive wildlife species observed on-site/flying overhead, red shouldered hawk, may be impacted with the loss of foraging and potential nesting habitat. Therefore, the following mitigation would be required:

Mitigation Measure:

- To avoid impacts to raptors removal of vegetation shall not occur during the nesting/breeding season. If project grading is proposed during the raptor breeding season (January 31 to September 15) the project biologist shall conduct a pre-grading survey for active raptor nests within 300 feet of the development area and submit a letter report to the City and Wildlife Agencies prior to the preconstruction meeting. The survey should begin not more than one week prior to the beginning of construction activities. If active raptor nests are detected, the report shall include mitigation (i.e.,**

appropriate buffers, fencing, monitoring schedules, etc.) to the satisfaction of the Wildlife Agencies. The buffer should be in effect as long as construction is occurring and until the nest is no longer active. The dates noted for the breeding season may be revised if approved by a survey. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.

Oak Trees – Mature Trees

The project will impact one sensitive plant species. A single mature Engelmann oak (*Quercus Engelmannii*) located within the southeastern corner of the site that would be removed as part of the grading and necessary street widening. Mitigation would be required at a minimum 3:1 replacement ratio. Therefore, a minimum of three Engelmann oaks would be planted within the proposed on-site mitigation plan. As a project component, a total of five Engelmann oaks would be planted within the project footprint. In addition, to mitigate the removal of any additional mature trees on the site or part of the project, approximately 20 Coast Live Oaks (*Quercus agrifolia*) and approximately 8 California Sycamore trees (*Platanus racemosa*) would be planted throughout the project as a landscape design feature. The final landscape design also would contain a variety of trees planted throughout the project site in conformance with the City's Landscape Ordinance.

Mitigation Measures:

- 2. The project would impact one sensitive plant species, Engelmann oak (*Quercus engelmannii*). Mitigation would be in the form of a minimum 3:1 replacement ratio. Therefore, a minimum of three Engelmann oaks shall be planted within the proposed on-site mitigation plan. As a project component, a total of five specimen sized Engelmann oaks (min. 24" box) would be planted within the project footprint. The trees would be located approximately within the slopes adjacent to Flood Control Channel "A" - a total of 3) and within the Neighborhood Park (Open Space Area "C" - a total of 2). The replacement of the oak trees shall be included in the habitat mitigation and management plan prepared for the project, to include irrigation, monitoring and reporting program, success criteria, to the satisfaction of the wildlife agencies. The replacement trees also shall be included in the landscape plan submitted to the Planning Division for approval. In addition, approximately 20 Coast Live Oaks (*Quercus agrifolia*) and approximately eight California Sycamore trees (*Platanus racemosa*) would be planted throughout the project as a landscape design feature to off-set the removal of other mature trees located on the site or as part of the project. An appropriate mix of 24' box, 15 and 5 gallon container sized trees shall be incorporated into the landscape plans.**

Upland Plant Communities

The project directly impacts 5.6 acres of non-native grassland (on-site and off-site) and 0.06 acres of chaparral off-site. Impacts to this habitat require preservation at a ratio of 0.5 acre for each acre impacted, and chaparral at a 2:1 ratio. Non-native grasslands and chaparral are not preserved by design. Therefore, the project is required to mitigate 2.8 acres of grassland and 0.12 acre of chaparral.

Mitigation Measure:

- 3. Prior to the recordation of final map and issuance of grading permits for the project, impacted non-native grasslands (5.6 acres) shall be mitigated at a 0.5:1 ratio (2.8 credits), and impacted chaparral (0.06 acres) at a 2:1 ratio (0.12 credits) through either purchase of similar habitat as approved by the wildlife agencies, or purchase of credits from an approved habitat mitigation bank.**

Jurisdictional Waters

A formal Army Corps of Engineers (ACOE) and California Department of Fish and Game (CDFG) wetland delineation was completed both on and off site (within the potential impact footprint) and approximately 0.32 acres of CDFG jurisdictional wetlands are supported on site. This is comprised of 0.21 acres of willow scrub and 0.11 acres of open channel (OC-1 and OC-2). Of the 0.11 acres of open channel impacts (1,608 linear feet with an average width of three feet) approximately 0.06 acres are located on site and 0.05 acres are located off site. Approximately 841 linear feet of channel will be temporarily impacted and 767 linear feet would be permanently impacted. This is the result of the creation/replacement of the existing narrow flood control channels (OC-1 and OC-2) with two significantly wider flood control channels (widths vary between 65 feet and 100 feet). To the greatest extent possible, the existing graded open channels were preserved in place and incorporated into the final flood control design. Therefore, the temporary impacts to the existing open channels are associated with those areas which would be excavated out to achieve the proper elevation, but would remain in approximately the same location.

The completed delineation determined that ACOE has jurisdiction over OC-2, which is approximately 1,011 linear feet long and on average, three feet wide (0.07 acres). The project permanently impacts a total of approximately 83 linear feet within OC-2, which equates to approximately 249 square feet (83 linear feet with an average width of 3 feet) of ACOE jurisdictional non-vegetated ephemeral drainage impacts. This impact is for the widened road (North Avenue) passing through the project to the north and crossing OC-2. With a mitigation minimum ratio of 1:1, a total of 249 square feet of created flood control channel (soft bottom) is required. The permanent impacts to 0.21 acres of willow scrub would be mitigated on site within the preserved and widened (as proposed) OC-2, which supports the appropriate hydrological regime for wetland restoration. With a mitigation ratio of 2:1, a minimum of 0.42 acres of restored willow scrub shall be created/restored on site with the OC-2 (preserved and expanded) on site. The proposed temporary and permanent impacts to the 0.11 acres of graded non-vegetated flood control channel would be mitigated at a 1:1 ratio. Therefore, a minimum of 0.11 acres of open channel creation/restoration shall be completed on site. This mitigation would be located within the proposed 2.83 acres of created flood control channels (Floodway "A" and Floodway "B"). In total, approximately 0.32 acres of jurisdictional impacts would be mitigated with the preservation/creation/restoration of 3.28 acres of equivalent wetlands and their associated functions and values. This is approximately 3.17 acres of wetland mitigation greater than required by the City and Agencies for the significant wetland impacts. This would reduce the jurisdictional impacts to less than significant.

Impacts to ACOE non-wetland jurisdictional waters of the U.S. and CDFG jurisdictional wetlands requires a Nationwide 404 permit from ACOE, a 401 Water Quality Certificate from the Regional Water Quality Control Board, and a 1603 Streambed Alteration Agreement from CDFG. Impacts to wetlands/jurisdictional waters are regulated by a non-net-loss policy and, in the case of wetlands, require a larger replacement ratio to mitigate for the loss of habitat. Impacts to jurisdictional waters shall require a minimum mitigation ratio of 1:1. Agency policy recommends mitigation occurs within the vicinity of the impacts or at least within the same watershed. Mitigation for project impacts are proposed to occur both on-site as well as in the same watershed. The final mitigation ratios for impacts to wetland habitats would be determined through the issuance of the CDFG 1603 Agreement and USACE 404 permit. A draft habitat restoration plan has been developed and the plan would need to be approved as part of the USACE 404 and CDFG 1603 Agreement requirements. This plan would present the guidelines for site selection, site preparation, plant design, installation, maintenance and monitoring programs. As a condition of project/map approval, these agency permits would be required prior to recordation of the map and issuance of any grading permit for the project.

Mitigation Measures:

4. Mitigation in the form of enhancement of the on-site drainage channels and/or creation of wetland habitat as shown in the conceptual mitigation and management plan will be required. The proposed project permanently impacts a total of 0.21 acre of willow scrub and shall be mitigated on site within the preserved and widened (as proposed) OC-2, which supports the appropriate hydrological regime for wetland restoration. With a mitigation ratio of 2:1, a minimum of 0.42 acres of restored willow scrub shall be created/restored on site within OC-2 (preserved and expanded) on site.
5. The proposed temporary and permanent impacts to the 0.11 acre of graded non-vegetated flood control channel shall be mitigated at a minimum 1:1 ratio. Therefore, a minimum of 0.11 acres of open channel creation/restoration shall be completed on site. As proposed, this mitigation would be located within the proposed 2.83 acres of created flood control channels (Floodway "A" and Floodway "B"). In total, approximately 0.32 acres of jurisdictional impacts would be mitigated with the preservation/creation/restoration of up to 3.28 acres of equivalent wetlands and their associated functions and values. Final mitigation, including the final ratios and exact location for mitigation, shall be determined during consultation with USACE and CDFG. Prior to recordation of the map and issuance of grading permits, the applicant shall provide evidence to the satisfaction of the Director of Community Development (either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable) of the following mitigation measures

 - a) Compliance with Section 401 and 404 of the Federal Clean Water Act.
 - b) Compliance with Section 1603 of the State of California Fish and Game Code.
6. Prior to recordation of the map and issuance of grading or construction activities, a wetland habitat creation/restoration, monitoring and management plan for the biological open space areas shall be developed in coordination with the City of Escondido and the Wildlife Agencies. The applicant will identify a Habitat Manager, such as a natural lands management organization to ensure the conservation of biological resources in the preserved habitat in perpetuity. The Habitat Manager will be subject to the approval of the Wildlife Agencies. The project biologist will prepare a management plan, outlining actions that will be taken to manage the biological resources in open space. A Property Analysis Record (PAR) or similar analysis will be used to estimate initial start-up costs and ongoing annual cost of management activities outlined in the plan. A financial mechanism, such as a non-wasting endowment, will be established to ensure the funding is available and of a sufficient amount to implement the management plan. The habitat manager will be responsible for implementing the management plan. The City of Escondido reserves the right to review the financing plan to ensure the level of funding is sufficient to cover any City involvement in monitoring the manager or assuming the manager's duties in the event of a default.
7. Prior to commencement of clearing or grading activities, temporary fencing with appropriate signs shall be installed to prevent construction-related disturbances of existing open space or sensitive habitat areas from occurring outside the limits of the impact areas. Appropriate notes indicating compliance with the requirements shall be included on the grading/development plans.
8. An open space easement/lot shall be placed over the created Flood Control Channels (Floodway "A" and Floodway "B"). A biological open space easement shall be placed over the

created/restored/preserved wetland habitat within the 0.42 acres of wetland mitigation associated with OC-2 to protect and preserve the area and habitat in perpetuity. The long term preservation and management of this 0.42 acres of habitat within OC-2 would be enforced through the placement of a biological open space easement over the habitat, completing a Long Term Habitat Management Plan (LMP) for the on-site habitat to be preserved and managed (which will then be approved by the City and the Wildlife Agencies). A one-time endowment shall be paid to an approved habitat manager who will implement the approved Plan. This endowment to pay for the implementation of the perpetual management and maintenance (PLAN) of OC-2 shall be implemented at the conclusion of the five-year mitigation monitoring period as described in the Wetland Habitat Creation and Restoration Plan. This shall ensure the management and maintenance of OC-2 and the created/restored wetlands within the area seamlessly transfers from the party responsible for the implementation of the wetland mitigation measures to the management and maintenance in perpetuity as required by the Habitat Management Plan.

- 9. Potential impacts from human and pet intrusion into on-site biological open space would be minimized by the inclusion of permanent fencing/walls along the backyards of residential lots adjacent to the open space. No gates allowing access to biological open space areas from backyards would be allowed and appropriate fencing/signage would direct public access to appropriate entrance locations to access open space area and the proposed pedestrian paths/trail system. Appropriate fencing/wall, barriers and signage shall be identified on the final landscape plans.**

MHCP

The subject property is identified on the City's Draft Multiple Habitat Conservation Program (MHCP) Subarea Plan (Spring 2002) as "Agricultural Land" and a "Natural Habitats." Adjacent properties to the east within the County are identified as Agricultural and Developed/Disturbed, and properties to the north within the County are identified as Developed/Disturbed. Properties to the west within the City are identified as Developed/Disturbed, and properties to the south within the City are identified as Natural Habitats and Developed/Disturbed. The project development/impact area and surrounding properties are not identified for conservation in the City's Focused Planning Area.

Indirect Impacts:

The biological report also discussed indirect impacts that might occur as a result of the proposed project. These potential impacts include decrease water quality (through sedimentation, urban contaminants, or fuel release) noise, fugitive dust, night lighting, and cumulative impacts. The biological report includes measures for the above indirect impacts, however, the measures identified in the report are addressed either in other section of this document, by existing City Ordinances and standard conditions of approval, and requirements of the Regional Water Quality Control Board (RWQCB) as part of the National Pollution Discharge Elimination System (NPDES) Permit that would reduce potential impacts to less than a significant level. Therefore, additional mitigation is not required.

Cumulative Impacts:

Due to the fact the proposed project is predominately disturbed habitat, the project would not contribute to the fragmentation of open space in the region. This loss of habitat is considered adverse but less than significant.

VI. CULTURAL RESOURCES

Significance Criteria and Impact Analysis

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

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

The entire site developed with an active container-stock nursery and there are no cultural or historically sensitive resources that appear to be located on the site. A record search was conducted at the South Coastal Information Center at San Diego State University and the San Diego Museum of Man as part of a previous development proposal on the southwestern portion of the site. The records search indicated the project area has not been previously investigated although numerous surveys have been conducted in the project vicinity. A total of 24 sites have been previously recorded within a one-mile radius of the southwestern portion of the site. The study concluded that the absence of bedrock outcrops and appropriate landforms did not draw prehistoric inhabitants to the site. However, because the area is covered by Holocene age alluvium, there could be a possibility that buried cultural deposits might be present. Therefore, if buried cultural deposits are identified, evaluation and treatment would be necessary.

None of the agricultural related accessory structures or improvements located on the site is considered historic. The proposed development would not result in the alteration of any significant archaeological or paleontological resources since there are no physical indications to conclude that any of these resources might exist on the subject site. The property also is not known for its archaeological/paleontological activity. No significant paleontological impact has been identified for the project site and no prehistoric resources have been previously recorded on the project site. The City of Escondido General Plan EIR (1990a) does not include the project site in areas identified as having potential paleontological resources. The site does not appear to contain any indicators of significant cultural resources or geologic features. The site also does not contain any resources listed on the City's Historic Sites. Therefore, the project would not result in a significant impact to these resources and no mitigation is required. However, as a project conditions of approval, prior to commencement of grading operations, the applicant would be required to provide evidence that the Native American tribes (in a list provided by the Native American Heritage Commission) have been contacted and given the opportunity to address any cultural issues or concerns by being allowed to observe or monitor grading activities. If any resources are discovered during construction activities, the tribes again shall be notified.

VII. GEOLOGY AND SOILS

Significance Criteria and Impact Analysis

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

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

- ii. *Strong seismic ground shaking?*
- iii. *Seismic-related ground failure, including liquefaction?*
- iv. *Landslides?*

Although Escondido is located within a Seismic Zone 4, the project site is not located within proximity to active faults as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The closest known active faults are the Rose Canyon Fault and the Elsinore Fault. The Rose Canyon Fault is located 15.4 miles southwest of the project site. The Julian segment of the Elsinore Fault is approximately 17.8 miles northeast of the project site. Accordingly, fault surface rupture is not likely at this project. In the event of a major earthquake on these faults or other faults within the Southern California region, the site could be subjected to moderate to severe ground shaking. However, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general.

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

A Soils Report and Geological Analysis were prepared for the proposed project by Strata Tech, Inc., dated February 20, 2004. The subject site is gently sloping to flat, and currently is bisected by two minor un-lined drainage ditches used to convey agricultural and storm-water runoff. Maximum topographic relief is estimated to be on the order of approximately 12 feet. The site is mantled by 1.5 to 8 feet of clay rich alluvial deposits, and bedrock underlying the alluvial deposit is deeply weathered cretaceous granitic rocks. Groundwater was encountered in all borings. The report indicated that although the site is likely to be subject to shaking by future earthquakes produced throughout Southern California, secondary effects such as surface rupture, lurching, ridge shattering and landslide should not occur at the subject property. The site also would not be subjected to liquefaction, and estimated seismically induced settlement would be within a tolerable range. Removal and recompaction of existing fill and porous native soils would be required to provide adequate support for the additional fill placement, as well as the foundations and slabs on grade. The site does contain high groundwater in certain areas, and any potential groundwater or drainage issues generally are effectively addressed on an individual basis if and when it develops through appropriate grading and drainage techniques/improvements. Due to the limited amount of deep cuts proposed for the site blasting is not anticipated. The proposed development would not result in any substantial soil erosion or the loss of topsoil. All areas not developed with structures, paving or hardscape would be landscaped. Appropriate compaction of the site would be required to support the proposed buildings and other improvements. Appropriate on-site drainage facilities would be constructed in conformance with the City's grading and storm water provisions. Other potential geologic hazards such as tsunamis, seiches, liquefaction or should be considered to be negligible or nonexistent. Grading and development of the site would be constructed in conformance with any recommendations of a final soils and engineering report, and therefore a significant geology and soils impact would not occur.

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

The project site would be served by an existing wastewater/sewer pipeline system within the City of Escondido. No septic tanks or alternative wastewater disposal system would be utilized as part of the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Significance Criteria and Impact Analysis

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

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

The project would be required to comply with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. Due to the residential nature of the project and the lack of hazardous materials associated with the proposed development, the project would not result in the creation of any health hazards nor would it involve a risk of an explosion or the release of hazardous substances since there would be no hazardous substances associated with the residential project that involves the routine transport, use or disposal of hazardous materials. The site is not listed in any of the searched regulatory databases. No significant odors, pools of liquid, significantly stained soils, indicators of underground storage tanks, pits or ponds were observed on the site. The proposed residential project would not involve the use or storage of hazardous materials that would result in a reasonably foreseeable upset or accident conditions, other than typically household hazardous type products. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Water for the site would be provided from existing mains located within the adjacent streets/easements. No groundwater wells would be used to supply water for the site. A septic tank is located towards the southeastern corner of the site, and would be removed as part of the development. Sewer service would be provided by the City of Escondido. Accordingly, the project will not create a significant risk of upset or hazard to human health and safety.

The project contained several steel drums and other containers that contained Non-RCRA Hazardous Waste Liquid which included waste oil, oily water and sludge. The materials were removed from the site by Asbury Environmental Services, March 11, 2005 (California Manifest #24018133 and EPA Permit No. 002586218). This waste stream was qualified for recycling/treatment at the DeMenno/Kedroon facility in Compton, California. The soils around the existing power pole that services the off-site well to the north was evaluated by Calscience Environmental Laboratories. The analytical report prepared by Calscience indicated the presence of potential pollutants/compounds of concern around the pole. The pole is proposed to be removed as part of the project and any contaminated soils from the pole would need to be remediated in conformance with State and Federal requirements. Pesticides, herbicides, and/or insecticides historically may have been applied to the site since it has been used for agricultural purposes. If agricultural chemicals were used as part of the agricultural activity, residual pesticides and herbicides may be present in soil and could be of concern to future residents. Therefore, the following mitigation measures would be required to address the removal of the on-site septic system and any potential soil contamination from the existing power pole and past agricultural activities:

Mitigation Measure

1. **Prior to the issuance of grading permits, a soils test shall be performed to evaluate the potential presence of any agricultural chemicals in the grove area of the site, and any other constituents of concern. The results of the soil samples and any remediation shall be submitted to the Planning and Engineering Divisions prior to commencement of grading operations. If the soil is contaminated, the material shall be assessed by a qualified professional and handled accordingly. Any contaminated soils shall be disposed of in accordance with County, State and Federal law. If any contaminants are presents, the contract for removal and disposal with the appropriate licensed contractor shall be submitted to the Planning Division prior to issuance of grading permits. Land Disposal Restrictions (LDRs) may be applicable to these soils. Any imported soils shall be free of contamination. The type of soils and condition of the soils shall be coordinated with the Engineering and Field Engineering Divisions.**
 2. **Prior to grading of the site, any on-site trash/debris and any chemical containers shall be removed from the site and disposed of in accordance with applicable laws and regulations. if suspect chemical odors, staining, or other potential environmental concerns are encountered, the areas of concern shall be assessed by a qualified professional and handled accordingly.**
 3. **Prior to grading of the site, all equipment associated with the on-site septic tank/system shall be removed and disposed of in accordance with all applicable laws and regulations.**
- e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?*
- f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The project is not located within an airport land-use plan, an airport land-use plan that is to be adopted, or within 2 miles of a public airport. The project is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area.

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

The project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan. The proposed development is not expected to result in the need for additional emergency and fire facilities. The project would be required to comply with all applicable Fire, Building, and Health and Safety Code, which would eliminate any potential risk of upset. The project would be required to provide a minimum 24-foot-wide secondary emergency access which includes the improvement of existing roadway easements north of the project to Cleveland Avenue. The secondary access would be gated.

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

The City Fire Department indicated their ability to adequately serve the proposed project. The area currently is served by Fire Station No 3, located at 2165 Village Road. The county parcels are within the Deer Springs Fire Protection District. The subject county parcels would detach from the Deer Springs FPD and annex into the City of

Escondido Fire District. The project site is located within the Very High Fire Severity Zone, as indicated on City Fire Maps. The proposed project is surrounded by single-family residential homes and agricultural land. Therefore, a Fire Protection Plan (FPP) was prepared for the proposed project by FIREWISE 2000, Inc., dated May 2, 2005, which was reviewed and approved by the City of Escondido Fire Department. The FPP assesses the overall (on-site and off-site) wildland fire hazards and risks that may threaten life and property associated with the proposed residential project. In addition, the FPP establishes both the short-term and long-term fuel modification actions required to minimize any projected fire hazards, and to use in making all proposed structures on all lots in the development safe from future wildland wildfires. The FPP also assigns annual maintenance responsibilities for each of the required fuel modification actions. The various recommendations of the FPP have or would be incorporated into the final project design, mitigation measures, and/or project conditions of approval. The recommendations of the FPP also would be used in the final landscape and building design to include basic and enhanced fire-resistive construction. As recommended in the FPP, the project has incorporated six-foot-high masonry (fire walls) adjacent to specific open space areas (Lots 2-11, and 21 – 28) since they do not have enough area to meet the required 100-feet of fuel treatment between the residential structures and open space easements. All combustible building materials would be restricted on Lots 1-17 and 21-28. The recommendations/restrictions listed in the FPP also would be included in the project CC&RS. Therefore, the project would not result in a significant impact to the environment.

IX. HYDROLOGY AND WATER QUALITY

Significance Criteria and Impact Analysis

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

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

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

A Drainage Study was prepared for the project which is comprised of a Hydraulic Study, Hydrologic Analysis, Preliminary Drainage Study, and a Water Quality Technical Report. There are two watersheds tributary to the site, which includes a 1,470-acre watershed that is tributary to the northern boundary of the site, and a 187-acre watershed that enters the site along the eastern boundary. A portion of the site is located within a County designated 100-year flood plain with two drainage ditches conveying runoff from upstream areas through the site. The amount of run-off from the site would be expected to increase upon development due to additional impervious surfaces associated with the development. The Hydraulic Study prepared for the project concluded the project would have a negligible impact to the upstream and downstream properties. The proposed on-site detention basin would mitigate the total increase runoff from the project site. Three bioswales are proposed to treat the runoff prior to discharging to the existing 100-year, partially lined, flood channel located off-site to the west through Escondido Tract 583-R. The detention basin also would act as a filtration area for smaller storm events. The Engineering Division indicated the proposed increase in drainage is not considered significant and would not pose any adverse impacts to downstream facilities. The project would be required to comply with National Pollution Discharge Elimination System (NPDES) standards; consequently, the Engineering Department has determined that runoff from the project would not be considered significant and the project would not materially degrade the existing drainage facilities. No on-site wells are proposed and water and sewer service from mains within the adjacent streets or easements. Therefore, no significant impact is expected to occur to the groundwater table. The post-development condition of the project would maintain the same as the pre-development runoff amounts. Proposed on-site drainage improvements include one detention basin and appurtenant storm drain system on open space lots; enhanced and widened floodways to convey tributary flows through the site to the downstream grass-lined channel; and open space lots along the western border of the site to convey additional tributary flows to the downstream lined channel.

Typical urban pollutants associated with this type of public facility include oil, grease, solvents, antifreeze, cleaners, various fluids and fuels, trash/debris, fertilizers, and organic matter, which require proper use, storage, and disposal. Under the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued in 1990 to the County of San Diego and to the City of Escondido, as one of the co-permittees, all development and significant redevelopment is obligated to implement structural and non-structural non-point source pollution control measures known as Best Management Practices (BMPs) to limit urban pollutants reaching the waters of the U.S. to the maximum extent practical. The NPDES permit requires the preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP). The implementation of this permit system requires that specific management practices be implemented at the time of construction. Any common drainage facilities would be located within proposed drainage easements that would be maintained by the project homeowners' association. Storm water drainage maintenance provisions would be detailed in the project conditions and required CC&Rs. A final Water Quality Technical Report will be prepared for the project to determine the full range of methods necessary to ensure water quality is not adversely affected.

The project would not withdraw groundwater or adversely interfere with groundwater recharge and the groundwater table level. Grading operations associated with the project development are not expected to impact groundwater or be a factor during removal and any recompaction on site. Water service to the site would be provided by the Valley Center Municipal Water District. The development of the site would not cause any diversion to or from the existing watershed. Proper use of erosion and sediment control measures as well as

BMPs (which are standard requirements as part of the grading permit) would reduce potential water quality impacts to less than significant. The project does not include activities that would discharge pollutants into groundwater aquifers.

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

The project site is located outside the 100-year flood zone as indicated on Federal Insurance Rate Maps (FEMA), but portions of the site are located within County defined 100-year flood areas. The primary source of this storm water is the drainage that generally enters the site from the north and flows southwest across the site toward an off-site "greenbelt channel" to the west. The Escondido General Plan land-use policy (B1.3) prohibits development in natural 100-year floodways. If approved by the City and other appropriate local, state and federal agencies, an environmental channel may be considered within the floodway. Adequate landscaping, revegetation, flood control measures, and usable open space beyond the embankments of the environmental channel would be provided. Proposed on-site channel modifications and floodplain encroachments would not cause a significant rise in 100-year base flood elevations or flow velocities, nor result in adverse impacts to downstream properties, as indicated in the Drainage Study prepared for the project. No structures are proposed in the floodway that would adversely impede or redirect flood flows. The project does not propose to construct a levee or dam and would not otherwise expose people or structures to a significant risk of flooding. The project does not include activities that would increase the risk of inundation by seiche, tsunami, or mudflow. All slopes would include slope protection for construction and post-construction conditions in accordance with City requirements.

X. MINERAL RESOURCES

Significance Criteria and Impact Analysis

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

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?*

No known locally important mineral resource recovery site is located on the project site or within the vicinity of the project site. The project would not change the existing availability of mineral resources that would be of value to the region and residents of the state.

XI. NOISE

Significance Criteria and Impact Analysis

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

- a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general*

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

Noise generally is defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and that interferes with or disrupts normal activities. The human environment is characterized by a certain consistent noise level which varies by location and is termed ambient noise. The City's General Plan Noise Element contains policies which outline acceptable noise levels associated with each type of land use. A 60 dBA CNEL exposure is considered normally acceptable for exterior residential land uses and 45 dBA CNEL for interior levels based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. The City requires that noise levels be presented in terms of Community Noise Equivalent Level (CNEL). CNEL is a weighted sound level during a 24-hour period, after the addition of 5 decibels (dB) to average sound levels at evening hours (7 PM to 10 PM) and 10dB to the average night hours (10 PM to 7AM), is applied to account for noise sensitivity during evening and nighttime hours.

In order to assess future noise generation associated with the improvement of the City's circulation system, a noise contour map was prepared for the Noise Element of the General Plan. The Noise Exposure Map-Future Conditions Map contained in the General Plan does not depict the project site as exposed to 60 CNEL or more. The August 2000 Final Environmental Impact Report prepared for the Escondido General Plan Update illustrates existing and future noise contours for the subject area (along North Avenue through the project site, and along the Rincon Avenue frontage). Although future noise levels depicted for the subject site (North Avenue through the project site, and along Rincon Avenue) are projected to exceed the 60 CNEL standard contained in the Noise/Land Use Compatibility Guidelines of the General Plan, the SANDAG 2030 traffic building projections only anticipate up to 1,000 ADT along North Avenue through the project (if North Avenue is opened up to through traffic north of the project site) and approximately 6,000 ADT along the Rincon Avenue frontage. Therefore, exterior noise measures have been incorporated into the project design, which include a solid masonry parkway wall along the Rincon Avenue frontage (along Lots 1, and 30 through 36). Due to the relatively low traffic volume projected along North Avenue through the project, exterior noise mitigation for the lots would not be required. Because portions of the project might be exposed to future noise levels exceeding 60 dBA CNEL, an Interior Noise Analysis (INA) must be provided and approved by the City before a building permit is obtained for the residences to demonstrate conformance with state and city interior standards of 45 dBA CNEL, which would be included in the project conditions of approval. The recommendations from the Interior Noise Analysis would need to be incorporated into the construction final design of the homes and a condition of building permits.

Construction Noise

The City of Escondido Noise Ordinance regulates the hours of operation and maximum one-hour average sound levels allowed during construction. The hours of operation are limited to Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m., and on Saturdays between the hours of 9:00 a.m. and 5:00 p.m. The operation of construction equipment is restricted on Sundays or public holidays. The County of San Diego also has similar noise limitations for construction equipment. Noise impacts from construction are a function of the noise generated by the construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Temporary increases in the ambient noise levels would occur due to project construction. Construction activities, such as grading, which generate the loudest noise levels, would occur over the entire site and would not be situated at any one location for a long period of time. Construction would not cause long-term impacts since it would be temporary and daily construction activities

would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. To reduce potential construction noise impacts, staging areas should be located away from adjacent residential areas. Upon completion of the project, all construction noise would cease. No pile driving or explosives blasting is anticipated as a result of the project and, thus, no significant vibrations or groundborne noise would be associated with construction of the proposed project. However, any blasting would be performed in conformance with City of Escondido regulations.

Operational Noise

The project would introduce up to 41 single-family residences and their associated roadways and traffic into the area. Development of the homes would incrementally increase noise levels with the immediate area and along area roadways, including Rincon Avenue. However, there would not be any new or unusual noise sources introduced to the area which would impact existing residences adjacent to the project site since the project also is proposing single-family residences. Noises would be those associated with typical domestic activities and would not be considered significant. An increase of 410 additional vehicle trips along Rincon Avenue and area roadways would incrementally add to the noise level. However, these trips would be disbursed throughout the day (33 a.m. peak hour trips, and 41 p.m. peak hour trips) and the incremental increase would not be considered significant nor require any mitigation. All noise associated with the operation of the nursery would cease with the development of this residential project. Existing trips along Rincon Avenue are approximately 550 ADT with a Level-of-Service "A." The existing + project + cumulative projects ADT volume along Rincon Avenue from Conway Drive to the project boundary is projected at 1,224 trips with a Level-of-Service "A." (Investigative Science and Engineering, Inc., 2007). The 2030 future ADT volume along North Avenue (SANDAG 2008) is projected at approximately 1,000 trips; 6,000 trips along Rincon Avenue from the project site to Conway Drive, and up to 9,000 trips along Rincon from Ash Street to Conway Drive. The SANDAG volumes were used, in the interest of a worst-case analysis. The project is not anticipated to result in any significant direct or cumulative operational noise impacts and no mitigation is required.

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

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

XII. POPULATION AND HOUSING

Significance Criteria and Impact Analysis

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

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

Population within the surrounding area and City would incrementally increase as a result of this residential project. However, the density of this development would be in conformance with the General Plan's land-use

designation of Suburban and Estate II. The infill project site is located within a suburban/estate residential area of the city and adjacent to similar residential development and densities to the north, southwest, and west. Lot sizes would be compatible with similar residential lot sizes and densities to the north, west and southwest, and larger lots to the east and south, as discussed in the Environmental Setting and Land Use Sections of this document. Therefore, the proposed development of up to 41 new single-family residential homes would not significantly alter the location, distribution or population density within the area, nor would it adversely impact the City's housing demand. The proposed project would be consistent with the City of Escondido's Growth Management Element, which calls for directing timely and orderly growth in and around the City based upon a prescribed system of "tier areas." Development as prescribed by the "tier system" is intended to avoid leapfrog development, protect and preserve the City's amenities, and guide growth in a generally outward direction from the existing urbanized core. The project site and surrounding areas are designated Tier 2A-Urbanizing Neighborhoods, and are planned and zoned for future urban growth, assuming any deficiencies in relation to the quality of life standards are addressed. According to the City's growth management plan, new development in Tier A is primarily infill where facilities and services generally are available.

The site does not contain any existing housing or rental units. Therefore, development of the site would not displace any existing housing. The proposed project would add to the existing housing stock in conformance with the City's General Plan land-use designation(s) and would not create a demand for additional housing since it would be a residential subdivision consisting of up to 41 single-family homes. The development also would contribute to the City's Regional Share housing requirements. The project would not be considered growth inducing since the project site is within an existing developed residential area and adequate public facilities are available within the area to serve the project.

XIII. PUBLIC SERVICES

Significance Criteria and Impact Analysis

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

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

The City Fire Department has indicated their ability to adequately serve the proposed project. The area currently is served by Fire Station No 3, located at 2165 Village Road. The county parcels are within the Deer Springs Fire Protection District. The subject county parcels would detach from the Deer Springs FPD and annex into the City Fire District. The project site is located within the Very High Fire Severity Zone, as indicated on City Fire Maps. The proposed project is surrounded by single-family residential homes and agricultural land. Therefore, a Fire Protection Plan (FPP) was prepared for the proposed project by FIREWISE 2000, Inc., dated May 2, 2005, which was reviewed and approved by the City of Escondido Fire Department. The FPP assesses the overall (on-site and off-site) wildland fire hazards and risks that may threaten life and property associated with the proposed residential project. In addition, the FPP establishes both the short-term and long-term fuel modification actions required to minimize any projected fire hazards, and to use in making all proposed structures on all lots in the development safe from future wildland wildfires. The FPP also assigns annual maintenance responsibilities for each of the required fuel modification actions. The various recommendations of the FPP would be incorporated into the project design, mitigation measures, and/or project conditions of approval. The recommendations of the FPP also would be used in the final landscape and building design.

ii. Police protection

Development of the site would result in an incremental increase in demand for Police Services. However, the Escondido Police Department indicated their ability to adequately serve the proposed project and no significant impacts to police services are anticipated. The County parcels currently are served by the County Sheriff's Department. Upon annexation, the parcels and future homes would be served by the City of Escondido Police Department.

iii. Schools

The City of Escondido is served by the Escondido Union School District (grades K-8) and the Escondido Union High School District (grades 9-12). Elementary students would likely attend North Broadway or Reidy Creek School, and Middle School students Rincon Middle School. High School students would likely attend Escondido High School. School District boundaries are determined by the school districts. Development of 41 residential homes would result in additional elementary, middle and high school students. The Escondido Elementary School District and Escondido High School District have indicated with past projects that due to the continuing growth throughout the area, they are unable to meet the Quality-of-Life Standards approved within the City of Escondido's General Plan without mitigation of student housing needs generated by new development. However, the incremental impact of proposed residential developments on the school system would be offset by the future impact fees collected upon issuance of building permits. These fees are set by the school district. The City's Growth Management provisions require a will serve letter from the school district prior to issuance of building permits.

iv. Parks

The project would result in an incremental increase in demand on the City's recreational facilities, and the site would contain its own recreational amenities. The development fees paid by this project would offset any potential impact on the existing recreational facilities. The project would not affect existing recreational opportunities since the site currently is not used for recreational activities and is not listed as a potential park site in the City's Master Plan of Parks, Trails and Open Space. Therefore, no significant impact to recreational resources would occur as a result of the project. The project design plans for a system of internal trails through the proposed open space areas, which would continue northward through existing off-site open space areas along the western boundary of the project site, to connect to existing and planned trails north and northwest of the project. A Spur Trail is proposed along the northern side of Rincon Avenue across the project frontage, as indicated on the City's Master Plan of Parks, Trails and Open Space (Trail Segment SC. Rincon Avenue, approx. length 2.5 miles, page 62). Spur trails are paved surfaces within the public right-of-way similar to paved Urban Trails. Spur trails provide direct linkage between Urban and Rural Trails. The proposed Spur Trail along the project frontage would consist of the new sidewalk that would connect to the existing sidewalk located at the southwestern corner of the property. Striped bike lanes currently are not planned along Rincon Avenue across the project frontage. However, the City's Bike Master Plan currently is being updated, and existing area for new bike lanes throughout the City are being evaluated as part of the update.

v. Libraries

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities or staff. The project would not result in a significant increase in demand on library services, or the development of additional library spaces, books or other related items since it is a public facility.

vi. *Gas/Electric*

SDG&E would provide gas and electric facilities to the project. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered SDG&E facilities. Facility sizing and service extension would be coordinated with SDG&E. Costs associated with new development, e.g., construction of new facilities to serve the project site, would be financed by the developer and constructed to meet City standards.

XIV. UTILITIES AND SERVICE SYSTEMS

Significance Criteria and Impact Analysis

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

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

Solid Waste – Escondido Disposal, Inc. (EDI) currently provides solid waste removal service for the Escondido area. EDI also operates a solid waste transfer station at their Washington Avenue site where solid waste is consolidated into larger transfer trucks and taken to a class III landfill for disposal. Solid waste pick-up will be available for the project by EDI for all phases of project implementation, including from construction to residential curbside collection.

Sewer Service – Development of the project site would incrementally reduce the capacity at the Hale Avenue Resource Recovery Facility (HARRF). The HAARF has a rated capacity of 18 million gallons per day (mgd). The City has completed an analysis of existing demand and is monitoring new demand as it comes online. Additionally, staff is carefully assessing remaining sewer capacity and tracking future demand from existing entitlements and obligations to the City of San Diego. The plant currently has the capacity to handle the potential increase in demand for service generated by the project - estimated at 10,250 gallons per day (gpd). Sewer service can be provided by the extension of existing mains within the adjoining street system of easements. The project has been conditioned to construct the necessary improvements which may extend off site. Staff is evaluating options regarding the anticipated future need to expand the HAARF. The future expansion to increase capacity is an issue that transcends this project, which has been in the planning application process for several years. The project will not lock in sewer treatment and will be treated the same as other pending and approved project, including annexations.

Water Service – This project is located within City of Escondido and Valley Center Water District. Water service could be provided by the extension of existing mains within the adjoining streets/easements. The applicant has entered into an agreement with the Valley Center Municipal Water District to provide water service to the project. The District owns and maintains eight-inch water mains in both North Avenue and Fawn Creek lane within close proximity to the property on the north and northeast. An eight-inch looped system will be required through the project to provide a redundant water source and required fire supply. The proposed eight-inch loop would be required to extend from the existing eight-inch water main in North Avenue at Cleveland Avenue to Rincon Avenue, then continuing in Rincon Avenue to the existing eight-inch water main at Fawn Creek Lane. This District indicated the proposed water system would exceed the minimum fire flow requirements of 1,500 gpm with a residual pressure of 20 psi. The developer will be required to make all necessary arrangements, including meter exchange agreements between the two agencies to receive water from the Valley Center Water District.

Reclaimed Water – Reclaimed water is not planned for future distribution to the immediate project area. Reclaimed water has been extended to the Brookside Planned Development located at the northeastern corner of Broadway/Rincon Avenue as part of the Reidy Creek Golf Course. However, reclaimed water is not planned to be extended any further to the east.

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

MANDATORY FINDINGS OF SIGNIFICANCE

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

Summary of Mitigation Measures

ER 2004-48

Traffic/Circulation

1. Prior to occupancy of the first unit, an all-way stop shall be installed at the intersection of Rincon Avenue and Conway Drive, including appropriate striping. Appropriate painted stop bars/crosswalks on all approaches to the intersection also shall be installed.
2. Prior to the issuance of the first certificate of occupancy for the project, a paved pedestrian walkway shall be installed along the eastern side of Conway Drive from Rincon Avenue to Lehner Avenue. The final design requirements shall be as determined by the City Engineering Division and County Public Works Department as part of the final engineering design prepared by the developer.

Air Quality –Construction Related Impacts

1. As a Condition of Approval of the grading permit, each contractor/applicant shall be responsible for this task upon verification by the City of Escondido. All project construction activities are required to implement the standard APCD Rules to reduce fugitive dust impacts. Prior to the issuance of grading permits for the project and as a project condition, the developer shall submit an Air-Quality Management Plan to the Planning Division to address the measures listed below, and retain qualified personnel to monitor the Management Plan conditions to ensure compliance.
 - a. Use electricity from power poles rather than temporary diesel power generators.
 - b. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be utilized wherever feasible.
 - c. The engine size of construction equipment shall be the minimum practical size.
 - d. Construction equipment shall be maintained in tune per the manufacturer’s specifications.
 - e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - f. Diesel catalytic converters shall be installed, if feasible.
 - g. Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site.
 - h. The project applicant should endeavor to use low-sulfur fuels necessary in order to reduce nitrogen precursors.

Biology

1. To avoid impacts to raptors, removal of vegetation shall not occur during the nesting/breeding season. If project grading is proposed during the raptor breeding season (January 31 to September 15) the project biologist shall conduct a pre-grading survey for active raptor nests within 300 feet of the development area and submit a letter report to the City and Wildlife Agencies prior to the preconstruction meeting. The survey should begin not more than one week prior to the beginning of construction activities. If active raptor nests are detected, the report shall include mitigation (i.e., appropriate buffers, fencing, monitoring schedules, etc.) to the satisfaction of the Wildlife Agencies. The buffer should be in effect as long as construction is occurring and until the nest is no longer active. The dates noted for the breeding season may be revised if approved by a survey. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.

2. The project will impact one sensitive plant species, Engelmann oak (*Quercus engelmannii*). Mitigation would be in the form of a minimum 3:1 replacement ratio. Therefore, a minimum of three Englemann oaks shall be planted within the proposed on-site mitigation plan. As a project component, a total of five specimen sized Englemann oaks (min. 24" box) would be planted within the project footprint. The trees would be located within or adjacent to the slopes adjacent to Flood Control Channel "A" (a total of 3) and within the Neighborhood Park (Open Space Area "C"; a total of 2). The replacement of the oak trees shall be included in the habitat mitigation and management plan prepared for the project, to include irrigation, monitoring and reporting program, success criteria, to the satisfaction of the wildlife agencies. The replacement trees also shall be included in the landscape plan submitted to the Planning Division for approval. In addition, approximately 20 Coast Live Oaks (*Quercus agrifolia*) and approximately eight California Sycamore trees (*Platanus racemosa*) would be planted throughout the project as a landscape design feature to off-set the removal of other mature trees located on the site or as part of the project. An appropriate mix of 24' box, 15 and 5 gallon container sized trees shall be incorporated into the landscape plans.
3. Prior to the recordation of final map and issuance of grading permits for the project, impacted non-native grasslands (5.6 acres) shall be mitigated at a 0.5:1 ratio (2.8 credits), and impacted chaparral (0.06 acres) at a 2:1 ratio (0.12 credits) through either purchase of similar habitat as approved by the wildlife agencies, or purchase of credits from an approved habitat mitigation bank.
4. Mitigation in the form of enhancement of the on-site drainage channels and/or creation of wetland habitat as shown in the conceptual mitigation and management plan will be required. The proposed project permanently impacts a total of 0.21 acre of willow scrub and shall be mitigated on site within the preserved and widened (as proposed) OC-2, which supports the appropriate hydrological regime for wetland restoration. With a mitigation ratio of 2:1, a minimum of 0.42 acres of restored willow scrub shall be created/restored on site within OC-2 (preserved and expanded) on site.
5. The proposed temporary and permanent impacts to the 0.11 acre of graded non-vegetated flood control channel shall be mitigated at a minimum 1:1 ratio. Therefore, a minimum of 0.11 acres of open channel creation/restoration shall be completed on site. As proposed, this mitigation would be located within the proposed 2.83 acres of created flood control channels (Floodway "A" and Floodway "B"). In total, approximately 0.32 acres of jurisdictional impacts would be mitigated with the preservation/creation/restoration of up to 3.28 acres of equivalent wetlands and their associated functions and values. Final mitigation, including the final ratios and exact location for mitigation, shall be determined during consultation with USACE and CDFG. Prior to recordation of the map and issuance of grading permits, the applicant shall provide evidence to the satisfaction of the Director of Community Development (either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable) of the following mitigation measures

 - a) Compliance with Section 401 and 404 of the Federal Clean Water Act.
 - b) Compliance with Section 1603 of the State of California Fish and Game Code.
6. Prior to recordation of the map and issuance of grading or construction activities, a wetland habitat creation/restoration, monitoring and management plan for the biological open space areas shall be developed in coordination with the City of Escondido and the Wildlife Agencies. The applicant will identify a Habitat Manager, such as a natural lands management organization to ensure the conservation of biological resources in the preserved habitat in perpetuity. The Habitat Manager will

be subject to the approval of the Wildlife Agencies. The project biologist will prepare a management plan, outlining actions that will be taken to manage the biological resources in open space. A Property Analysis Record (PAR) or similar analysis will be used to estimate initial start-up costs and ongoing annual cost of management activities outlined in the plan. A financial mechanism, such as a non-wasting endowment, will be established to ensure the funding is available and of a sufficient amount to implement the management plan. The habitat manager will be responsible for implementing the management plan. The City of Escondido reserves the right to review the financing plan to ensure the level of funding is sufficient to cover any City involvement in monitoring the manager or assuming the manager's duties in the event of a default.

7. Prior to commencement of clearing or grading activities, temporary fencing with appropriate signs shall be installed to prevent construction-related disturbances of existing open space or sensitive habitat areas from occurring outside the limits of the impact areas. Appropriate notes indicating compliance with the requirements shall be included on the grading/development plans.
8. An open space easement/lot shall be placed over the created Flood Control Channels (Floodway "A" and Floodway "B"). A biological open space easement shall be placed over the created/restored/preserved wetland habitat within the 0.42 acres of wetland mitigation associated with OC-2 to protect and preserve the area and habitat in perpetuity. The long term preservation and management of this 0.42 acres of habitat within OC-2 would be enforced through the placement of a biological open space easement over the habitat, completing a Long Term Habitat Management Plan (LMP) for the on-site habitat to be preserved and managed (which will then be approved by the City and the Wildlife Agencies). A one-time endowment shall be paid to an approved habitat manager who will implement the approved Plan. This endowment to pay for the implementation of the perpetual management and maintenance (PLAN) of OC-2 shall be implemented at the conclusion of the five-year mitigation monitoring period as described in the Wetland Habitat Creation and Restoration Plan. This shall ensure the management and maintenance of OC-2 and the created/restored wetlands within the area seamlessly transfers from the party responsible for the implementation of the wetland mitigation measures to the management and maintenance in perpetuity as required by the Habitat Management Plan.
9. Potential impacts from human and pet intrusion into on-site biological open space would be minimized by the inclusion of permanent fencing/walls along the backyards of residential lots adjacent to the open space. No gates allowing access to biological open space areas from backyards would be allowed and appropriate fencing/signage would direct public access to appropriate entrance locations to access open space area and the proposed pedestrian paths/trail system. Appropriate fencing/wall, barriers and signage shall be identified on the final landscape plans.

Hazardous Materials

1. Prior to the issuance of grading permits, a soils test shall be performed to evaluate the potential presence of any agricultural chemicals in the grove area of the site, and any other constituents of concern. The results of the soil samples and any remediation shall be submitted to the Planning and Engineering Divisions prior to commencement of grading operations. If the soil is contaminated, the material shall be assessed by a qualified professional and handled accordingly. Any contaminated soils shall be disposed of in accordance with County, State and Federal law. If

any contaminants are presents, the contract for removal and disposal with the appropriate licensed contractor shall be submitted to the Planning Division prior to issuance of grading permits. Land Disposal Restrictions (LDRs) may be applicable to these soils. Any imported soils shall be free of

contamination. The type of soils and condition of the soils shall be coordinated with the Engineering and Field Engineering Divisions.

2. **Prior to grading of the site, any on-site trash/debris and any chemical containers shall be removed from the site and disposed of in accordance with applicable laws and regulations. If suspect chemical odors, staining, or other potential environmental concerns are encountered, the areas of concern shall be assessed by a qualified professional and handled accordingly.**
3. **Prior to grading of the site, all equipment associated with the on-site septic tank/system shall be removed and disposed of in accordance with all applicable laws and regulations.**

Materials Use in Preparation of this Analysis:

Escondido General Plan and Environmental Impact Report
Escondido General Plan Update and Environmental Impact Report, 2000
Escondido Zoning Code and Land Use Maps
SANDAG Summary of Trip Generation Rates
Escondido Historic Sites Survey
City of Escondido
 Public Works Department
 Engineering Division
 Traffic Division
 Building Division
 Fire Department
 Police Department
 Planning Division
FIRM Maps (Flood Insurance Rate Maps)
Draft MHCP maps (Multiple Habitat Conservation Program)
USGS Map for San Diego (Escondido) area
County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List
Soils Report and Geotechnical Analysis prepared by Strata Tech, Inc., dated February 20, 2004.
Report on the Availability of Municipal Utility Services, prepared by Cal-Republic Company, dated September 6, 2003.
Traffic Study prepared by LOS Engineering, Inc. dated December, 20, 2004; updated March 24, 2005; updated November 12, 2007.
Air Quality Conformance Assessment, prepared by Investigative Sciences and Engineering, Inc., dated December 21, 2004, updated March 24, 2005, November 12, 2007 and January 18, 2008.
Preliminary Drainage Study prepared by Masson & Associates, dated March 14, 2007
Hydrologic Analysis prepared by DMS Consultants, dated July 18, 2004.
Hydraulic Study, prepared by Troy Walker Engineering Inc., dated March 2, 2007
Water Quality Technical Report prepared by Masson & Associates dated March 14, 2007
Escondido Drainage Master Plan (1995)
Cultural Resources Inventory prepared for the proposed Elks Lodge on the subject site, prepared by Tierra Environmental Services, dated January 2000.
Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents (Comment Draft, March 5, 2007).
Biological Technical Report prepared by Consultants Collaborative, Inc., Mike Jefferson, Senior Biologist, dated November 6, 2007 and revised November 30, 2007.
Wetland Habitat Enhancement, Creation, Mitigation and Monitoring Plan prepared by Consultants Collaborative, Inc., Mike Jefferson, Senior Biologist, dated December 11, 2007.
Perpetual Habitat Management Plan, prepared by Consultants Collaborative, Inc., Mike Jefferson, Senior Biologist, dated December 5, 2007.
California Department of Conservation (CDC) 2010 Farmland Mapping and Monitoring Program (FMMP)



Environmental Checklist Form

- 1. Project title: ER 2004-48, TR 892, 2004-52-PD/GE/PZ/DA, 2004-06-AN (Rincon Oaks Estates)
2. Lead agency name and address: City of Escondido, Planning Division
201 N. Broadway, Escondido, CA 92025
3. Contact person and phone number: Jay Paul, Associate Planner, (760) 839-4537
4. Project location: On the northern side of Rincon Avenue, east of Creek Hollow Place of addressed as 1300 Rincon Avenue (APNs 187-370-01, -30, -31 and 224-100-75).
5. Project sponsor's name and address: Patrick T. Miller, Cal-Republic Company, 2658 Del Mar Heights Rd, #200, Del Mar, CA, 92014-3100 (858) 755-5416 Ed Bonanni, Rincon Escondido LLC, 622 Research Dr. Huntington Beach, CA 92649 (714) 625-1305
6. General Plan designation: Suburban (up to 3.3 du/ac) and Estate II (up to 2.0 du/ac)
7. Zoning: City R-1-10 and County County Zoning RS-1

Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Re-Organization/Annexation, Pre-Zone, Zone Change, Tentative Subdivision Map, Grading Exemptions and a Development Agreement to construct a 41-lot, single-family residential subdivision on approximately 20.56 of land. The project also would require appropriate permits for any off-site work within the County of San Diego's jurisdiction; a U.S. Army Corps of Engineers/Clean Water Act Section 404 permit for impacts to wetlands; Regional Water Quality Control Board Section 401 Water Quality Certification and Waste Discharge Permit; and a California Department of Fish and Game 1603 Streambed Alteration Agreement. (see attached Supplement

Comments for detailed project description).

- 7. Surrounding land uses and setting (briefly describe the project's surroundings):
North: County of San Diego, single-family residential development (RS-1)
South: Vacant land and single-family residential development (RE-20)
East: Interstate 15 and single-family residential development and County residential zoning (RS-1)
West: Single-family residential development and zoning (Planned Development, PD-R 1.98)
8. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).
California Department of Fish and Game, Regional Water Quality Control Board, Army Corps of Engineers,
Local Agency Formation Commission (LAFCO), County of San Diego Public Works Department

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


The environmental factors checked below potentially would be affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
- I find that, although the proposed project might have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by, or agreed to, the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
- I find that the proposed project might have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT shall be required.
- I find that the proposed project might have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT shall be required, but it must analyze only the effects that remain to be addressed.
- I find that, although the proposed project might have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further shall be required.



Signature

Jay Paul, Associate Planner

Printed Name

March 10, 2008

Date

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account the whole action involved, including off-site, on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact might occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect might be significant. If there are one or more "Potentially Significant Impact" entries once the determination is made, an EIR shall be required.
4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where an effect has been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to the tiering, program EIR, or other CEQA. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where it is available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of an adequately analyzed earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate references to information sources for potential impacts into the checklist (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies normally should address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance of criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant

SAMPLE QUESTION

Issues:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

I. LAND USE AND PLANNING

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

II. AGRICULTURE RESOURCES

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

III. TRANSPORTATION/TRAFFIC

Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (e.g., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?
- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e. Result in inadequate emergency access?
- f. Result in inadequate parking capacity?
- g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

IV. AIR QUALITY

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

- a. Conflict with or obstruct implementation of the applicable air quality plan?
- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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

V. BIOLOGICAL RESOURCES

Would the project:

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

VI. CULTURAL RESOURCES

Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GEOLOGY AND SOILS

Would the project:

a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?
- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?
- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

IX. HYDROLOGY AND WATER QUALITY

Would the project:

- a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Cause significant alteration of receiving water quality during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Cause an increase of impervious surfaces and associated run-off?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Cause potentially significant adverse impact on ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. Create or exacerbate already existing environmentally sensitive areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
n. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

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

X. MINERAL RESOURCES

Would the project:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?

XI. NOISE

Would the project result in:

- a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

XII. POPULATION AND HOUSING

Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

XIII. PUBLIC SERVICES

Would the project:

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

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

XIV. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

XV. UTILITIES AND SERVICE SYSTEMS

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range, of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Source of Information/Material Used in Preparation of this Analysis

Escondido General Plan and Environmental Impact Report
Escondido General Plan Update and Environmental Impact Report, 2000
Escondido Zoning Code and Land Use Maps
SANDAG Summary of Trip Generation Rates
Escondido Historic Sites Survey
City of Escondido
 Public Works Department
 Engineering Division
 Traffic Division
 Building Division
 Fire Department
 Police Department
 Planning Division
FIRM Maps (Flood Insurance Rate Maps)
Draft MHCP maps (Multiple Habitat Conservation Program)
USGS Map for San Diego (Escondido) area
County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List
Soils Report and Geotechnical Analysis prepared by Strata Tech, Inc., dated February 20, 2004.
Report on the Availability of Municipal Utility Services, prepared by Cal-Republic Company, dated September 6, 2003.
Traffic Study prepared by LOS Engineering, Inc. dated December, 20, 2004; updated March 24, 2005; updated November 12, 2007.
Air Quality Conformance Assessment, prepared by Investigative Sciences and Engineering, Inc., dated December 21, 2004, updated March 24, 2005, November 12, 2007 and January 18, 2008.
Preliminary Drainage Study prepared by Masson & Associates, dated March 14, 2007
Hydrologic Analysis prepared by DMS Consultants, dated July 18, 2004.
Hydraulic Study, prepared by Troy Walker Engineering Inc., dated March 2, 2007
Water Quality Technical Report prepared by Masson & Associates dated March 14, 2007
Escondido Drainage Master Plan (1995)
Cultural Resources Inventory prepared for the proposed Elks Lodge on the subject site, prepared by Tierra Environmental Services, dated January 2000.
Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents (Comment Draft, March 5, 2007).
Biological Technical Report prepared by Consultants Collaborative, Inc., Mike Jefferson, Senior Biologist, dated November 6, 2007 and revised November 30, 2007.
Wetland Habitat Enhancement, Creation, Mitigation and Monitoring Plan prepared by Consultants Collaborative, Inc., Mike Jefferson, Senior Biologist, dated December 11, 2007.
Perpetual Habitat Management Plan, prepared by Consultants Collaborative, Inc., Mike Jefferson, Senior Biologist, dated December 5, 2007.

Mitigation Monitoring Reporting Program

Project Name: "Rincon Oaks Estates" for Rincon Escondido, LLC
Project Description: 41-Lot Planned Development and Annexation/Reorganization
Project Location: 1330 Rincon Avenue (APNs 187-370-01, -30, -31 and 224-100-75)

Contact Person: Patrick Miller, Cal-Republic Company
Phone Number: (858) 755-5416

Env. Doc. Number: ER 2004-48
Assoc. Case Nos.: TR 892, 2004-52-CZ/PD/GE/PZ/DA
 2004-06-AN

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

Phase at which the Mitigation Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTATION	CERTIFIED INITIAL/DATE	COMMENTS
<u>Traffic/Circulation</u> Prior to occupancy	Prior to occupancy of the first unit, an all-way stop shall be installed at the intersection of Rincon Avenue and Conway Drive, including appropriate striping. Appropriate painted stop bars/crosswalks on all approaches to the intersection also shall be installed.	Traffic III. No. 1			
<u>Traffic/Circulation</u> Prior to occupancy	Prior to the issuance of the first certificate of occupancy for the project, a paved pedestrian walkway shall be installed along the eastern side of Conway Drive from Rincon Avenue to Lehner Avenue. The final design requirements shall be as determined by the City Engineering Division and County Public Works Department as part of the final engineering design prepared by the developer.	Traffic III. Hazards No. 2			
<u>Air Quality</u> Prior to issuance of Grading Permits	As a Condition of Approval of the grading permit, each contractor/applicant shall be responsible for this task upon verification by the City of Escondido. All project construction activities are required to implement the standard APCD Rules to reduce fugitive dust impacts. Prior to the issuance of grading permits for the project and as a	Air IV. Construction No. 1			

project condition, the developer shall submit an Air-Quality Management Plan to the Planning Division to address the measures listed below, and retain qualified personnel to monitor the Management Plan conditions to ensure compliance.

- a. Use electricity from power poles rather than temporary diesel power generators.
- b. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
- c. The engine size of construction equipment shall be the minimum practical size.
- d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
- e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- f. Diesel catalytic converters shall be installed, if feasible.
- g. Construction worker trips should be minimized by requiring carpooling and by providing for lunch on-site.
- h. The project applicant should endeavor to use low-sulfur fuels necessary in order to reduce nitrogen precursors.

<p>Biological Prior to grading</p>	<p>To avoid impacts to raptors, removal of vegetation shall not occur during the nesting/breeding season. If project grading is proposed during the raptor breeding season (January 31 to September 15) the project biologist shall conduct a pre-grading survey for active raptor nests within 300 feet of the development area and submit a letter report to the City and Wildlife Agencies prior to the preconstruction meeting. The survey should begin not more than one week prior to the beginning of construction activities. If active raptor nests are detected, the report shall include mitigation (i.e., appropriate buffers, fencing, monitoring schedules, etc.) to the satisfaction of the Wildlife Agencies. The buffer should be in effect as long as construction is occurring and until the nest is no longer active. The dates noted for the breeding season may be revised if approved by a survey. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.</p>	<p>Biological Wildlife No. 1</p>		
<p>Biological Prior to issuance of Grading and Landscape Plans</p>	<p>The project will impact one sensitive plant species, Engelmann oak (<i>Quercus engelmannii</i>). Mitigation would be in the form of a minimum 3:1 replacement ratio. Therefore, a minimum of three Engelmann oaks shall be planted within the proposed on-site mitigation plan. As a project component, a total of five specimen sized Engelmann oaks (min. 24" box) would be planted within the project footprint. The trees would be located within or adjacent to the slopes adjacent to Flood Control Channel "A" (a total of 3) and within the Neighborhood Park (Open Space Area "C"; a total of 2). The replacement of the oak trees shall be included in the habitat mitigation and management plan prepared for the project, to include irrigation, monitoring and reporting program, success criteria, to the satisfaction of the wildlife agencies. The replacement trees also shall be included in the landscape plan submitted to the Planning Division for approval. In addition, approximately 20 Coast Live Oaks (<i>Quercus agrifolia</i>) and approximately eight</p>	<p>Biological Mature Trees – Oaks No. 2</p>		

	<p>California Sycamore trees (<i>Platanus racemosa</i>) would be planted throughout the project as a landscape design feature to off-set the removal of other mature trees located on the site. An appropriate mix of 24' box, 15 and 5 gallon container sized trees shall be incorporated into the landscape plans.</p>			
<p><u>Biology</u> Prior to recordation of the final map and issuance of grading permits</p>	<p>Prior to the recordation of final map and issuance of grading permits for the project, impacted non-native grasslands (5.6 acres) shall be mitigated at a 0.5:1 ratio (2.8 credits), and impacted chaparral (0.06 acres) at a 2:1 ratio (0.12 credits) through either purchase of similar habitat as approved by the wildlife agencies, or purchase of credits from an approved habitat mitigation bank.</p>	<p>Biology V. Upland Plants No. 3</p>		
<p><u>Biology</u> Prior to recordation of the final map and issuance of grading permits</p>	<p>Mitigation in the form of enhancement of the on-site drainage channels and/or creation of wetland habitat as shown in the conceptual mitigation and management plan will be required. The proposed project permanently impacts a total of 0.21 acre of willow scrub and shall be mitigated on site within the preserved and widened (as proposed) OC-2, which supports the appropriate hydrological regime for wetland restoration. With a mitigation ratio of 2:1, a minimum of 0.42 acres of restored willow scrub shall be created/restored on site within OC-2 (preserved and expanded) on site.</p>	<p>Biology V. Jurisdictional Waters No. 4</p>		
<p><u>Biology</u> Prior to recordation of the final map and issuance of grading permits</p>	<p>The proposed temporary and permanent impacts to the 0.11 acre of graded non-vegetated flood control channel shall be mitigated at a minimum 1:1 ratio. Therefore, a minimum of 0.11 acres of open channel creation/restoration shall be completed on site. As proposed, this mitigation would be located within the proposed 2.83 acres of created flood control channels (Floodway "A" and Floodway "B"). In total, approximately 0.32 acres of jurisdictional impacts would be mitigated with the preservation/creation/restoration of up to 3.28 acres of equivalent wetlands and their associated functions and values. Final mitigation, including the final ratios and exact location for mitigation, shall be determined during consultation with USACE and CDFG. Prior to recordation of the map and issuance of grading</p>	<p>Biology V. Jurisdictional Waters No. 5</p>		

	<p>permits, the applicant shall provide evidence to the satisfaction of the Director of Community Development (either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable) of the following mitigation measures</p> <ul style="list-style-type: none"> a) Compliance with Section 401 and 404 of the Federal Clean Water Act. b) Compliance with Section 1603 of the State of California Fish and Game Code. 			
<p>Biology Prior to recordation of the final map and issuance of grading permits</p>	<p>Prior to recordation of the map and issuance of grading or construction activities, a wetland habitat creation/restoration, monitoring and management plan for the biological open space areas shall be developed in coordination with the City of Escondido and the Wildlife Agencies. The applicant will identify a Habitat Manager, such as a natural lands management organization to ensure the conservation of biological resources in the preserved habitat in perpetuity. The Habitat Manager will be subject to the approval of the Wildlife Agencies. The project biologist will prepare a management plan, outlining actions that will be taken to manage the biological resources in open space. A Property Analysis Record (PAR) or similar analysis will be used to estimate initial start-up costs and ongoing annual cost of management activities outlined in the plan. A financial mechanism, such as a non-wasting endowment, will be established to ensure the funding is available and of a sufficient amount to implement the management plan. The habitat manager will be responsible for implementing the management plan. The City of Escondido reserves the right to review the financing plan to ensure the level of funding is sufficient to cover any City involvement in monitoring the manager or assuming the manager's duties in the event of a default.</p>	<p>Biology V. Jurisdictional Waters No. 6</p>		

<p>Biolog Prior to clearing or grading</p>	<p>Prior to commencement of clearing or grading activities, temporary fencing with appropriate signs shall be installed to prevent construction-related disturbances of existing open space or sensitive habitat areas from occurring outside the limits of the impact areas. Appropriate notes indicating compliance with the requirements shall be included on the grading/development plans.</p>	<p>Biology V. Jurisdictional Waters No. 7</p>			
<p>Biolog Prior to recordation of the final map and issuance of grading permits</p>	<p>An open space easement/lot shall be placed over the created Flood Control Channels (Floodway "A" and Floodway "B"). A biological open space easement shall be placed over the created/restored/preserved wetland habitat within the 0.42 acres of wetland mitigation associated with OC-2 to protect and preserve the area and habitat in perpetuity. The long term preservation and management of this 0.42 acres of habitat within OC-2 would be enforced through the placement of a biological open space easement over the habitat, completing a Long Term Habitat Management Plan (LMP) for the on-site habitat to be preserved and managed (which will then be approved by the City and the Wildlife Agencies). A one-time endowment shall be paid to an approved habitat manager who will implement the approved Plan. This endowment to pay for the implementation of the perpetual management and maintenance (PLAN) of OC-2 shall be implemented at the conclusion of the five-year mitigation monitoring period as described in the Wetland Habitat Creation and Restoration Plan. This shall ensure the management and maintenance of OC-2 and the created/restored wetlands within the area seamlessly transfers from the party responsible for the implementation of the wetland mitigation measures to the management and maintenance in perpetuity as required by the Habitat Management Plan.</p>	<p>Biology V. Jurisdictional Waters No. 8</p>			
<p>Biolog Prior to recordation of the final map and issuance of grading permits</p>	<p>Potential impacts from human and pet intrusion into on-site biological open space would be minimized by the inclusion of permanent fencing/walls along the backyards of residential lots adjacent to the open space. No gates allowing access to biological open space areas from backyards would be allowed and</p>	<p>Biology V. Jurisdictional Waters No. 9</p>			

<p><u>Hazardous Materials</u> Prior to issuance of grading permits</p>	<p>appropriate fencing/signage would direct public access to appropriate entrance locations to access open space area and the proposed pedestrian paths/trail system. Appropriate fencing/wall, barriers and signage shall be identified on the final landscape plans.</p>				
<p><u>Hazardous Materials</u> Prior to issuance of grading permits</p>	<p>Prior to the issuance of grading permits, a soils test shall be performed to evaluate the potential presence of any agricultural chemicals in the grove area of the site, and any other constituents of concern. The results of the soil samples and any remediation shall be submitted to the Planning and Engineering Divisions prior to commencement of grading operations. If the soil is contaminated, the material shall be assessed by a qualified professional and handled accordingly. Any contaminated soils shall be disposed of in accordance with County, State and Federal law. If any contaminants are presents, the contract for removal and disposal with the appropriate licensed contractor shall be submitted to the Planning Division prior to issuance of grading permits. Land Disposal Restrictions (LDRs) may be applicable to these soils. Any imported soils shall be free of contamination. The type of soils and condition of the soils shall be coordinated with the Engineering and Field Engineering Divisions.</p>	<p>Hazards VIII. No. 1</p>			
<p><u>Hazardous Materials</u> Prior to grading</p>	<p>Prior to grading of the site, any on-site trash/debris and any chemical containers shall be removed from the site and disposed of in accordance with applicable laws and regulations. If suspect chemical odors, staining, or other potential environmental concerns are encountered, the areas of concern shall be assessed by a qualified professional and handled accordingly.</p>	<p>Hazards VIII. No. 2</p>			
<p><u>Hazardous Materials</u> Prior to grading</p>	<p>Prior to grading of the site, all equipment associated with the on-site septic tank/system shall be removed and disposed of in accordance with all applicable laws and regulations.</p>	<p>Hazards VIII. No. 3</p>			

CODE COMPLIANCE

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

ER 2004-48

RESOLUTION NO. 2011-89

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING A SUPPLEMENTAL MITIGATED
NEGATIVE DECLARATION FOR A
TENTATIVE SUBDIVISION MAP, GRADING
EXEMPTIONS, PRELIMINARY, MASTER
AND PRECISE DEVELOPMENT PLAN, AND
ANNEXATION/REORGANIZATION

Case No. ER 2004-48 and Tract 892, 2004-
52-PD/GE/CZ/PZ/DA, 2004-06-AN

WHEREAS, on June 10, 2008, the Planning Commission of the City of Escondido considered and recommended approval of a request for a proposed Tentative Subdivision Map for the development of a 41-lot clustered residential subdivision (with seven Open Space Lots A-G), Preliminary, Master and Precise Development Plan, Prezone from County RS-1 zoning to City Planned Development zoning (PZ-PD-R 1.99), Zone Change from City R-1-10 zoning to Planned Residential Development (PD-R 1.99), Grading Exemptions for cut slopes up to 33 feet in height, Annexation/Reorganization, and a Development Agreement. Proposed lot sizes range from approximately 8,408 SF to 18,945 SF. Off-site improvements are proposed to address traffic, access, drainage and pedestrian safety issues. The proposed annexation/reorganization involves approximately 15.28 acres of land (APNs 187-370-01 and -30, and a portion of APN 187-370-04) consisting of annexation to the City of Escondido, detachment from County Communications District Service Area 135 and detachment from the Deer Springs Fire Protection District. The 20.56-acre project site generally is located on the northern side of Rincon Avenue, east of Conway Drive, addressed as 1300 Rincon Avenue (APNs 187-370-01, -30, -31 and

224-100-75), more particularly described in Exhibits "B" and "C;" attached to this resolution and incorporated by this reference; and

WHEREAS, the City Council reviewed the request for the Tentative Subdivision Map, Grading Exemptions, Preliminary, Master and Precise Development Plan, Prezone/Zone Change, Annexation/Reorganization and Development Agreement, and has reviewed and considered the Mitigated Negative Declaration (Case No. ER 2004-48) originally prepared for the project, and determined the project would not have any significant impacts to the environment since all project related impacts have been mitigated to less than a significant level; and

WHEREAS, the City Council adopted the Final Mitigated Negative Declaration and Mitigation Monitoring Report Program on July 9, 2008, at a duly noticed public hearing, as required by the Escondido Zoning Code and applicable State law; and

WHEREAS, the City Council of the City of Escondido initiated proceedings with the San Diego Local Agency Formation Commission (LAFCO) pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for the proposed annexation/reorganization; and

WHEREAS, a Supplemental Mitigated Negative Declaration was prepared and re-circulated for public review by the City of Escondido to comply with a request by LAFCO to provide additional analysis of State Law and LAFCO Policy L-101 (Preservation of Open Space and Agricultural Land). The Supplemental Mitigated Negative Declaration also includes an expanded discussion of Global Climate Change-Greenhouse Gases; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to adopt the Supplemental Mitigated Negative Declaration, as reflected on plans and documents on file in the offices of the City Clerk and Planning Division.

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

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Supplemental Mitigated Negative Declaration prepared for the project in conformance with the California Environmental Quality Act (CEQA), the staff report, and has heard and considered any written comments concerning the Supplemental Mitigated Negative Declaration and any testimony given at the meeting, and certifies the project would not result in any significant impacts to the environment.
3. That the Findings of Fact, attached as Exhibit "A" and incorporated by this reference, were made by said Council; and
4. That upon consideration of the Findings, all material in the staff report (a copy of which is on file in the Community Development Department), any public testimony presented at the meeting, and all other oral and written evidence on this Supplemental Mitigated Negative Declaration, this City Council adopts Supplemental Mitigated Negative Declaration (Case No. ER 2004-48) as reflected on plans and documents on file in the offices of the City Clerk and Community Development Department.

EXHIBIT "A"

FINDINGS OF FACT ER 2004-48 "Rincon Oaks"

SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

1. The City of Escondido General Plan designates the proposed project site as Suburban (Single-Family Residential, 3.3 du/ac) and Estate II (Single-Family Estate Residential, 2.0 du/ac). The Suburban residential classification is characterized by single-family homes. The density is appropriate where the traditional neighborhood character of detached single-family units prevails (Land Use Policy B1.9 (c), page II-16). The objective of the Estate II category is to promote single-family estate development on wider and deeper lots with a maximum density of 2.0 units per acre and minimum lot size of 20,000 sq. ft. The Estate II designation is applied in transitional areas between more intensive urban development and rural areas [Land Use Policy B1.9 (B)(2), page II-14]. The actual yield has been adjusted for existing drainage channels and habitat areas in accordance with the General Plan and Subdivision Ordinance. Based on the variable slope provisions of the Suburban and Estate II land-use designations contained in the City's General Plan, up to 41 dwelling units/lots would be allowed for the 20.56-acre. The location and design of the development is consistent with the goals and policies of the General Plan since the density and yield of the proposed project, are in conformance with the Suburban and Estate II land-use. The proposed clustering of lots would be consistent with General Plan policies since the proposed uses and clustering design would not increase the overall density of the site beyond General Plan land-use limits, but would allow for reduced lot sizes, larger open space lots, and preservation of the on-site drainage courses and biological resources.

The proposed lots sizes and widths would be larger than the residential lots immediately to the west and provides for the orderly transition between proposed and planned urban land uses to the west and south, and the estate and semi-rural/agricultural development to the north and east within the County. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. The project would not result in the destruction of significant or desirable natural features, nor be visually obstructive or disharmonious with surrounding areas since the project site is adjacent to similar residential type development.

The project would not conflict with the provisions of an adopted or proposed Habitat Conservation Plan since the site is not identified for preservation on the Draft Multiple Habitat Conservation Plan maps. The site is not listed as an open space corridor or animal migration corridor since the site is fenced and developed as a plant-stock nursery. The loss of sensitive habitat (such as wetlands, mature trees and non-native grassland) on the site would be mitigated as required by the appropriate Wildlife Agencies.

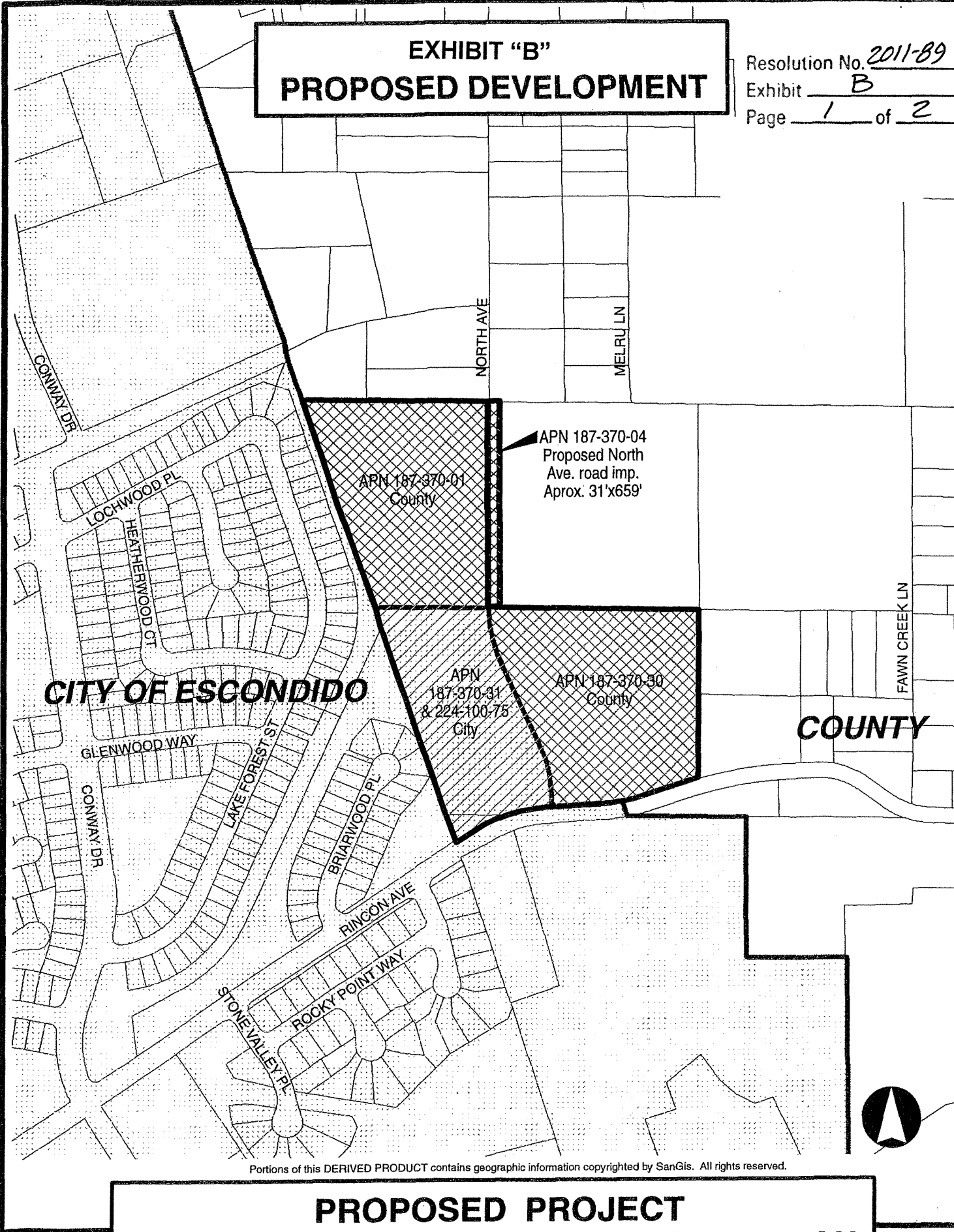
2. All of the requirements of the California Environmental Quality Act (CEQA) have been met and a Mitigated Negative Declaration (ER 2004-48) was adopted for the proposed project on June 9, 2008, by the Escondido City Council (Resolution No. 2008-140). The findings of the analysis identified impacts that might potentially be significant, but specific features, and project conditions have been incorporated into the project design or required to be implemented which avoid or substantially lessen the potentially significant environmental effects to less than a significant level. Potential impacts identified in the Initial Study which require mitigation are related to potential biology, hazardous materials, traffic/circulation, and air quality. Mitigation measures have been adopted to reduce these impacts to a less than significant level, and a Mitigation Monitoring Report Program was adopted. The mitigation measures have been included in the approved project Conditions of Approval. Copies of the documents are on file for public review in the offices of the City Clerk of the City of Escondido and Community Development Division.

Consistent with California Environmental Quality Act (CEQA) Guidelines (Sections 15162 and 15163) and in consultation with the State Clearinghouse and LAFCO, the City of Escondido prepared a Supplemental Mitigated Negative Declaration since only minor additions or changes to the previously adopted Mitigated Negative Declaration are necessary to adequately address LAFCO's request. No substantial changes are proposed to the project and no new or more severe environmental impacts have been identified as part of this update that would necessitate the preparation of a Subsequent Mitigated Negative Declaration or require additional mitigation measures. The same mitigation included in the Final MND approved in 2008 to address potential impacts related to traffic, air quality, biological resources and hazardous materials will continue to be implemented through the project Conditions of Approval and adopted Mitigation Monitoring Reporting Program. The project being evaluated in this Supplemental MND is exactly the same as in the previously adopted Final MND as no changes to the project or conditions have been proposed by the applicant or the City of Escondido. The update and 30-day public re-circulation of the Supplemental Mitigated Negative Declaration are being undertaken solely to fulfill the request of a responsible agency (LAFCO).

3. The site is within the County of San Diego North County Metropolitan Subregional Plan which encourages logical city annexations when basic urban services are required. The project site also is located within the County's Current Urban Development Area (CUDA) which includes County lands where near-term urban development should be directed. The Mitigated Negative Declaration adequately evaluates the increase in density from the existing County land-use designation of Residential 1 (Semi-Rural Residential, 1 du/ac) to Escondido Land-Use Designations of Estate II (Estate Single-Family Residential, up to 2 du/ac) and Suburban (Single-Family Residential, up to 3.3 du/ac). Under the County's land-use designation, up to 29 dwelling units could be constructed on the project site, while 41 dwelling units were approved based on the City's land-use designations. This increase in the number of residential units/lots would not constitute a significant impact since the project density and lot sizes would be consistent with the City's General Plan and Growth Management Ordinance; all public utilities could be provided to support the proposed density; and the project design provides an appropriate transition between the higher density development to the west and south, and estate county development to the north and east. A conflict with existing zoning for agricultural uses does not exist as both the City of Escondido and County of San Diego's adopted policies promote residential rather than agricultural uses of the site. In addition, the project would devote approximately 5.8 acres (over 28%) of the site to permanent open space and clusters estate homes to preserve and enhance sensitive biological resources. Environmental issues raised by responsible agencies and the public have been adequately addressed in the Supplemental Mitigated Negative Declaration, adopted Mitigated Negative Declaration, mitigation measures, project conditions of approval, and project design.

EXHIBIT "B"
PROPOSED DEVELOPMENT

Resolution No. 2011-89
Exhibit B
Page 1 of 2



Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

PROPOSED PROJECT
TR 892/2004-52-PD/GE/CZ/PZ/DA/2004-06-AN



EXHIBIT "B"
PROPOSED ANNEXATION
PREZONE/REZONE

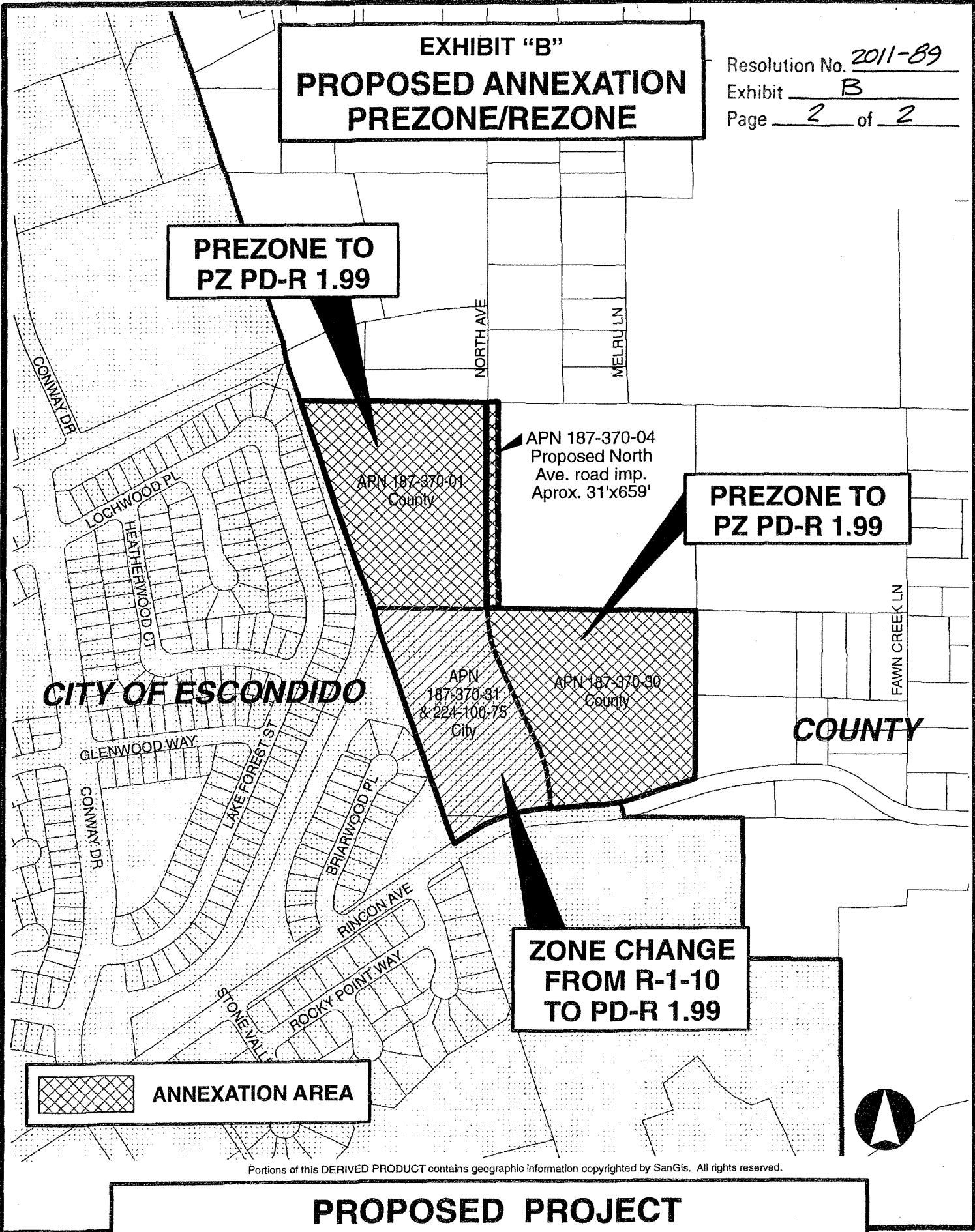
Resolution No. 2011-89
Exhibit B
Page 2 of 2

PREZONE TO
PZ PD-R 1.99

PREZONE TO
PZ PD-R 1.99

ZONE CHANGE
FROM R-1-10
TO PD-R 1.99

 **ANNEXATION AREA**



Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

PROPOSED PROJECT
TR 892/2004-52-PD/GE/CZ/PZ/DA/2004-06-AN

AORDER NO. 221391-S

EXHIBIT "C"

PARCEL 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST OF THE SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO U.S. GOVERNMENT SURVEY APPROVED JANUARY 26, 1891, LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH $01^{\circ}03'40''$ EAST 1.96 FEET TO THE BEGINNING OF A TANGENT 400 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 192.28 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $27^{\circ}32'33''$; THENCE TANGENT TO SAID CURVE, SOUTH $28^{\circ}36'13''$ EAST, 279.38 FEET TO THE BEGINNING OF A TANGENT 400 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY 161.41 FEET; THENCE TANGENT TO SAID CURVE SOUTH $05^{\circ}29'02''$ EAST, 48.18 FEET TO THE NORTHERLY LINE OF COUNTY ROAD SURVEY MAP NO. 666 (KNOWN AS RINCON AVENUE), A PLAT OF WHICH IS ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY; THENCE SOUTH $00^{\circ}29'02''$ EAST, 26.00 FEET TO THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER.

EXCEPT THAT PORTION THEREOF LYING SOUTHERLY OF THE CENTER LINE OF SAID COUNTY ROAD SURVEY NO. 666 (KNOWN AS RINCON AVENUE), A PLAT OF WHICH IS ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY, AS SAID CENTER LINE RUNS IN AN EASTERLY AND WESTERLY DIRECTION THROUGH SAID LAND.

PARCEL 2:

THE NORTHERLY 658.60 FEET OF LOT 3 IN SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

RESERVING THEREFROM AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES, AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THE EASTERLY 30.00 FEET THEREOF.

PARCEL 3:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THE EASTERLY 20.00 FEET OF LOT 2 IN SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED JANUARY 26, 1891.

ORDER NO. 221391-S

PARCEL 4:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THAT PORTION OF THE EASTERLY 20.00 FEET OF LOT 1 IN SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED JANUARY 26, 1891, LYING SOUTHERLY AND SOUTHWESTERLY OF THE SOUTHERLY AND SOUTHWESTERLY BOUNDARY OF COUNTY ROAD SURVEY NO. 960 (KNOWN AS NORTH AVENUE) ACCORDING TO PLAT THEREON ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY.

PARCEL 5:

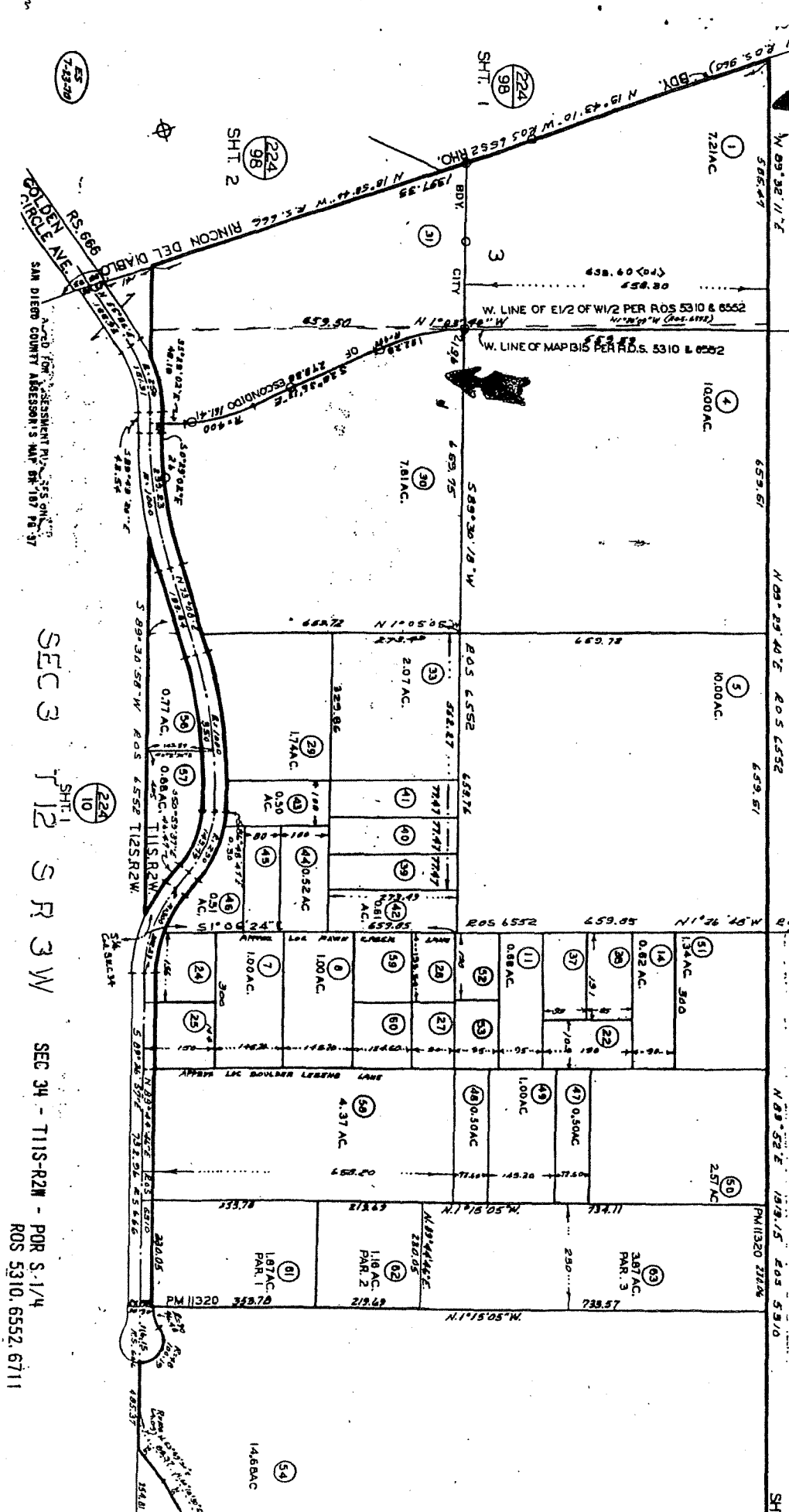
AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES AND APPURTENANCES THERETO, TO BE USED IN COMMON WITH OTHERS OVER, UNDER, ALONG AND ACROSS THE SOUTHWESTERLY 28.00 FEET OF PARCEL 1 OF PARCEL MAP NO. 8841, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 21, 1979 AS FILE NO. 79-258251 OF OFFICIAL RECORDS.

Notice: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated herein with reference to streets and other land. No liability is assumed by reason of any reliance hereon.

PRATT EUCALYPTUS TRACT NO. 48

MAP 22 1315

BLK	OLD	NEW	YR	CUT
23	30.31	70	2499	
28	38.88	71	4821	
32	34.36	72	6413	
33	37.28	72	6648	
34	35.42	72	2525	
36	43.48	73	1028	
15	47.49	73	1042	
18	30.43	73	1480	
10	24.58	74	482	
17	34.22	74	833	
35	36.67	75	845	
54	30.2	76	2002	
55	37.01	77	650	
19	33.40	78	2047	
21	41.63	82	1342	
151	14.72	12	0555	



SEC 3 T12 S R 3 W
 SEC 34 - T11S-R2W - POR S.1/4
 R.O.S. 5310, 6552, 6711

THE FORM OF POLICY OF TITLE INSURANCE CONTEMPLATED BY THIS REPORT IS:

PRELIMINARY TITLE REPORT ONLY

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A FEE AND EASEMENT

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

JEROME J. STEHLY AND CHRISTINA M. STEHLY, AS TRUSTEES OF THE JEROME AND CHRISTINA STEHLY FAMILY TRUST DATED NOVEMBER 30, 1999, AS TO AN UNDIVIDED 50% PERCENT INTEREST, AND MARK EVAN STEENSTRA AND NANETTE STEENSTRA, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 50% PERCENT INTEREST, ALL AS TENANTS IN COMMON

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL OF LOT 3 AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY AND SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 01°03'40" EAST, 1.96 FEET TO THE BEGINNING OF A TANGENT 400.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27°32'33" A DISTANCE OF 192.28 FEET; THENCE TANGENT TO SAID CURVE SOUTH 28°36'13" EAST, 279.38 FEET TO THE BEGINNING OF A TANGENT 400.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°07'11" A DISTANCE OF 161.41 FEET; THENCE TANGENT TO SAID CURVE SOUTH 05°29'02" EAST, 48.18 FEET TO THE NORTHERLY LINE OF COUNTY ROAD SURVEY NO. 66 (KNOWN AS RINCON AVENUE), A PLAT OF WHICH IS ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY; THENCE SOUTH 00°29'02" EAST, 26.00 FEET TO THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER.

EXCEPTING FROM SAID LOT 3 THE NORTHERLY 658.60 FEET THEREOF.

ALSO EXCEPTING THAT PORTION OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34, WHICH LIES SOUTHERLY OF THE CENTER LINE OF ROAD SURVEY NO. 666 ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAID SAN DIEGO COUNTY.

LEGAL DESCRIPTION

AN EASEMENT FOR PUBLIC ROAD AND UTILITY PURPOSES ALONG AND ACROSS THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY, THEREOF, APPROVED JANUARY 26, 1891 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER THENCE ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER NORTH 01° 03' 40" WEST 659.59 FEET (PER RECORD OF SURVEY 6552) TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE ALONG THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER NORTH 89° 29' 40" WEST (PER RECORD OF SURVEY 6552) 31.00 FEET TO A POINT ON A LINE PARALLEL TO AND LYING 31.00 FEET EASTERLY OF SAID WESTERLY LINE, THENCE SOUTH 01° 03' 40" EAST 659.60 FEET TO THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SOUTH 89° 30' 18" WEST (PER RECORD OF SURVEY 6552) 31.00 FEET TO THE POINT OF BEGINNING.

TOTAL AREA = 20,447 SF
APN : 187-370-04

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

Douglas W. Masson
DOUGLAS W MASSON, R.C.E. 17706
EXPIRES: 06-30-2007

7-6-06
DATE



**PROPOSED OFF-SITE
STREET DEDICATION
PORTION OF APN 187-370-04**

P.N. 05222
Esposito Dedication Exhibit A.rtf

CALIFORNIA TITLE COMPANY

21761 DOC & 2003-1304100

OCT 24, 2003 4:22 PM

Certificate No. 2003-41

Recording Requested:

AND WHEN RECORDED MAIL TO:

Director of Community Development
The City of Escondido
201 North Broadway
Escondido, CA 92025

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 41.00



FE
6P
DS
149
215897-GJ

CERTIFICATE OF COMPLIANCE

(Section 66499.35[a] of the California Government Code)

The Director of Community Development has determined that the real property described below has resulted from a division in compliance with the Subdivision Map Act and with provisions of the City of Escondido.

Owner: Jerome and Christina Stehly
Mark Evan Steenstra and Nanette Steenstra
3602 Plumosa Drive
San Diego, CA 92106

Description: Parcel A of Adjustment Plat 2003-12 (See attached Exhibit "A")

Assessors Parcel Number: 187-370-31

This Certificate of Compliance shall be void if:

1. The owner, or their predecessors in interest, subsequent to the division amended or altered the division in violation of laws then governing the division of land; or
2. The owners, or any transferee or assignee from them acquired, any property contiguous to the above-described property, unless such contiguous property consisted of a lot or lots created in compliance with laws then governing the division of land.
3. If not recorded in conjunction with Adjustment Plat 2003-12.

This Certificate of Compliance shall in no way affect the requirements of any other county, state, federal, or local agency that regulates development of real property.

Date: October 14, 2003

Charles D. Grimm
Director of Community Development

ADJUSTMENT PLAT
CITY OF ESCONDIDO

SHEET 1 OF 4

DATE FILE REC'D BY 5-5-03 PRELIMINARY ACTION BY DATE 9-2-03 FINAL ACTION BY C. H. Munn DATE 10-14-03

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	2437'10"	275.00'	118.16'	60.01'
C2	1749'02"	344.00'	121.44'	61.10'

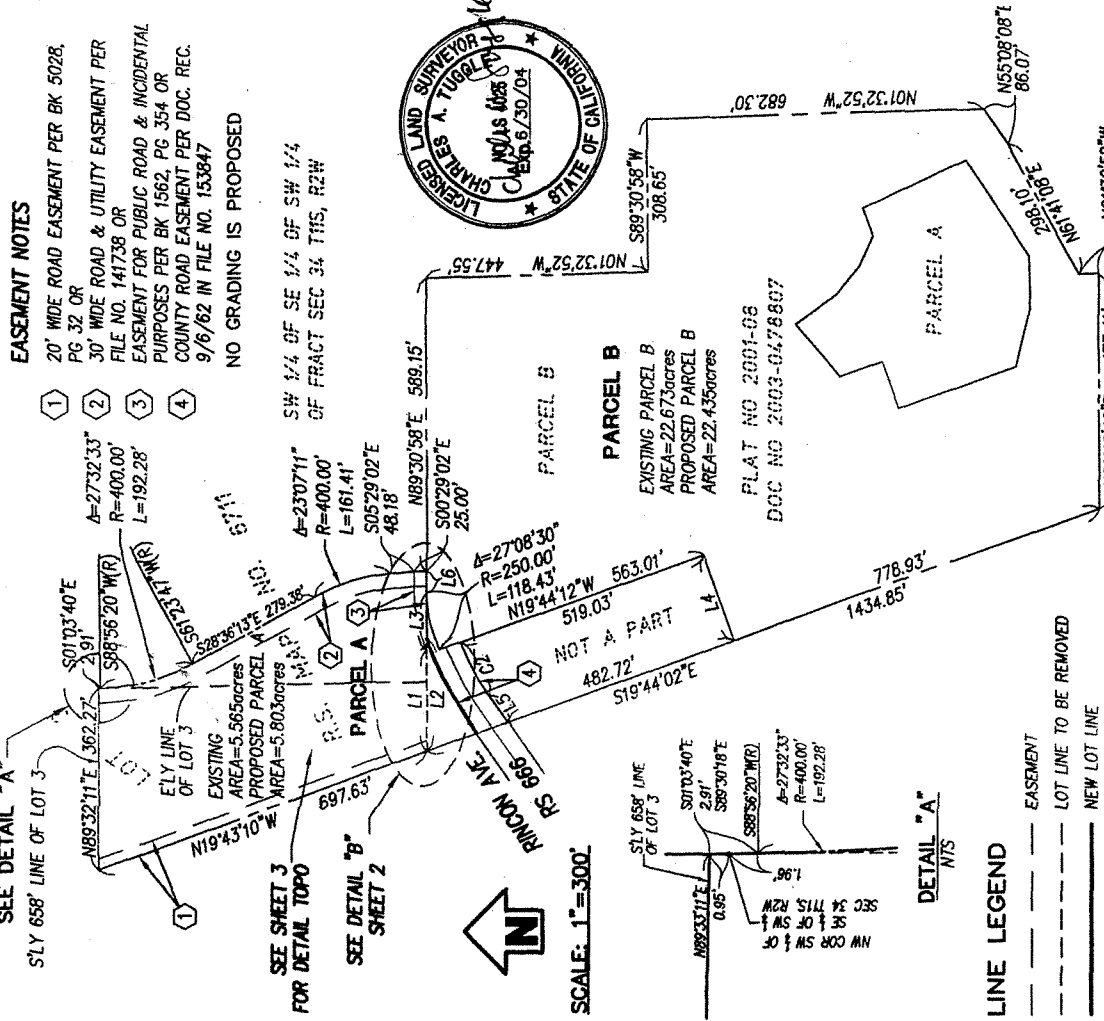
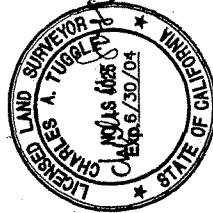
BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SOUTH LINE OF THE SW 1/4 OF FRACTIONAL SEC 34, T11S, R2W, BEARING S89°30'58"W ACCORDING R OF S 6711.

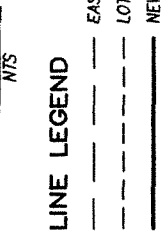
LINE	BEARING	LENGTH
L1	S89°30'58"W	202.45'
L2	S89°30'58"W	225.50'
L3	N89°30'58"E	114.56'
L4	S70°15'58"W	182.54'
L5	N54°30'18"E	64.92'
L6	N89°30'58"E	43.54'

EASEMENT NOTES

- 20' WIDE ROAD EASEMENT PER BK 5028, PG 32 OR
- 30' WIDE ROAD & UTILITY EASEMENT PER FILE NO. 141738 OR
- EASEMENT FOR PUBLIC ROAD & INCIDENTAL PURPOSES PER BK 1562, PG 354 OR COUNTY ROAD EASEMENT PER DOC. REC. 9/6/62 IN FILE NO. 153847
- NO GRADING IS PROPOSED



DETAIL "A"



LINE LEGEND

---	EASEMENT
- - -	LOT LINE TO BE REMOVED
---	NEW LOT LINE

ADJUSTMENT PLAT
 CITY OF ESCONDIDO

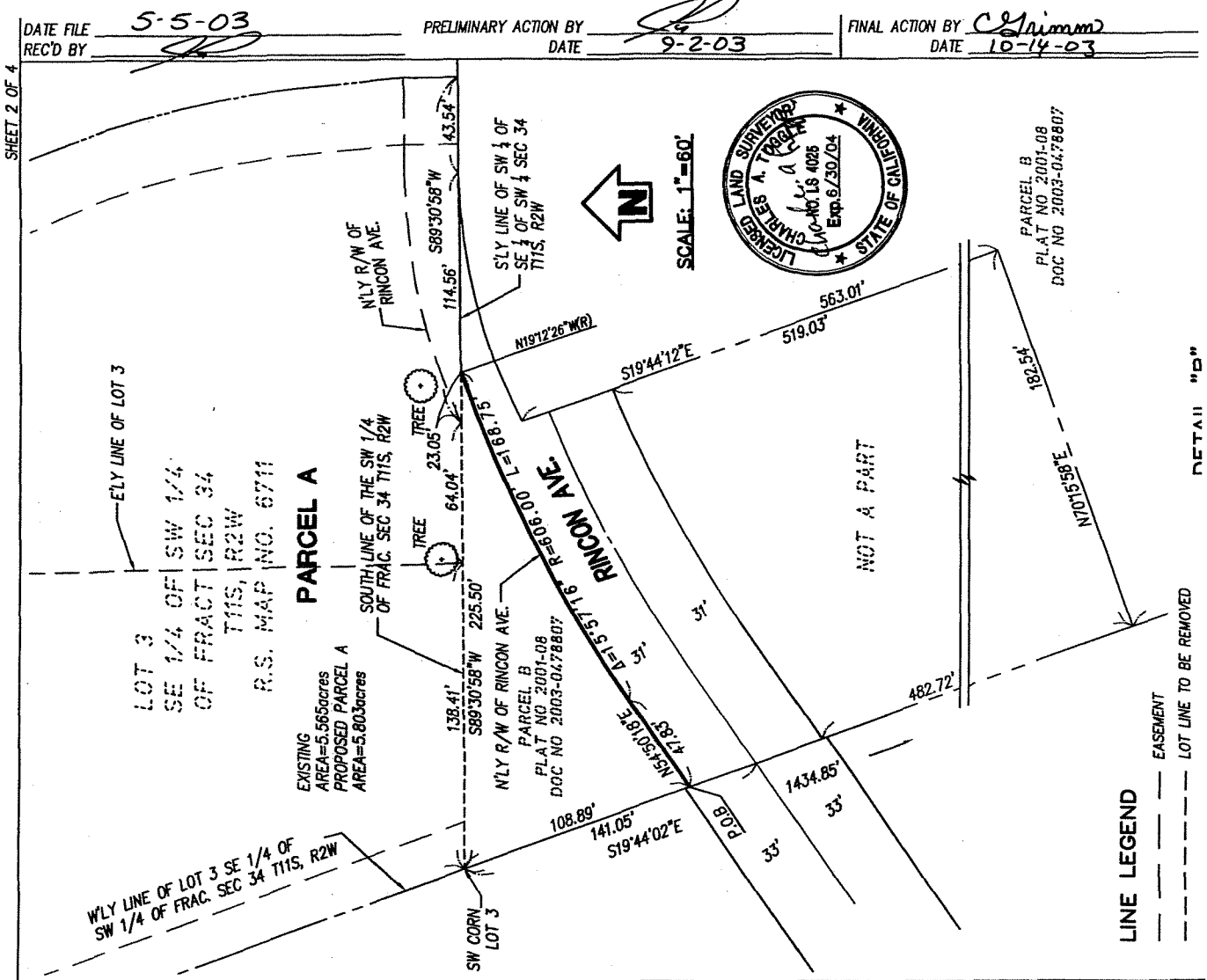
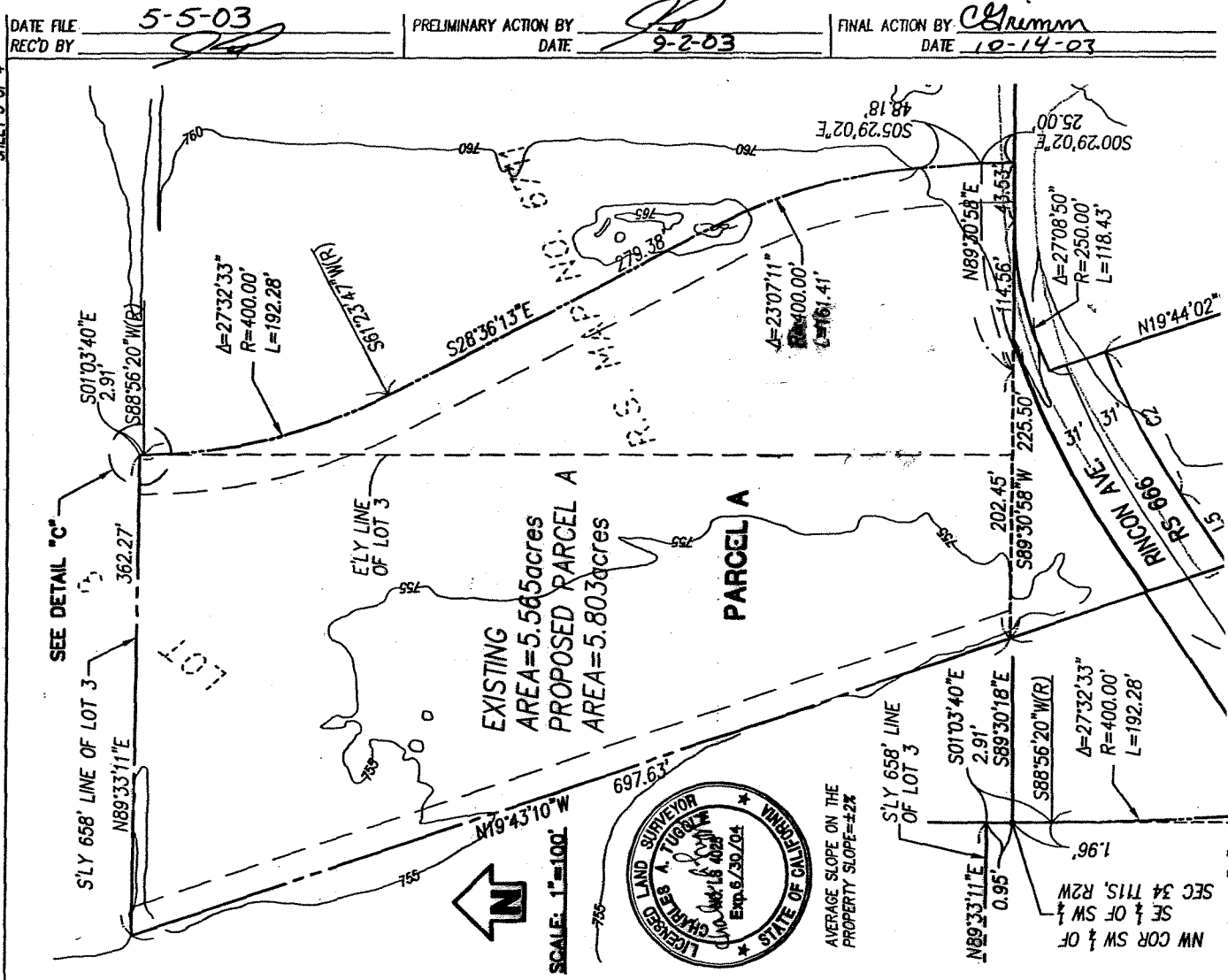


Exhibit "A"
 Adj. Plat 2003-12
 COC 2003-41
 3 of 5

2176

ADJUSTMENT PLAT
 CITY OF ESCONDIDO

SHEET 3 OF 4



21766

ADJUSTMENT PLAT
CITY OF ESCONDIDO

SHEET 4 OF 4

PARCEL A

OWNER Jerome J. Stehly
JEROME J. STEHLY
PHONE NO. 760-731-6517

ADDRESS 32013 CAMINITO QUIETO
CITY BONSALL CA. 92003

OWNER Christine M. Stehly
CHRISTINE M. STEHLY
PHONE NO. 760-731-6517

ADDRESS 32013 CAMINITO QUIETO
CITY BONSALL CA. 92003

OWNER Mark Evan Steenstra
MARK EVAN STEENSTRA
PHONE NO. 760-839-0596

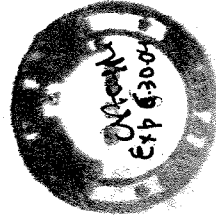
ADDRESS 1993 PIZZARO LANE
CITY ESCONDIDO, CA 92027

OWNER Wanette Steenstra
WANETTE STEENSTRA
PHONE NO. 760-839-0596

ADDRESS 1993 PIZZARO LANE
CITY ESCONDIDO, CA 92027

PARCEL B
OWNER Robert Morrill
ROBERT MORRILL
AUTHORIZED AGENT FOR
SRI SRI RADHA-KRISHNA AND BALAJI
TEMPLE, INC. (A CALIFORNIA NONPROFIT
RELIGIOUS CORPORATION)
PHONE NO. 858-272-7711

ADDRESS 1806 MISSOURI STREET
CITY SAN DIEGO, CA 92109



ENGINEER THIS MAP WAS PREPARED WITH
MY KNOWLEDGE AND CONSENT
Charles A. Tuggle
CHARLES TUGGLE

ADDRESS 12377 LEWIS ST. #101
CITY GARDEN GROVE, CA 92840
PHONE NO. 714-740-8840 LS NO. 4025

APPLICANT Patrick T. Miller
ADDRESS 2658 DEL MAR HEIGHTS RD. #200

DATE FILED 5-5-03
REC'D BY: [Signature]

PRELIMINARY ACTION BY: [Signature]
DATE 9-2-03

FINAL ACTION BY: [Signature]
DATE 10-14-03

217 2

Exhibit "A"
Adj. Plat 2003-12
COC 2003-41
5 of 5

ADJUSTMENT PLAT - CITY OF ESCONDIDO
LEGAL DESCRIPTION

PARCEL A:

ALL OF LOT 3 AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY AND SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 01°03'40" EAST, 1.96 FEET TO THE BEGINNING OF A TANGENT 400.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27°32'33" A DISTANCE OF 192.28 FEET; THENCE TANGENT TO SAID CURVE SOUTH 28°36'13" EAST, 279.38 FEET TO THE BEGINNING OF A TANGENT 400.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE SAID ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°07'11" A DISTANCE OF 161.41 FEET; THENCE TANGENT TO SAID CURVE SOUTH 05°29'02" EAST, 48.18 FEET TO THE NORTHERLY LINE OF COUNTY ROAD SURVEY NO. 666 (KNOWN AS RINCON AVENUE), A PLAT OF WHICH IS ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY; THENCE SOUTH 00°29'02" EAST, 25.00 FEET TO THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER.

EXCEPTING FROM SAID LOT 3 THE NORTHERLY 658.60 FEET THEREOF.

ALSO EXCEPTING THAT PORTION OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 34, WHICH LIES SOUTHERLY OF THE CENTER LINE OF ROAD SURVEY NO. 666 ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAID COUNTY.

INCLUDING THEREIN THE FOLLOWING DESCRIBED PORTION OF PARCEL B OF PLAT NO. 2001-08 IN THE CITY OF ESCONDIDO, RECORDED AS DOCUMENT NO. 2003-0478807 OF OFFICIAL RECORDS IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE MOST WESTERLY LINE OF SAID PARCEL B WITH THE NORTHERLY RIGHT-OF-WAY OF RINCON AVENUE (62.00 FEET WIDE) AS SHOWN ON SAID PLAT NO. 2001-08; THENCE ALONG SAID RIGHT-OF-WAY NORTH 54°50'18" EAST, 47.83 FEET TO THE BEGINNING OF A 606.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE 168.75 FEET THROUGH A CENTRAL ANGLE OF 15°57'16" TO A POINT ON THE NORTH LINE OF SAID PARCEL B OF PLAT NO. 2001-08, SAID POINT ALSO BEING A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 34, TOWNSHIP 11 SOUTH, RANGE 2 WEST; THENCE SOUTH 89°30'58" WEST 225.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 AS SHOWN ON RECORD OF SURVEY MAP NO. 6711, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF PARCEL B OF SAID PLAT NO. 2001-08; THENCE SOUTH 19°44'02" EAST, 108.89 FEET ALONG THE WESTERLY LINE OF SAID PARCEL B OF PLAT NO. 2001-08 TO THE TRUE POINT OF BEGINNING.

THE AREA OF THE SAID PARCEL A OF LAND IS 5.803 ACRES.

DATED THIS 7TH DAY OF AUGUST, 2003

Charles A. Tuggle
CHARLES A. TUGGLE, P.L.S. 4025
REGISTRATION EXPIRES 6/3/04





CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Setting Special Tax Levy for Community Facilities District No. 2006-01 (Eureka Ranch)

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2011-94, setting the Special Tax Levy for Community Facilities District (CFD) No. 2006-01 (Eureka Ranch) for Fiscal Year 2011/12.

FISCAL ANALYSIS:

A special tax is levied annually on land within Community Facilities District No. 2006-01 and collected through the County of San Diego Assessors Office. The proceeds from the special tax are used to meet debt service obligations from the issuance of bonds for the District.

PREVIOUS ACTION:

The City Council approved the establishment of the Community Facilities District No. 2006-01 (Eureka Ranch) on September 27, 2006 and has adopted annually a resolution setting the annual Special Tax Levy. Prior year's Resolution No. 2010-107 was adopted on July 14, 2010.

BACKGROUND:

At the request of the property owner/developer and pursuant to the City's Statement of Goals and Policies Regarding the Establishment of the Community Facilities Districts, CFD No. 2006-01 (Eureka Ranch) was formed to provide street, storm drain and sewer improvements as well as utility undergrounding within the Eureka Ranch development and East Valley Parkway area. According to the Special Tax Report for the CFD, a special tax shall be levied annually on land within the District and collected in the same manner and at the same time as ordinary ad valorem property taxes. The City is responsible for determining the Special Tax Liability for each parcel within the District each fiscal year and due to the County of San Diego in August of every year.

A Maximum Special Tax Rate was established for developed residential property and undeveloped property. Attached is the amount of the Maximum Special Tax and Proposed Actual Special Tax for Fiscal Year 2011/12.

Respectfully submitted,


Gilbert Rojas
Director of Finance

RESOLUTION NO. 2011-94 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ACTING AS LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-01 (EUREKA RANCH), PROVIDING FOR THE LEVY OF AN ANNUAL SPECIAL TAX FOR SUCH COMMUNITY FACILITIES DISTRICT FOR FISCAL YEAR 2011-12

WHEREAS, the City Council of the City of Escondido, California (the "Legislative Body"), has initiated proceedings, held a public hearing, conducted an election, and received a favorable vote from the qualified electors to authorize the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"). This Community Facilities District is designated as Community Facilities District No. 2006-01 (Eureka Ranch) (the "District"); and

WHEREAS, this Legislative Body, by the adoption of the Ordinance No. 2006-32 (the "Ordinance") pursuant to Section 53340 of the Government Code of the State of California, has authorized the levy of Special Taxes (as such term is defined in the Ordinance) within the District to finance authorized facilities; and

WHEREAS, Government Code Section 53340 provides that this legislative body may provide, by resolution, for the levy of the Special Taxes in the current tax year at the same rates or at a lower rate than the rate provided for in the Ordinance, if such resolution is adopted and a certified list of all parcels subject to the Special Tax levy including the amount of the Special Tax to be levied on each parcel for the current tax

year (the "Certified Parcel List") is timely filed by the clerk or other official designated by this legislative body with the Auditor of the County of San Diego (the "County Auditor") on or before August 10th of the applicable tax year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, acting as the legislative body of Community Facilities District No. 2006-01 (Eureka Ranch), as follows:

1. That the above recitations are true.
2. That this legislative body hereby authorizes and provides for the levy of the Special Tax within the District on those Taxable Properties (as such term is defined in the Ordinance) within the District for Fiscal Year 2011-12 so long as the rates of such Special Tax are the same rates or lower rates than the rates provided for in the Ordinance. The Proposed Special Tax Rates for the District for Fiscal Year 2011-12 are contained on Exhibit "A" attached to this resolution and incorporated by this reference.
3. That the Director of Finance is hereby designated and directed to prepare and submit a Certified Parcel List to the County Auditor on or before August 10, or such later date to which the County Auditor may agree, setting forth the amount of the Special Tax to be levied on each Taxable Property within the District calculated pursuant to the Ordinance and subject to the limitations set forth in Section 2 above.
4. That the Special Tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said Special Tax. Any Special Taxes that may not be collected on the

County tax roll shall be collected through a direct billing procedure by the Treasurer of the City of Escondido, acting for and on behalf of the District.

5. That the County Auditor is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "public improvements, special tax" or by any other suitable designation, the installment of the Special Tax.

6. That the County Auditor shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such Special Tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

**City of Escondido
 Community Facilities District No. 2006-01
 (Eureka Ranch)**

Special Tax Rates for Fiscal Year 2011/12

Tax Class	Building Square Footage ("BSF")	Assigned Special Tax	Proposed Actual Special Tax *
Residential Property:			
Tax Class 1	> 3,600	\$1.214 per BSF	\$1.0487 per BSF
Tax Class 2	3,251 – 3,600	\$1.275 per BSF	\$1.1014 per BSF
Tax Class 3	2,851 – 3,250	\$1.350 per BSF	\$1.1662 per BSF
Tax Class 4	2,551 – 2,850	\$1.407 per BSF	\$1.2155 per BSF
Tax Class 5	≤ 2,550	\$1.526 per BSF	\$1.3183 per BSF
Non-Residential Property:			
Tax Class 6	NA	\$20,750.00 per Acre	\$17,925.77 per Acre
Undeveloped Property	NA	\$20,750.00 per Acre	\$0.00 per Acre

* Special Tax Rates shown above have been rounded to decimals shown, actual tax rates are not rounded.



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9
Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Gilbert Rojas, Director of Finance
SUBJECT: Setting Special Tax Levy for Community Facilities District No. 2000-01 (Hidden Trails)

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2011-95, setting the Special Tax Levy for Community Facilities District (CFD) No. 2000-01 (Hidden Trails) for Fiscal Year 2011/12.

FISCAL ANALYSIS:

A special tax is levied annually on land within Community Facilities District No. 2000-01 and collected through the County of San Diego Assessors Office. The proceeds from the special tax are used to meet debt service obligations from the issuance of bonds for the District.

PREVIOUS ACTION:

The City Council approved the establishment of the Community Facilities District No. 2000-01 (Hidden Trails) on September 20, 2000 and has adopted annually a resolution setting the annual Special Tax Levy. Prior year's Resolution No. 2010-115 was adopted on July 14, 2010.

BACKGROUND:

At the request of the property owner/developer and pursuant to the City's Statement of Goals and Policies Regarding the Establishment of the Community Facilities Districts, CFD No. 2000-01 (Hidden Trails) was formed for the purpose of acquiring certain backbone facilities including street, water and sewer facilities which were constructed with the Hidden Trails development. According to the Special Tax Report for the CFD, a special tax shall be levied annually on land within the District and collected in the same manner and at the same time as ordinary ad valorem property taxes. The City is responsible for determining the Special Tax Liability for each parcel within the District each fiscal year and due to the County of San Diego in August of every year.

A Maximum Special Tax Rate was established for developed residential property and undeveloped property. Attached is the amount of the Maximum Special Tax and Proposed Actual Special Tax for Fiscal Year 2011/12.

Respectfully submitted,


Gilbert Rojas
Director of Finance

RESOLUTION NO. 2011-95 R

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ACTING AS LEGISLATIVE BODY OF
COMMUNITY FACILITIES DISTRICT NO.
2000-01 (HIDDEN TRAILS), PROVIDING FOR
THE LEVY OF AN ANNUAL SPECIAL TAX
FOR SUCH COMMUNITY FACILITIES
DISTRICT FOR FISCAL YEAR 2011-12

WHEREAS, the city Council of the City of Escondido, California (the "Legislative Body"), has initiated proceedings, held a public hearing, conducted an election, and received a favorable vote from the qualified electors to authorize the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"). This Community Facilities District is designated as Community Facilities District No. 2000-01 (Hidden Trails) (the "District"); and

WHEREAS, this Legislative Body, by the adoption of the Ordinance No. 2000-30 (the "Ordinance") pursuant to Section 53340 of the Government Code of the State of California, has authorized the levy of Special Taxes (as such term is defined in the Ordinance) within the District to finance authorized facilities; and

WHEREAS, Government Code Section 53340 provides that this legislative body may provide, by resolution, for the levy of the Special Taxes in the current tax year at the same rates or at a lower rate than the rate provided for in the Ordinance, if such resolution is adopted and a certified list of all parcels subject to the Special Tax levy including the amount of the Special Tax to be levied on each parcel for the current tax

year (the "Certified Parcel List") is timely filed by the clerk or other official designated by this legislative body with the Auditor of the County of San Diego (the "County Auditor") on or before August 10th of the applicable tax year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, acting as the legislative body of Community Facilities District No. 2000-01 (Hidden Trails), as follows:

1. That the above recitations are true.
2. That this legislative body hereby authorizes and provides for the levy of the Special Tax within the District on those Taxable Properties (as such term is defined in the Ordinance) within the District for Fiscal Year 2011-12 so long as the rates of such Special Tax are the same rates or lower rates than the rates provided for in the Ordinance. The Proposed Special Tax Rates for the District for Fiscal Year 2011-12 are contained on Exhibit "A" attached to this resolution and incorporated by this reference.
3. That the Director of Finance is hereby designated and directed to prepare and submit a Certified Parcel List to the County Auditor on or before August 10, or such later date to which the County Auditor may agree, setting forth the amount of the Special Tax to be levied on each Taxable Property within the District calculated pursuant to the Ordinance and subject to the limitations set forth in Section 2 above.
4. That the Special Tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in

collecting any said Special Tax.

5. Any Special Taxes that may not be collected on the County tax roll shall be collected through a direct billing procedure by the Treasurer of the City of Escondido, acting for and on behalf of the District.

6. That the County Auditor is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "public improvements, special tax" or by any other suitable designation, the installment of the Special Tax.

7. That the County Auditor shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such Special Tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

**City of Escondido Community
Facilities District 2000-01 (Hidden
Trails)**

Special Tax Rates for Fiscal Year 2011/12

Land Use Categories	Description	Assigned Special Tax	Proposed Actual Special Tax*
Category 1	Residential Property	\$0.39 per sq. ft.	\$0.25579 per sq. ft.
Category 2	Other Property	\$2,861 per net acre	\$1,876.45 per net acre
Category 3	Undeveloped Property	\$3,290 per net acre	\$0.00 per net acre

* Special Tax rates shown above have been rounded to decimals shown, actual tax rates are not rounded.

RENT REVIEW BOARD

For City Clerk's Use:

APPROVED DENIED

Reso No. RRB _____ File No. _____

Ord No. RRB _____

Agenda Item No.: 10

Date: July 13, 2011

TO: Honorable Chairman and Members of the Rent Review Board
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: Town & Country Club Park Short-form Rent Increase Application

RECOMMENDATION:

- Consider the short-form rent increase application submitted by Town & Country Club Park.
- If approved, adopt Rent Review Board Resolution No. 2011-06 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 1.393% (an average of \$7.61) for the period of December 31, 2008, to December 31, 2010. The application meets the eligibility criteria for submittal of a short-form rent increase application

INTRODUCTION:

Town & Country Club 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:

Town & Country is a senior park located at 2280 East Valley Parkway, Escondido, California. The Park contains 155 spaces. According to the short-form application, 148 spaces are subject to rent control, two spaces are occupied by management staff and five spaces are vacant.

Common facilities include a furnished clubhouse, with free coffee provided daily, outdoor spa and swimming pool, billiard rooms, and a sauna in the women's and men's restrooms. The Park also has laundry facilities. The monthly space rent includes Cable TV, water, sewer and trash pickup twice a week at the homeowners' space. The Park provides an instructor for free computer classes on a weekly basis to assist the residents and answer questions.

PARK OWNER'S REQUEST:

Under the short-form policy guidelines, the park owner is requesting an increase of 75% of the change in the Consumer Price Index (CPI) covering the period of December 31, 2008, through December 31, 2010. The average increase requested is \$7.61 per space, per month, which is a 1.393% increase. The current average monthly base rent of the spaces subject to the application is \$546.39.

RESIDENT MEETING AND COMMENTS:

A meeting was held by the resident representative, Don Greene, on Saturday, June 4, 2011, and was attended by approximately 70 residents. The purpose of this meeting was to discuss resident issues and concerns and to determine if the residents wanted to make any proposals to the Park Owner's representative. As a result of this meeting, the resident representative asked that the Park Owner consider one of the following offers:

- (1) An increase of 35% of the change in the CPI. This would give an average rent increase of \$3.09, or
- (2) An increase of 50% of the change in the CPI with ADA accessibility accommodations to the clubhouse, or
- (3) An increase of 75% of the change in the CPI with ADA accessibility accommodations to the clubhouse and an increase in the quality of lighting in the Park.

A resident meeting was held in the Park clubhouse on June 8, 2011. The meeting was attended by the resident representative, approximately 24 residents, Park Management, Code Enforcement Officer, Sandra Moore, and consultant, Michelle Henderson. There were discussions and questions regarding the short-form application and the long-form application. Residents asked if they could review Park financial information when a short-form was submitted. Residents were advised the only time such information is required was during the long-form application process. There was also a discussion regarding the difference between the Consumer Price Index and COLA (cost of living adjustments). Residents stated concerns about the economy and the cost of living. The residents also had questions about the Code Inspection and about the lighting in the Park. Health and Safety Code concerns expressed by the residents are listed and addressed in the attached Code Inspection Report dated June 20, 2011.

The resident representative was advised by the Park Owner's representative on June 23, 2011, that the Park would not change the original rent increase request to include any of the residents' proposals.

The Park currently has 9 residents participating in the City of Escondido Rent Subsidy Program. The Park has chosen not to participate in the HUD/Section 8 subsidy, which is a requirement if the Park wants the City to continue offering a subsidy to the residents of Town & Country. The residents that are already in the City of Escondido Rent Subsidy program will remain, but no new applications may be accepted.

The last increase for the Park was granted in September 2009, for an average of \$12.36 per space per month, or 2.37%.

CODE ENFORCEMENT ISSUES:

The Code Enforcement Division conducted a health and safety inspection of the common areas of the Park and noted some minor code violations. According to the resident representative, there were no specific concerns expressed by the residents at this time. A copy of the Code Inspection Report is attached at "Exhibit A". The Park Owner's representative, the resident manager and the resident representative received a copy of the Report and are aware that no increase, if granted, may be implemented until the Health and Safety Code violations have been cleared.

ADDITIONAL FACTORS AFFECTING THE APPLICATION:

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

Respectfully Submitted,



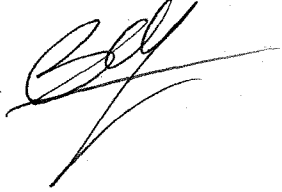
Jerry Van Leeuwen
Director of Community Services





DATE: June 20, 2011

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: BRIAN GUSTAFSON, CODE ENFORCEMENT MANAGER 

SUBJECT: TOWN & COUNTRY CLUB PARK RENT CONTROL

Town & Country Club Park was inspected on June 14, 2011, with the lighting inspection conducted the morning of June 16, 2011. This inspection was a result of an application for a rent increase having been filed. Five violations were found and noted in the attached inspection report with none being for lighting issues.

The resident representative for the park was contacted and was one of twenty-five residents who attended the resident meeting on June 8, 2011. He listed several concerns on the Resident Representative Report Form; the street lighting was reported to be an issue (which was not substantiated during the inspection); address numbers were missing from individual spaces (these are being replaced as needed on the mailboxes. As this is not covered under rent control it will be addressed during the next state inspection if the violation is still present), and an ADA concern at the clubhouse (this clubhouse is deemed to be a private structure and unless it is rented to outside groups it is not subject to ADA regulations). A part of this complaint also concerned the replacement of a door in the clubhouse however since it was just a new door with no alteration of the door frame no permit was required. A final question was raised concerning whether a permit was pulled for work done in the clubhouse (B10-1661 was issued on 12/23/10 and finalized on 02/14/11 by the building department).

There were no code cases in this park in the past year.

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



June 20, 2011

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Town and Country Mobilehome Park

Park Owner: H.N. Berger Foundation
Frances C. Berger Foundation
P.O. Box 13390
Palm Desert, CA 92255-3390

Park Manager: Dave and Terry Carlson **Phone:** (760) 745-2706

Inspection Date: 06/14/11 **Inspector(s):** S. Moore, A. Bates

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

General Violations:

1. Repair/replace the smoke detector in the laundry room and raise the smoke detector in the kitchen to a higher position on the wall as required. **25 CCR 1608 (l)**
2. The metal bracket support under the wooden seat in the shower stall of the women's swimming pool restroom is deteriorated, which has caused the seat to become loose and unstable. **25 CCR 1608 (a) (6), 25 CCR 1608 (i)**

3. There is no continuous bond conductor from the pool steel to both the pool and spa pump motors. In addition, a portion of conduit is broken on the wiring at the pool pump motor. **25 CCR 1188 (b), 25 CCR 1605 (d) (1)** per NEC, 2010 Edition, Article 250 and Article 680.
4. A section of the conduit over the electrical wiring to the light fixture inside the trash enclosure has separated from the remaining portion of the conduit. **25 CCR 1605 (d) (1)**
5. The curb stop next to the storage shed in the RV storage lot is broken, exposing the rebar. **25 CCR 1102 (a)**

**Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection; 06-16-11)**

No lighting violations were found.

MOBILEHOME PARK RENT REVIEW

RESIDENT REPRESENTATIVE REPORT FORM

Park Name: TOWN & COUNTRY MHP

Date of Inspection: 6/14/2011

Resident Representative DON GREENE

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.

DON GREENE
Print Name of Resident Representative

[Signature]
Signature

6/14/2011
Date

#62
Space # / Phone Number

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.

OK

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

OK

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

OK

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

LIGHTING AROUND CLUBHOUSE IS ADEQUATE. STREET LIGHTING
REMAINS AN ISSUE IN CERTAIN AREAS E.G. REAR OF PARK AND
STREETS AWAY FROM CLUBHOUSE.

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

A MAJORITY OF LOT NUMBERS ARE ILEGIBLE OR MISSING. LOT
LINE MARKERS ARE MISSING AS WELL.

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

ADA ACCESSIBILITY STILL POSES A CHALLENGE. ONLY ONE DOOR IN
THE CLUB HOUSE HAS BEEN FITTED WITH RUBBER MATS BUT IT IS THE
HARDEST DOOR TO OPEN/CLOSE WHILE SEATED AND HAS THE LEAST
AMOUNT OF CLEARANCE. EXERCISE EQUIPMENT IS OUT-DATED AND DANGEROUS.

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

OK

Other questions, comments or concerns:

WAS PERMIT PULLED AND SIGNED OFF FOR CONSTRUCTION IN CLUB HOUSE?

RESOLUTION NO. RRB 2011-06

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME PARK RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A SPACE
RENT INCREASE FOR THE TOWN AND
COUNTRY CLUB 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 park space rent regulation; and

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

WHEREAS, on April 25, 2011, a short-form application was filed by the H.N. & Frances C. Berger Foundation ("Berger Foundation") on behalf of the Town and Country Club Mobilehome Park ("Park"). The Park is located at 2280 East Valley Parkway in Escondido. It is a "senior park" and all residents are required to be 55 years or older. The Park was acquired by the Berger Foundation in a tax-structured charitable donation on December 28, 1988. The Park consists of 155 spaces (148 spaces are subject to rent control, two spaces are occupied by the management staff and five spaces are vacant); and

WHEREAS, this is the tenth rent increase application filed for the Park since the Ordinance became effective July 8, 1988. The last short-form application was filed by the Park in July 2009. The Board granted a rent increase of \$12.36 per space, per month, which equaled 75% of the change in the Consumer Price Index, (CPI) for the period of December 31, 2007, through December 31, 2008 (2.37%); and

WHEREAS, at the time of the current application, the average monthly space rent was \$546.39 for the 148 spaces made 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 of December 31, 2008, through December 31, 2010; and

WHEREAS, a notice of the Park's short-form 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 June 14, 2011, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed, and it noted Health and Safety Code violations in the Park; and

WHEREAS, on July 13, 2011, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, the resident representative, 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 a lengthy discussion among the Board members and clarifying questions to the parties and staff, the Board voted to grant an average increase of \$7.61, which equals 75% of the change in the Consumer Price Index for a period of consideration beginning December 31, 2008, and ending December 31, 2010, or 1.393% for the 148 spaces now subject to the short-form 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 Mobilehome Rent Review Board 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, 2008, through December 31, 2010, would amount to 1.393%, which averages \$7.61 per space, per month, for the 148 spaces subject to the rent increase request.

4. That the Board concluded that an increase of \$7.61 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. 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 sections as noted in the Inspection Report.

6. The increase may be implemented upon the expiration of the required 90-day notice to the residents, which may be issued upon the adoption of this Resolution.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 11

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: Amendment to the Interim Downtown Specific Plan (AZ 09-0006)

STAFF RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-90 approving Subitems A and B of the proposed amendment to the Interim Downtown Specific Plan.

PLANNING COMMISSION RECOMMENDATION:

On June 28, 2011, the Planning Commission voted 4-0-1 (Campbell abstained, McQuead and Winton absent) to recommend approval of Subitem A (Permitted Use Matrix). A second motion to approve Subitem B (Elimination of Parking Requirements) failed by a vote of 2-2-1 (Lehman and Weber opposed, Campbell abstained, McQuead and Winton absent), effectively resulting in a recommendation for denial of Subitem B.

PROJECT DESCRIPTION:

A request to amend the Interim Downtown Specific Plan consisting of two subitems that would revise the Permitted Use Matrix and eliminate parking requirements in the core downtown area. Subitem A would refine the land use categories, notations, and permitted uses primarily in the Historic Downtown District, but inclusive of all districts within the specific plan. Subitem B would eliminate on-site parking space requirements for existing, new or expanding non-residential uses within Vehicle Parking District No. 1 and the proposed Vehicle Parking District No. 2.

LOCATION:

The Downtown Specific Plan Area (SPA) encompasses approximately 460 acres extending from I-15 and West Valley Parkway to Palomar hospital, between Washington Avenue and Fifth Avenue.

FISCAL ANALYSIS:

None

GENERAL PLAN ANALYSIS:

Specific Planning Area No. 9 (Downtown Specific Plan) of the General Plan notes the Downtown Specific Plan shall provide a range of retail, office, financial, cultural and residential opportunities. The goal of the specific plan is to create an efficiently organized and aesthetically pleasing downtown with a distinct identity and high-quality image while facilitating the safe movement of people and vehicles in the area. The proposed amendment to the Interim Downtown Specific Plan would be consistent with the General Plan because the proposal is limited to clarifying and refining permitted land uses and modifying parking standards with the express purpose of revitalizing business activities in the downtown districts.

ENVIRONMENTAL REVIEW:

The proposed amendment to the Interim Downtown Specific Plan is exempt from the California Environmental Quality Act in accordance with CEQA Section 15061(b)(3), "General Rule." A Notice of Exemption was issued on June 22, 2011. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

PREVIOUS ACTION:

On October 28, 2009, the City Council initiated an amendment to the Downtown Specific Plan to study the Permitted Use Matrix and accompanying standards. The first phase (AZ 09-0005) of amendments was approved by the City Council on March 10, 2010. This second phase would complete the review of the Permitted Use Matrix.

On March 23, 2011, the City Council reviewed parking issues in the downtown area and unanimously supported a proposal to suspend enforcement of hourly time limits for the public parking lots on a one-year trial basis, while retaining parking enforcement for Grand Avenue and the side streets. That change became effective immediately as time limits are not regulated by the Downtown Specific Plan. The Council also unanimously directed staff to remove existing on-site parking requirements for new and expanding businesses in the downtown core and Mercado areas. The subject proposal would fulfill public hearing and noticing requirements necessary to amend the parking language in the Downtown Specific Plan. Staff is also presenting for review a detailed boundary for the area where parking requirements would be lifted.

BACKGROUND:

A specific plan for the downtown area was first approved by the City Council in 1992. The specific plan has been amended periodically over the years and was comprehensively updated as the Interim Downtown Specific Plan on March 21, 2007. The Interim Downtown Specific Plan includes seven land use districts with a vision statement and varying development standards provided for each district. Figure II-2 of the Interim Downtown Specific Plan is a matrix that identifies all permitted (P) or conditionally permitted (C) land uses in each of the districts within the Specific Plan Area. Unlisted land uses are generally prohibited unless they are determined to be similar to listed land uses.

On October 28, 2009, the City Council initiated an amendment to the Downtown Specific Plan to study the List of Permitted Uses and accompanying standards, clarify the eastern boundary of the Retail Core Area, and evaluate other issues pertaining to the implementation of the plan. The first phase (AZ 09-0005) of the amendments was approved by the City Council on March 10, 2010. This proposed amendment to the Downtown Specific Plan is the second phase of adjustments designed to ensure the specific plan continues to meet the needs of the downtown community.

Staff has been engaged in a series of discussions with the Downtown Business Association since the amendment was originally initiated by the Council. Most of the discussions have focused on refinements to the Permitted Use Matrix. The proposed amendment would comprehensively update the Permitted Use Matrix to strengthen the focus on retail and restaurant uses in the Retail Core Area and eliminate impediments to entertainment in the central downtown area.

On August 10, 2010, the Downtown Business Association (DBA) wrote a letter to the Planning Commission suggesting that downtown parking regulations had created a stalemate condition that had effectively negated further investment in downtown buildings and businesses. They suggested there should be consideration for eliminating on-site parking requirements for Grand Avenue businesses. The issue was further discussed with the Downtown Parking Subcommittee along with suggestions to reduce parking enforcement and time restrictions. The subcommittee and several downtown business owners in attendance agreed that changes were needed to downtown parking enforcement and on-site parking space requirements. The Downtown Specific Plan regulates on-site parking requirements and staff developed several alternatives for consideration including the use of a parking "in-lieu fee" to help fund the development of new parking areas, the re-establishment of a parking credit system, the reduction or elimination of required parking for targeted uses (such as restaurants), or the total elimination of parking requirements in certain areas. On March 23, 2011, the City Council unanimously supported a proposal to retain parking enforcement for Grand Avenue and the side streets and suspend enforcement of hourly limits for the public lots on a one-year trial basis. The Council also unanimously directed staff to remove existing parking requirements for new and expanding businesses in the downtown core and Mercado areas.

PLANNING COMMISSION RECOMMENDATION AND SUMMARY:

On June 28, 2011, the Planning Commission voted 4-0-1 to recommend approval of Subitem A (Permitted Use Matrix). A second motion to approve Subitem B (Elimination of Parking Requirements) failed by a vote of 2-2-1. The commissioners all agreed with the Subitem A proposal to amend the Permitted Use Matrix, but requested one exception. Chairman Caster expressed concern regarding a recommendation to change private fee parking lots from conditional uses to permitted uses. The other commissioners agreed with his assertion that the elimination of parking requirements downtown could increase demand for new parking spaces leading to private companies building fee lots in the downtown area. The commission concurred that this scenario could be regulated better if private fee lots were left as conditional uses. Staff has revised the matrix to reflect the commission's desire to leave private fee parking lots unchanged as conditional uses.

The Planning Commission was more divided on the Subitem B issue of eliminating on-site parking space requirements in the central downtown area. Commissioner Weber felt the change was too

abrupt and that potential parking issues could be minimized if the change was phased over time instead of adopted all at once. He also felt the focus on eliminating parking requirements in the central downtown area was not equitable among the specific plan districts, and created an unfair competitive advantage for some property owners. Commissioner Lehman had similar concerns and noted there would be no way to retrofit additional parking spaces if new buildings did not provide enough to meet their needs. Chairman Caster and Commissioner Yerkes supported staff's recommendation to eliminate on-site parking requirements in Vehicle Parking Districts 1 and 2 as a valuable tool to facilitate business expansions and attract new businesses to downtown. Their motion to recommend approval of Subitem B failed on a vote of 2-2-1 (Lehman and Weber opposed, Campbell abstained), effectively resulting in a Planning Commission recommendation for denial.

ANALYSIS:

Subitem A: Revision to the Permitted Use Matrix

The Permitted Use Matrix of the Downtown Specific Plan has been amended several times over the past few years to respond to changing market conditions and facilitate new business opportunities. Staff has been meeting regularly with representatives of the Downtown Business Association over the past year in an effort to comprehensively review the Permitted Use Matrix. The primary focus has been on the Historic Downtown District and boosting retail on Grand Avenue in the Retail Core Area, but has also included reviewing and facilitating new business opportunities for other districts as well.

The proposed amendment would revise permitted land uses in each of the downtown districts, clarify land use categories, and modify the notes listed in the Permitted Use Matrix. A copy of the revised matrix in strikeout/underline form has been attached to this staff report. Changes to permitted uses primarily involve solidifying retail and restaurants as the predominant uses on Grand Avenue within the Retail Core Area, and limiting the establishment of services in ground floor locations on Grand Avenue. Office, financial, personal, health and specialty services would still be widely permitted throughout the Historic Downtown District, but are mostly limited to upper floors or the back of buildings on Grand Avenue within the Retail Core Area. The objective of facilitating opportunities for nighttime entertainment downtown would be advanced by eliminating the CUP requirement for restaurants that want to offer music and dancing in the Historic Downtown and Mercado Districts, although dancing would continue to be regulated by the cabaret permit requirements in the Municipal Code. Other proposed changes to permitted land uses include adding grocery stores in excess of 7,000 SF to the Historic Downtown (except in Retail Core Area) and Park View Districts, adding restaurants and cafes as permitted uses in historic buildings in the Southern Gateway District, and restricting martial arts schools and training facilities from locating on Grand Avenue.

Land use categories would be clarified and expanded as part of the proposed amendment. Bars and nightclubs would be separated from restaurants and would remain as conditional uses. General Office and Financial Services would be modified to list short-term political campaign offices as permitted uses in all districts. Off-site sales and call centers would be established as a new category and would be permitted in the Southern Gateway, Creekside Neighborhood and Historic Districts, but banned from locating on Grand Avenue. In response to the growing residential population downtown, Specialty Services would be expanded to include animal services in the Historic Downtown, Centre City Urban, Gateway Transit and Creekside Neighborhood Districts. Education categories would be

streamlined to include educational facilities for adults, daycare facilities and schools for primary and secondary education. Adult education facilities would now be listed as a conditional use on Grand Avenue.

The Permitted Use Matrix includes a series of notes that can be applied to individual uses in districts to further define or limit activities. The primary change to the notes section would be to modify Note No. 2 that regulates the location and type of businesses permitted on Grand Avenue within the three-block Retail Core Area. Many buildings in the Retail Core Area are 25 feet wide and up to 140 feet deep. This configuration is not always conducive for establishing a retail business. Note No. 2 recognizes this and allows permitted non-retail uses to be located on the ground floor in the back of these buildings thus retaining the building frontage on Grand Avenue for a retail or restaurant business. The current requirement to reserve the front $\frac{1}{3}$ of the building or 1,000 square feet for retail has hindered some small retail businesses from locating on Grand Avenue. In addition, the lack of a requirement for a separation wall has resulted in some non-retail businesses "creeping" up to the storefront on Grand Avenue. The proposed amendment would address both of these issues by reducing the retail requirement to $\frac{1}{4}$ or 25 feet of retail depth from Grand Avenue with a requirement for a separation wall at least eight feet in height (subject to building and fire code requirements) to ensure the Retail Core Area storefronts are activated with pedestrian-oriented retail and restaurant uses. This change is also reflected in a proposed amendment to Figure V-2a and the language in Section 3 of the Historic Downtown District. Other changes to the matrix notes include the addition of two new notes that would restrict some businesses from locating on the ground floor on Grand Avenue (i.e., call centers, mortuaries, coin laundries and adult schools), as well as an allowance for restaurants and cafes on Local Historic Register properties in the Southern Gateway District.

The Planning Commission and staff feel the proposed revisions to the Permitted Use Matrix, which were developed during many hours of consultation with the Downtown Business Association, will strengthen the commitment to retail and restaurant uses in the Retail Core Area and clarify districts where business services, recreation and education facilities are permitted. The proposal also would eliminate impediments to entertainment in the central downtown area thus enabling the growth of a downtown that is vibrant with activity occurring throughout the day, evening and weekend hours.

Subitem B: Elimination of On-Site Parking Space Requirements

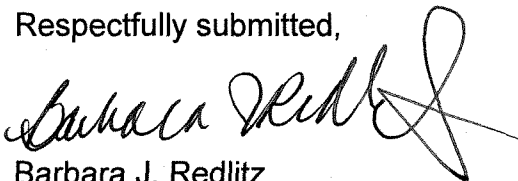
The Design Standards of the Downtown Specific Plan state that on-site parking spaces shall be provided as specified in the city's Parking Ordinance with the exception of Vehicle Parking District No. 1 (which also includes the Retail Core Parking District). Vehicle Parking District No. 1 is largely bounded by the alleys north of Valley Parkway and south of Second Avenue, with Escondido Boulevard to the west and Ivy Street to the east. Buildings located in this area are credited for a certain number of spaces, but can exclude parking intensive uses like restaurants if they had not existed on the property in the past, and generally require new spaces to be provided if existing spaces are removed or additional square footage is added to structures.

The proposed amendment would implement the Council's direction by eliminating parking requirements for existing, new and expanding non-residential uses in Vehicle Parking District No. 1. Parking standards for residential development would remain unchanged. A second parking district (Vehicle Parking District No. 2) located between Valley Parkway and Second Avenue and extending

west to Quince Street would be created to expand the incentive to the western portion of the downtown core area and include that portion of the Mercado area that is included within the Downtown Specific Plan. Business owners located in the two parking districts would not be required to provide on-site parking spaces and would be allowed to eliminate existing spaces if needed to facilitate expansion plans. Permitted businesses would be based solely on the Permitted Use Matrix in the specific plan, irrespective of whether adequate on-site parking spaces exist to meet previous code requirements. Developers of vacant or underdeveloped properties would be encouraged to provide parking commensurate with their anticipated demand, but would have no minimum requirement.

There are 497 public parking spaces located within seven public lots in the downtown area. Street parking is also widely available throughout the downtown area. The city's aggressive downtown parking requirements coupled with the availability of nearly 500 public parking spaces has worked efficiently to ensure that downtown parking impacts are minimized to the extent feasible. On the other hand, there are known examples where the current parking requirements have stopped existing businesses from expanding and new businesses from locating on Grand Avenue. The Downtown Parking Study (Walker, 2006) noted there may be occasional localized parking impacts in one or two of the public lots, but that there is an ample supply of parking not only in the downtown as a whole, but in each of the four downtown sub-areas that were studied. Staff feels the proposed elimination of parking requirements in the downtown core can effectively aid the revitalization of the area as a vibrant retail and entertainment district. It is recognized that parking problems could eventually develop downtown if the program is ultimately successful in facilitating business expansions and attracting a substantial number of new businesses. If that were to occur, the amendment has been structured in a way that parking standards could be reintroduced by the Council in the future by eliminating Vehicle Parking District No. 2 and reestablishing parking standards in Vehicle Parking District No. 1.

Respectfully submitted,



Barbara J. Redlitz
Director of Community Development



Bill Martin
Principal Planner



PLANNING COMMISSION

Agenda Item No.: G.2
Date: June 28, 2011

CASE NUMBER: AZ 09-0006

APPLICANT: City of Escondido

LOCATION: The Downtown Specific Plan Area (SPA) encompasses approximately 460 acres extending from I-15 and West Valley Parkway to Palomar hospital, between Washington Avenue and Fifth Avenue.

TYPE OF PROJECT: Specific Plan Amendment

PROJECT DESCRIPTION: A request to amend the Interim Downtown Specific Plan consisting of two subitems that would revise the Permitted Use Matrix and eliminate parking requirements in the core downtown area as described below:

Subitem A: A revision to the Permitted Use Matrix (Figure II-2) to refine the land use categories, notations, and permitted uses primarily in the Historic Downtown District, but inclusive of all districts within the specific plan. Proposed changes include, but are not limited to, eliminating the Conditional Use Permit requirement for restaurants in the Historic Downtown and Mercado Districts that want to offer amplified entertainment and dancing, permitting short-term political campaign offices in all districts, placing additional limitations on off-site sales, call centers, martial arts schools and training facilities, introducing animal services as a permitted use in several districts, revising adult educational facilities from a permitted use to a conditional use in the Historic Downtown District, and implementing a requirement for a solid wall in the Retail Core Area to separate retail and restaurant businesses fronting on Grand Avenue from separate service or office businesses occurring in the back of the same building.

Subitem B: An amendment to Section III. (Design Principles, Guidelines and Standards) and Section V. (Land Use Districts) to eliminate on-site parking space requirements for existing, new or expanding non-residential uses within Vehicle Parking District No. 1 and the proposed Vehicle Parking District No. 2. Parking requirements for residential uses would remain unchanged. Vehicle Parking District No. 2 would be created to cover the western extension of the core downtown area and the Mercado District. Existing language discussing parking standards and credits for non-residential uses on properties within the two Vehicle Parking Districts would be deleted. An additional amendment on Page V-6 (Historic Downtown District) would reduce the current requirements for businesses fronting on Grand Avenue in the Retail Core Area to now require a minimum of 25% of the building depth or 25 feet of the front ground-level area for pedestrian oriented active retail/restaurant uses.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: SPA #9 (Specific Planning Area No. 9 – Downtown Specific Plan)

ZONING: SP (Specific Plan)

BACKGROUND/SUMMARY OF ISSUES: A specific plan for the downtown area was first approved by the City Council in 1992. The specific plan has been amended periodically over the years and was comprehensively updated as the Interim Downtown Specific Plan on March 21, 2007. The Interim Downtown Specific Plan includes seven land use districts with a vision statement and varying development standards provided for each district. Figure II-2 of the Interim Downtown Specific Plan is a matrix that identifies all permitted (P) or conditionally permitted (C) land uses in each of the districts within the Specific Plan Area. Unlisted land uses are generally prohibited unless they are determined to be similar to listed land uses.

On October 28, 2009, the City Council initiated an amendment to the Downtown Specific Plan to study the List of Permitted Uses and accompanying standards, clarify the eastern boundary of the Retail Core Area, and evaluate other issues pertaining to the implementation of the plan. This proposed amendment to the Downtown Specific Plan is the second phase of adjustments designed to ensure the specific plan continues to meet the needs of the downtown community. The first phase (AZ 09-0005) of the amendments was approved by the City Council on March 10, 2010, and included changes to the use matrix regarding home furnishing stores and religious and other assembly uses, an adjustment to the boundary of the Retail Core Area, and clarifications on sign setbacks and permitted uses in existing structures where planned development had been approved, but not yet constructed. At the time the last amendment was approved, it was understood that more extensive revisions of the Permitted Use Matrix would be deferred to a later date.

Staff has been engaged in a series of discussions with the Downtown Business Association since the amendment was originally initiated by the Council. Most of the discussions have focused on refinements to the Permitted Use Matrix. The proposed amendment would comprehensively update the Permitted Use Matrix to strengthen the focus on retail and restaurant uses in the Retail Core Area and eliminate impediments to entertainment in the central downtown area. The proposed amendment also would respond to the City Council's direction to eliminate on-site parking requirements in the core downtown area and the portion of the Mercado District that is located within the Downtown Specific Plan.

REASONS FOR STAFF RECOMMENDATION:

1. The Downtown Vision Statement notes that Downtown Escondido is envisioned as a dynamic, attractive, economically vital city center that is entertaining and vibrant with activity occurring throughout the day, evening and weekend hours. The proposed revisions to the Permitted Use Matrix will strengthen the commitment to retail and restaurant uses in the Retail Core Area and lessen restrictions on restaurants that want to offer entertainment in the Downtown Historic and Mercado Districts. Additional changes have been developed in consultation with the Downtown Business Association to clarify districts where business services, recreation and education facilities are permitted.
2. The Retail Core Area plays an extremely important role in the Downtown Specific Plan because it concentrates the type of unique, pedestrian-oriented, retail uses that draw people to the downtown. Maintaining the integrity of the Retail Core Area is very important to both staff and the Downtown Business Association. The proposed amendment would establish additional guidance and requirements for active retail storefronts, while still allowing uses not otherwise permitted on Grand Avenue to locate in the rear area of a structure.
3. The city's aggressive downtown parking requirements coupled with the availability of nearly 500 public parking spaces have worked efficiently to ensure that downtown parking impacts are minimized to the extent feasible. On the other hand, there are known examples where the current parking requirements have stopped existing businesses from expanding and new businesses from locating on Grand Avenue. The Downtown Parking Study (Walker, 2006) noted there may be occasional localized parking impacts in one or two of the public lots, but that there is an ample supply of parking not only in the downtown as a whole, but in each of the four downtown sub-areas that were studied. Staff feels the proposed elimination of parking requirements in the downtown core can effectively aid the revitalization of the area as a vibrant retail and entertainment district. The amendment has been structured in a way that parking standards could be reintroduced in the future if the extent of renewed economic activity results in undesirable parking impacts.

Respectfully submitted,


Bill Martin
Principal Planner

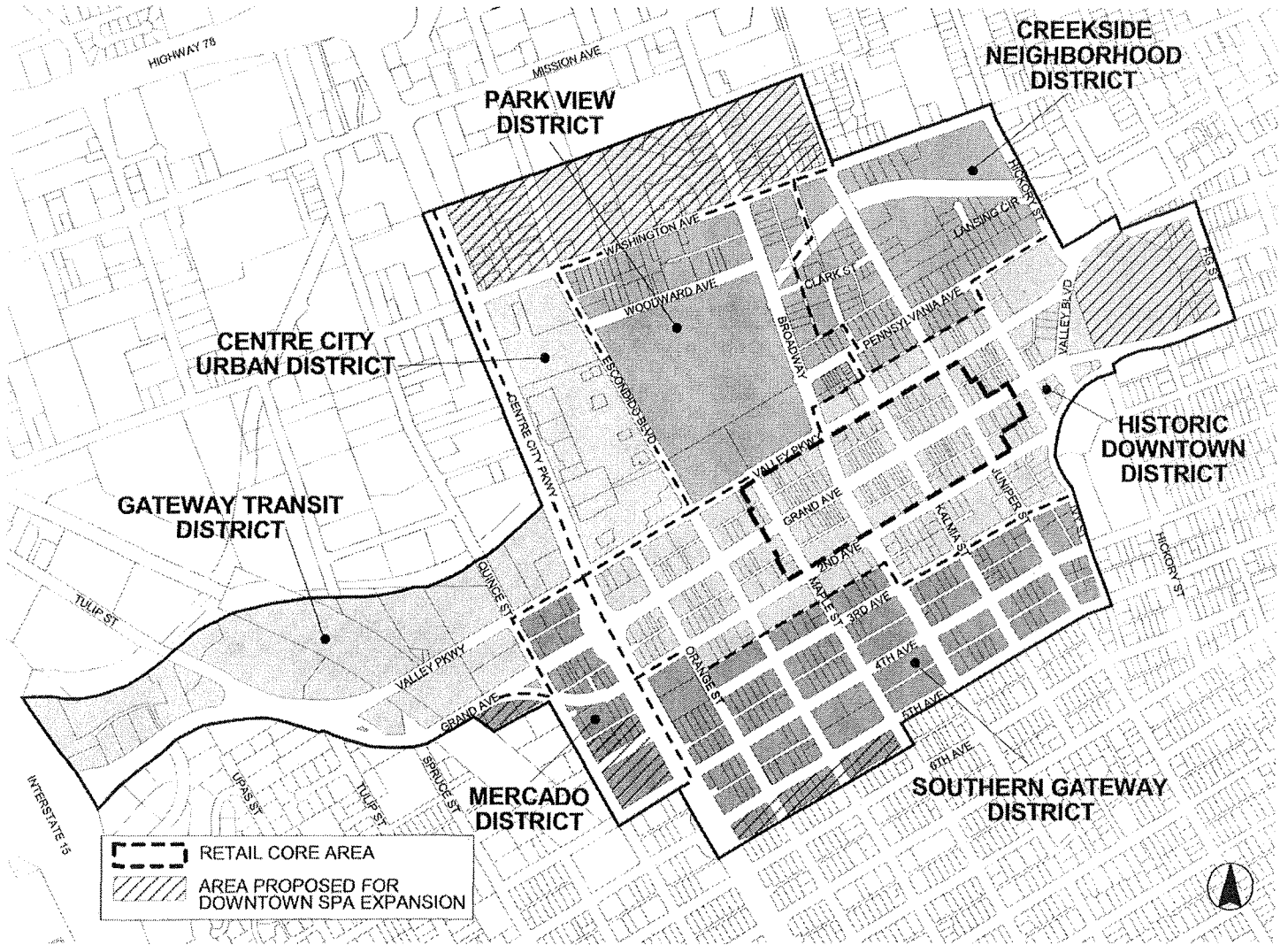


Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

**PROPOSED PROJECT
AZ 09-0006**



LOCATION/ZONING



ANALYSIS

A. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

Specific Planning Area No. 9 (Downtown Specific Plan) of the General Plan notes the Downtown Specific Plan shall provide a range of retail, office, financial, cultural and residential opportunities. The goal of the specific plan is to create an efficiently organized and aesthetically pleasing downtown with a distinct identity and high-quality image while facilitating the safe movement of people and vehicles in the area. The proposed amendment to the Interim Downtown Specific Plan would be consistent with the General Plan because the proposal is limited to clarifying and refining permitted land uses and modifying parking standards with the express purpose of revitalizing business activities in the downtown districts.

Subitem A: Revision to the Permitted Use Matrix

The Permitted Use Matrix of the Downtown Specific Plan has been amended several times over the past few years to respond to changing market conditions and facilitate new business opportunities. Staff has been meeting regularly with representatives of the Downtown Business Association over the past year in an effort to comprehensively review the Permitted Use Matrix. The primary focus has been on the Historic Downtown District and boosting retail on Grand Avenue in the Retail Core Area, but has also included reviewing and facilitating new business opportunities for other districts as well.

The proposed amendment would revise permitted land uses in each of the downtown districts, clarify land use categories, and modify the notes listed in the Permitted Use Matrix. A copy of the revised matrix in ~~strikeout~~/underline form has been attached to this staff report. Changes to permitted uses primarily involve solidifying retail and restaurants as the predominant uses on Grand Avenue within the Retail Core Area, and limiting the establishment of services in ground floor locations on Grand Avenue. Office, financial, personal, health and specialty services would still be widely permitted throughout the Historic Downtown District, but are mostly limited to upper floors or the back of buildings on Grand Avenue within the Retail Core Area. The objective of facilitating opportunities for nighttime entertainment downtown would be advanced by eliminating the CUP requirement for restaurants that want to offer music and dancing in the Historic Downtown and Mercado Districts, although dancing would continue to be regulated by the cabaret permit requirements in the Municipal Code. Other proposed changes to permitted land uses include adding grocery stores in excess of 7,000 SF to the Historic Downtown (except in Retail Core Area) and Park View Districts, adding restaurants and cafes as permitted uses in historic buildings in the Southern Gateway District, and restricting martial arts schools and training facilities from locating on Grand Avenue.

Land use categories would be clarified and expanded as part of the proposed amendment. Restaurants offering entertainment and dancing would be established as a separate category and would remain conditionally permitted in the same districts, with the exception of the Historic Downtown and Mercado Districts where they would now be listed as permitted uses. Bars and nightclubs would be separated from restaurants and would remain as conditional uses. General Office and Financial Services would be modified to list short-term political campaign offices as permitted uses in all districts. Off-site sales and call centers would be established as a new category and would be permitted in the Southern Gateway, Creekside Neighborhood and Historic Districts, but banned from locating on Grand Avenue. In response to the growing residential population downtown, Specialty Services would be expanded to include animal services in the Historic Downtown, Centre City Urban, Gateway Transit and Creekside Neighborhood Districts. Education categories would be streamlined to include educational facilities for adults, daycare facilities and schools for primary and secondary education. Adult education facilities would now be listed as a conditional use on Grand Avenue.

The Permitted Use Matrix includes a series of notes that can be applied to individual uses in districts to further define or limit activities. The primary change to the notes section would be to modify Note No. 2 that regulates the location and type of businesses permitted on Grand Avenue within the three-block Retail Core Area. Many buildings in the Retail Core Area are 25 feet wide and up to 140 feet deep. This configuration is not always conducive for establishing a retail

business. Note No. 2 recognizes this and allows permitted non-retail uses to be located on the ground floor in the back of these buildings thus retaining the building frontage on Grand Avenue for a retail or restaurant business. The current requirement to reserve the front 1/3 of the building or 1,000 square feet for retail has hindered some small retail businesses from locating on Grand Avenue. In addition, the lack of a requirement for a separation wall has resulted in some non-retail businesses "creeping" up to the storefront on Grand Avenue. The proposed amendment would address both of these issues by reducing the retail requirement to 1/4 or 25 feet of retail depth from Grand Avenue with a requirement for a separation wall at least eight feet in height to ensure the Retail Core Area storefronts are activated with pedestrian-oriented retail and restaurant uses. This change is also reflected in a proposed amendment to Figure V-2a and the language in Section 3 of the Historic Downtown District. Other changes to the matrix notes include the addition of two new notes that would restrict some businesses from locating on the ground floor on Grand Avenue (i.e., call centers, mortuaries, coin laundries and adult schools), as well as an allowance for restaurants and cafes on Local Historic Register properties in the Southern Gateway District.

Staff feels the proposed revisions to the Permitted Use Matrix, which were developed during many hours of consultation with the Downtown Business Association, will strengthen the commitment to retail and restaurant uses in the Retail Core Area and clarify districts where business services, recreation and education facilities are permitted. The proposal also would eliminate impediments to entertainment in the central downtown area thus enabling the growth of a downtown that is vibrant with activity occurring throughout the day, evening and weekend hours.

Subitem B: Elimination of On-Site Parking Space Requirements

On August 10, 2010 the Downtown Business Association (DBA) wrote a letter to the Planning Commission suggesting that downtown parking regulations had created a stalemate condition that had effectively negated further investment in downtown buildings and businesses. They suggested there should be consideration for eliminating on-site parking requirements for Grand Avenue businesses. The issue was further discussed with the Downtown Parking Subcommittee along with suggestions to reduce parking enforcement and time restrictions. The subcommittee and several downtown business owners in attendance agreed that changes were needed to downtown parking enforcement and on-site parking requirements. The Downtown Specific Plan regulates on-site parking requirements and staff developed several alternatives for consideration including the use of a parking "in-lieu fee" to help fund the development of new parking areas, the re-establishment of a parking credit system, the reduction or elimination of required parking for targeted uses (such as restaurants), or the total elimination of parking requirements in certain areas. On March 23, 2011, the City Council unanimously supported a proposal to retain parking enforcement for Grand Avenue and the side streets and suspend enforcement of hourly limits for the public lots on a one-year trial basis. The Council also unanimously directed staff to remove existing parking requirements for new and expanding businesses in the downtown core and Mercado areas.

The Design Standards of the Downtown Specific Plan state that on-site parking spaces shall be provided as specified in the city's Parking Ordinance with the exception of Vehicle Parking District No. 1 (which also includes the Retail Core Parking District). Vehicle Parking District No. 1 is largely bounded by the alleys north of Valley Parkway and south of Second Avenue, with Escondido Boulevard to the west and Ivy Street to the east. Buildings located in this area are credited for a certain number of spaces, but can exclude parking intensive uses like restaurants if they had not existed on the property in the past, and generally require new spaces to be provided if existing spaces are removed or additional square footage is added to structures.

The proposed amendment would implement the Council's direction by eliminating parking requirements for existing, new and expanding non-residential uses in Vehicle Parking District No. 1. Parking standards for residential development would remain unchanged. A second parking district (Vehicle Parking District No. 2) located between Valley Parkway and Second Avenue and extending west to Quince Street would be created to expand the incentive to the western portion of the downtown core area and include that portion of the Mercado area that is included within the Downtown Specific Plan. Business owners located in the two parking districts would not be required to provide on-site parking spaces and would be allowed to eliminate existing spaces if needed to facilitate expansion plans. Permitted businesses would be based solely on the Permitted Use Matrix in the specific plan, irrespective of whether adequate on-site parking spaces exist to meet code requirements. Developers of vacant or underdeveloped properties would be encouraged to provide parking commensurate with their anticipated demand, but would have no minimum requirement.

There are 497 public parking spaces located within seven public lots in the downtown area. Street parking is also widely available throughout the downtown area. The city's aggressive downtown parking requirements coupled with the availability of nearly 500 public parking spaces has worked efficiently to ensure that downtown parking impacts are minimized to the extent feasible. On the other hand, there are known examples where the current parking requirements have stopped existing businesses from expanding and new businesses from locating on Grand Avenue. The Downtown Parking Study (Walker, 2006) noted there may be occasional localized parking impacts in one or two of the public lots, but that there is an ample supply of parking not only in the downtown as a whole, but in each of the four downtown sub-areas that were studied. Staff feels the proposed elimination of parking requirements in the downtown core can effectively aid the revitalization of the area as a vibrant retail and entertainment district. It is recognized that parking problems could eventually develop downtown if the program is ultimately successful in facilitating business expansions and attracting a substantial number of new businesses. If that were to occur, the amendment has been structured in a way that parking standards could be reintroduced in the future by eliminating Vehicle Parking District No. 2 and reestablishing parking standards in Vehicle Parking District No. 1.

B. ENVIRONMENTAL STATUS

1. The proposed amendment to the Interim Downtown Specific Plan is exempt from the California Environmental Quality Act in accordance with CEQA Section 15061(b)(3), "General Rule." A Notice of Exemption was issued on June 22, 2011.
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

FACTORS TO BE CONSIDERED
AZ 09-0006
EXHIBIT "A"

1. The public health, safety and welfare would not be adversely affected by the proposed amendments to the Interim Downtown Specific Plan because the amendments would clarify and refine permitted land uses in the downtown area, provide consistency to the document, and codify existing policies to remove impediments that currently hinder ongoing efforts to promote an economically vibrant downtown.
2. The proposed amendments to the Interim Downtown Specific Plan would not be detrimental to surrounding properties, since the proposed changes to the Permitted Use Matrix would only refine and clarify permitted uses on properties within the specific plan area, and the modification to parking requirements will not result in adverse parking impacts to adjacent residential neighborhoods due to the widespread availability of public parking spaces and street parking in the downtown area.
3. The proposed amendments to the Interim Downtown Specific Plan would be consistent with the General Plan because the proposal is limited to clarifying and refining permitted land uses and modifying parking standards with the express purpose of revitalizing business activities in the downtown districts. This retains the General Plan vision which states the Downtown Specific Plan shall provide a range of retail, office, financial, cultural and residential opportunities. The specific plan goal to create an efficiently organized, aesthetically pleasing and vibrant downtown is further enabled and enhanced as a result of the proposed amendments.

Subitem "A"

FIGURE II-2
PERMITTED USE MATRIX

LAND USE	HD	PV	CCU	GT	M	SG	CN
RESIDENTIAL AND LODGING (in accordance with Figure II-3A)							
Bed-and-breakfast establishments						C	C
Residential-care facilities						C	C
Hotels and Motels (subject to submittal requirements and findings for other commercial zones in the City)	C	C	C	C	C		
Residential above ground floor in specified areas, in conjunction with permitted non-residential use on ground floor (refer to Figure II-3 for appropriate locations and housing types)	P	P9	P	P	P	P	P
Residential, on ground floor in specified areas (refer to Figure II-3 for appropriate locations and housing types)	P7, 8	P8, 9	P8	P8	P8	C	P / C6
GENERAL RETAIL*							
New merchandise sold in department stores, drugstores, pharmacies, and retail establishments selling toys, flowers, gifts, stationery, jewelry, leather, apparel, shoes (including repair), china, glassware, pottery, crafts, cigars, yardage goods, pets, hobbies, art supplies, video sales and rental, music (including incidental recording, instruction and instrument repair), books/magazines/newspapers, sporting goods, bicycles/cameras/electronics/office business/small household appliance sales and service, and other similar retail goods and incidental services NEC. Prohibited uses include retail uses with across the board maximum pricing or "everything under" pricing and surplus goods.	P	P	P	P	P	P3	P6
Previously owned goods and merchandise including antiques, collectibles, coins, consignment and stamps, excluding pawn shops, second hand and consignment stores, and thrift stores.							

NOTES:

P = Permitted C = Conditional Use Permit required

- Under 3,000 square feet.
- Within Grand Avenue's "historic retail-core area" use is not permitted on ground floor on facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted, within front one-third or 1,000 SF of building space, whichever is greater.
- Only permitted on Escondido Boulevard.
- Only permitted within a multi-tenant building. May not occupy more than 30% of the gross floor area.
- Only when integrated into a residential project.
- Only permitted on Pennsylvania Avenue
- Not allowed along Grand Avenue on ground floor within the "historic retail core area."
- Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Escondido Zoning Code.
- No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- No allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- Permitted on Local Historic Register properties.

* Existing automobile dealerships were a non-conforming use at the time of adoption of the Interim Downtown Specific Plan. Conversion of these sites to a new, substantially different, use shall require plot plan review pursuant to Article 16 of the Escondido Zoning Code.

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
GENERAL RETAIL (continued)							
Automobile supply stores with, or without, incidental installation				P		P3	
Carpet and floor covering and installations				P		P3	
Large appliance sales (including incidental service)	P7		P	P	P1	P3	
Home Furnishings with retail display (not including "mattress only", carpet, drapery, and discount furniture stores)	P		P	P	P1	P3	
Hardware, paint, glass, tools, curtains, home improvement	P1, P7		P	P	P1	P1, 3	
Medical equipment sales/rentals and health supplies	P4 P7		P	P		P3	
Outdoor vending machines		P					
EATING AND DRINKING ESTABLISHMENTS*							
All types of eating establishments providing meal service from an on-site operating commercial-grade kitchen, and/or dessert service from an on-site operating commercial-grade freezer/refrigerator facility with, or without, incidental sale of alcohol (including micro-breweries and; outdoor dining, but with no drive-through); including incidental reception-room-space-and-off-site-catering) with no live amplified entertainment or dancing	P	P	P	P	P	P3, 11	
Eating establishments (as defined above) with indoor amplified live-entertainment and/or dancing, drinking establishments, cabarets, bars and nightclubs serving alcohol with or without live entertainment and/or dance	P	C	C	C	P	C3	
Wine- and beer-tasting establishments (only with retail sales involving related merchandise that includes a significant portion of the sales area)	C	C	C	C	C	C3	
Drinking establishments, bars and nightclubs serving alcohol with or without live entertainment and/or dance	C	C	C	C	C	C3	

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

<u>LAND USE</u>		HD	PV	CCU	GT	M	SG	CN
FOOD AND LIQUOR SALES (excluding convenience and package stores)*								
Specialty foods, including imported and/or unique food products, produce, candy, baked goods, meat, etc., specialty liquor sales involving off-sale unique brands of beer, wine, and distilled spirits (establishments exceeding 7,000 SF of sales area require a Conditional Use Permit)	P	P	P	P	P	P	P3	
General grocery stores exceeding 7,000 SF of sales area with, or without, alcohol sales	PZ	P						
GENERAL OFFICE and FINANCIAL AND HEALTH / PERSONAL SERVICES*								
Administrative, business and professional offices (including short-term political campaign offices with a maximum duration of six months), employment agencies, secretarial services, realtors/real estate offices and counseling services, travel and ticket agencies, excluding call centers	P2	P	P	P	P	P	P	P6
Short-term political campaign offices with a maximum duration of six months	P	P	P	P	P	P	P	P6
Financial institutions, banks, savings and loans (excluding check cashing and/or payday loans as a primary use), travel bureaus, visitor and information center (including Downtown Business Association), governmental services, police and fire stations	P	P	P	P	P	P	P	P6
Off-site sales and call centers	P10						P	P6
HEALTH and PERSONAL SERVICES*								
Medical/dental/optical/offices, clinics and laboratories, licensed alternative holistic health-care establishments, day spas, excluding acupuncture and massage establishments as primary uses, veterinary services excluding animal boarding and outdoor pens/eages	P2	P	P	P	P	P	P	P6
Barber, beauty shops/salons including cosmetology involving ear piercing, permanent eye and lip lining, excluding other body piercing, body art, and inking parlors	P	P	P	P	P	P	P3	C1, 5, 6

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
SPECIALTY SERVICES (includes similar ancillary uses NEC*)							
Animal services to include pet training, boarding (indoor only), pet spas, pet day care and veterinary clinics	PZ		P	P			P6
Photographic developing and photocopy services, watch and clock and small appliance-repair, locksmiths	P	P	P	P	P	P	P6
Music recording/practice studios	P2	P4	P	P	P	P4	P1, 6
Custom-furniture upholstery and repair	P2P7					P3	
Picture framing shops	P	P4	P	P	P	P3	
Postal services including parcel delivery (public/private)	RP2	P	P	P	P	P	P
Cleaning and laundering services without on-site cleaning	P4P7	P1	P1	P1		P1, 4	C1, 5, 6
Cleaning establishments and laundries, self-service or coin operated	P7	P				C	C1, 5, 6
Mortuaries (not allowed within Grand Avenue's "historic retail core area")	P10						
Tailors and dressmakers and alterations	C10	PC				C	C6
ENTERTAINMENT, RECREATION AND CULTURAL*							
Dance facilities, pinball and electronic game arcades	RP2	P	P	P	P	P	C5, 6
Athletic clubs, health studios	C		C		C		
	P2,7	P	P	P	P	P3	P5, 6

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
ENTERTAINMENT AND RECREATION (continued)							
Galleries and studios pertaining to artists, craft workers and photographers (including incidental developing and printing), libraries, museums, etc., including incidental sale of merchandise pertaining to the primary use	P	P	P	P	P	P	P6
Dance and martial-arts studios and schools	P2		P	P	P	P3	P6
Martial arts schools and training facilities	P10		P	P	P	P3	P6
Entertainment establishments (including internet cafes) with incidental sale of food or alcohol (excluding incidental entertainment in restaurants)	C	C	C	C	C	C3	
Parks - general recreation	P	P	P	P		P	P
Roller-skating and bowling alleys and similar indoor arena sports			P	P	C		
Swimming pools and schools		P					P6
Theater, live and motion picture	P	P	P	P			
SOCIAL, PROFESSIONAL, RELIGIOUS ORGANIZATIONS*							
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities (not allowed within Grand Ave. "historic retail core area")	C	C	C	C	C	C	C
Social and professional organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations	C2	C	C	C	C	C	C
Youth Organizations		C	C	C	C	C	C

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
EDUCATION*							
Arts and crafts schools and colleges	P2	P	C	P	P	P	C6
Educational facilities for adults	C10						
Business colleges and professional schools (excluding vocational schools)	C2	P	C	C	C	C	C6
Daycare facilities (large) (not allowed within Grand Ave. "historic retail core area")	C10	C	C	C	C	C	C6
Daycare facilities (small)		P		P	P	P	P
Schools (primary and secondary education)		C		C	C	C	C
COMMUNICATIONS (wireless facilities subject to Article 34)							
Broadcasting (radio and/or television stations)	C7	C	C	C	P	C	C6
Newspaper printing and publishing	C7		C1	C1	C1	C1	C6
TRANSPORTATION AND MISCELLANEOUS SERVICES*							
Car-rental services, excluding maintenance and repair of vehicles			C	C			
Parking lots (municipal)	P	P	P	P	P	P	P
Parking lots (private full fee)	CP	CP	CP	CP	CP	CP	CP
Taxicab, trolley, shuttle, and pedicab stands (as an incidental feature integrated into the primary use)	P	P	P	P	P	P	P
Transit stations and car-rental services, including maintenance and repair				P			
Seasonal sales not exceeding 30 days, (including pumpkin, Christmas tree and wreath sales between October 1 and December 31, both dates inclusive, to the extent permitted by other statutory and ordinance provisions). Any structures and materials used for seasonal sales shall be removed from the premises immediately after December 31 and the property shall be restored to a neat condition	P	P	P	P	P	P	P

NOTES:

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
- 2 Within Grand Avenue's "historic retail-core area" use is not permitted on ground floor ~~on-facing~~ Grand Avenue unless located behind a solid wall, and such wall shall be located a minimum of 25% of the floor space back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. ~~No signage facing Grand Avenue is permitted, within front one-third or 1,000 SF of building space, whichever is greater.~~
- 3 Only permitted on Escondido Boulevard.
- 4 Only permitted within a multi-tenant building. May not occupy more than 30% of the gross floor area.
- 5 Only when integrated into a residential project.
- 6 Only permitted on Pennsylvania Avenue
- 7 Not allowed along Grand Avenue on ground floor within the "historic retail core area."
- 8 Residential and mixed-use projects are permitted in specified areas, subject to Master Project Plan approval similar to the planned development process (or equivalent) specified in Article 19 of the Escondido Zoning Code.
- 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 10 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 11 Permitted on Local Historic Register properties.

* Existing automobile dealerships were a non-conforming use at the time of adoption of the Interim Downtown Specific Plan. Conversion of these sites to a new, substantially different, use shall require plot plan review pursuant to Article 16 of the Escondido Zoning Code.

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

DOWNTOWN DISTRICTS:

- | | |
|-----|------------------------|
| HD | Historic Downtown |
| PV | Park View |
| CCU | Centre City Urban |
| GT | Gateway Transit |
| M | Mercado |
| SG | Southern Gateway |
| CN | Creekside Neighborhood |

SUBITEM B:

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

III. DESIGN PRINCIPALS, GUIDELINES & STANDARDS

Page III-15 - Amend Section III.B.2 PARKING

2. PARKING

On-site parking shall be provided according to Article 39 of the Escondido Zoning Code, with the exceptions noted below. The provision of on-site parking spaces shall not be required for existing, new or expanding non-residential uses within Vehicle Parking Districts 1 and 2. For mixed-use, and/or shopkeeper developments outside Vehicle Parking Districts 1 and 2, the number of spaces shall be calculated by totaling the gross floor area (GFA) of commercial space at a ratio of one space per 250 square feet GFA (or other appropriate ratio, depending on the uses proposed), plus standard parking ratios for residential uses and required guest spaces. For mixed-use, and/or shopkeeper developments within Vehicle Parking Districts 1 and 2, the number of spaces shall be based on the standard parking ratios for residential uses and required guest spaces. Parking may be modified through the Planned Development application process. Justification for any parking modification request shall be based on a peak-hour parking demand utilizing a methodology pre-approved by the City. A Plot Plan application will be required for construction of new floor area or conversion of existing parking spaces within Vehicle Parking Districts 1 and 2.

Page III-16 – Amend Section III.B.3 VEHICLE PARKING DISTRICT No. 1:

3. VEHICLE PARKING DISTRICT NO. 1

Special assessments have been paid by property owners whose businesses are located within Vehicle Parking District No. 1 for establishing and financing public parking spaces (Figure III-2). For the purpose of calculating parking requirements for a current or future non-residential use, a property shall be deemed to have the number of parking spaces required by the City for the most intensive land use permitted that existed for such property, in the past, plus any additional spaces that may have been provided, or for which in-lieu fees may have been paid, as described below. Developers of vacant or underdeveloped parcels are encouraged to provide a number of parking spaces commensurate with their anticipated demand, but there is no minimum requirement.

a. ~~Provisions for Existing Structures~~

~~This section shall be applicable to existing structures in Vehicle Parking District No. 1. It does not apply to residential structures (see also Figure III-3):~~

- ~~1. Existing structures may be remodeled with no additional parking requirements if the following conditions exist:
 - ~~a. There is no additional square footage added to the structures, and~~
 - ~~b. The remodeling takes twelve (12) months or less, from the date of building permit issuance.~~
 - ~~c. If additional square footage is added to structures, compliance with the parking requirements applicable to the structure, as set forth in this article shall be required.~~~~
- ~~2. Existing ground-level structures that are demolished may be replaced with the same square footage capacity without requiring additional parking under the following conditions:
 - ~~a. That construction of the replacement square footage commences within one (1) year, and~~
 - ~~b. That construction is completed within two (2) years of demolition permit issuance.~~
 - ~~c. If additional square footage is added to structures, there shall be compliance with the parking requirements that exist at the time of building permit issuance as set forth in this article.~~~~
- ~~3. Whenever an upper floor, or floors, of an existing structure are removed, the square footage capacity of the upper floor, or floors, removed or demolished may not be used for claiming a credit to meet the parking requirements applicable to any addition to the remaining floor level of the structure. Whenever additional square footage is added to the floor level of the structure, there shall be compliance with parking requirements applicable to the addition as set forth in this article.~~
- ~~4. If parking spaces are eliminated by either constructing an addition to an existing building, or by demolishing an existing building and constructing a new structure containing more square footage than the original structure, said replacement parking shall include:
 - ~~a. The original number of parking spaces; and,~~
 - ~~b. A new number of parking spaces as set forth in this article.~~~~
- ~~5. Whenever the application of the formula, as specified in this section, results in a fractional requirement for a vehicle parking space, the property owner in Vehicle Parking District No. 1 shall comply with the City's Parking Ordinance (Article 39, Section 33-776) pertaining to fractional spaces.~~

~~b. Provisions for New Structures~~

~~This section shall be applicable to new structures in Vehicle Parking District No. 1, excepting residential structures:~~

- ~~1. New structures, or previously unused square footage (i.e., vacant second stories converted to active use), must provide parking as required by Article 39.~~
- ~~2. New structures may utilize public parking lot spaces to count toward their required parking under the following circumstances:~~
 - ~~a. That the subject public lot is restriped to add extra spaces that may then be counted toward required parking; or,~~
 - ~~b. That any extra spaces that are counted toward required parking not be specifically designated or reserved for said use.~~

Page III-17 – Add Section III.B.3A Vehicle Parking District No. 2:

Vehicle Parking District No. 2 (Figure III-3) is the western extension of downtown and has been identified as a targeted commercial area where parking incentives could help retain existing businesses and facilitate new or expanding businesses. The area of the Mercado District that is included within the Downtown Specific Plan is also included within Vehicle Parking District No. 2. For the purpose of calculating parking requirements for a current or future non-residential use, a property shall be deemed to have the number of parking spaces required by the City for the most intensive land use permitted for such property. Developers of vacant or underdeveloped parcels are encouraged to provide a number of parking spaces commensurate with their anticipated demand, but there is no minimum requirement.

Page III-19 – Figure III-3 Parking Requirements within Downtown Vehicle Parking District:

Revise Figure III-3 to depict Vehicle Parking District No. 2

Page III-21 – Amend Section III.B.4 DOWNTOWN RETAIL CORE PARKING DISTRICT:

4. DOWNTOWN RETAIL CORE PARKING DISTRICT

The parking ratio for all land uses within the Downtown Retail Core Parking District (Figure III-2) shall be the same as Vehicle Parking District No. 1. ~~is three (3) parking spaces per one thousand square feet of gross floor area. This provision also credits all buildings within this parking district with the number of spaces equal to three (3) parking spaces per one thousand square feet of gross floor area.~~ Parking management strategies for public off-street parking lots may include time restrictions and the sale of parking permits for long-term parking on selected public lots

The signs for municipal parking lots, installation of pedestrian arcades and pass-throughs, improvement of the alleyways facing the parking lots, and required landscaping of the lots would encourage the use of off-street parking as an alternative to on-street parking. ~~The provision of both long and short-term restrictions, continued use of the parking permit system, and aggressive parking enforcement would ensure more efficient use of the parking facilities.~~ In the absence of time restrictions and permits for parking, employers shall be responsible for

coordinating with the Downtown Business Association to develop employee parking policies that ensure convenient customer parking remains available for customers.

V. LAND-USE DISTRICTS

HISTORIC DOWNTOWN DISTRICT

Page V-6 – Amend Figure V-2a and the bulleted items in Section 3 LAND USES:

- ~~Ground-floor properties that are 25 feet, or larger, in width oriented toward Grand Avenue shall devote the entire Grand Avenue frontage, as well as a minimum of one-fourth~~ third of the building depth or 25 feet ~~1,000 square feet of the front portion ground-level area (whichever is greater), for pedestrian-oriented active retail/restaurant uses.~~
- ~~In cases where the For properties less than 25 feet in width oriented toward Grand Avenue, the entire width, and at least one-third of the ground floor building depth shall be devoted to pedestrian-oriented active retail/restaurant uses~~ only occupy the front portion of the building as noted above, a fixed, solid wall with a minimum height of eight feet shall be installed to define the retail/restaurant environment and provide separation from the permitted activities occurring in the back of the building. The wall shall span the entire width of the building and may include doors to meet fire and building code requirements.
- ~~For properties greater than 50 feet in width oriented toward Grand Avenue, the active retail uses shall be determined on a case-by-case basis provided at least 25 feet of the front building depth is devoted to pedestrian-oriented active retail/restaurant uses.~~
- Storage/office areas associated with retail establishments are not included in pedestrian-oriented active retail/restaurant use floor-area calculations.

Permitted ground-floor uses that do not front on Grand Avenue shall achieve pedestrian access from the rear or side of the building via an alley or side street and shall not have ~~direct primary~~ access or signage oriented toward Grand Avenue. Drive through businesses and convenience stores are not allowed, with the exception of financial institutions. For a detailed list of permitted and conditionally uses refer to Land-Use Matrix (Figure II-2).

HISTORIC DOWNTOWN DISTRICT

Page V-8 – Amend Section g. Parking:

~~Between Maple Street, Juniper Street, Second Avenue, and Ivy Street~~ Valley Parkway, the provisions of the Retail Core Parking District apply as described in Chapter III. Within the remaining portion of the Downtown Retail District, parking shall be provided according to standards set for the Vehicle Parking District No. 1.

Outside Vehicle Parking Districts Nos. 1 and 2, No-P parking shall be required for the ~~outside or rooftop seating areas that does not exceed 50% of the inside seating area or 50% of the rooftop area, whichever is less.~~

PARKVIEW DISTRICT

Page V-15 – Amend Section g. Parking:

Parking for all commercial and multi-family residential uses shall be provided in accordance with Article 39 of the Escondido Zoning Code, excepting that portion of the district located within Vehicle Parking District No. 1, which shall provide parking according to Section III.B.3. Reductions for mixed-use projects may be considered on a case-by-case basis if it can be determined that adequate parking would be provided for the project.

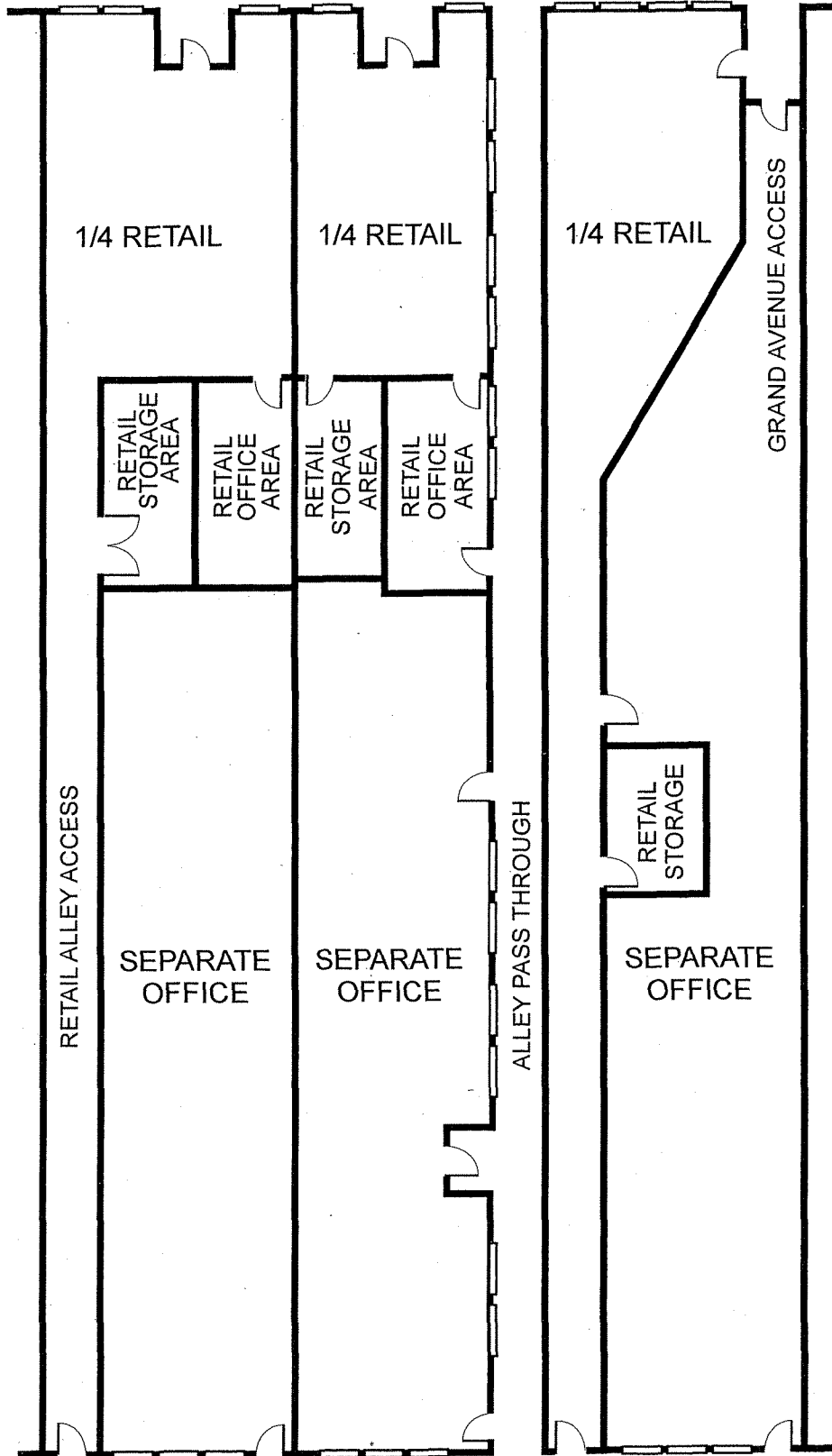
MERCADO DISTRICT

Page V-36 – Amend Section g. Parking:

In accordance with Vehicle Parking District No 2, there is no minimum parking requirement for non-residential uses. Parking shall conform to Article 39 of the Escondido Zoning Code.

Revised Figure V-2a

GRAND AVENUE

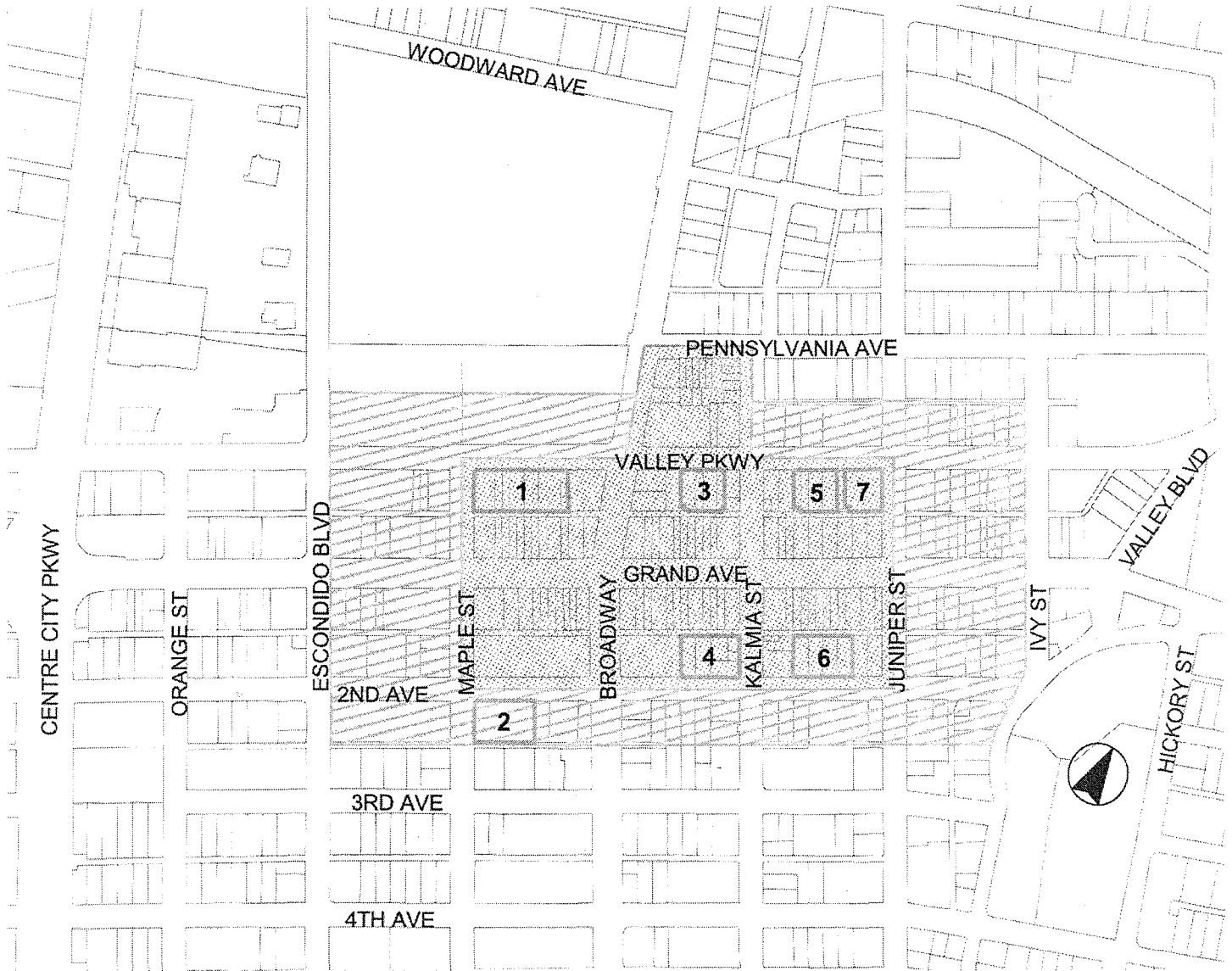


↑
Incorporating only
alley access for retail
no office access to
Grand Ave

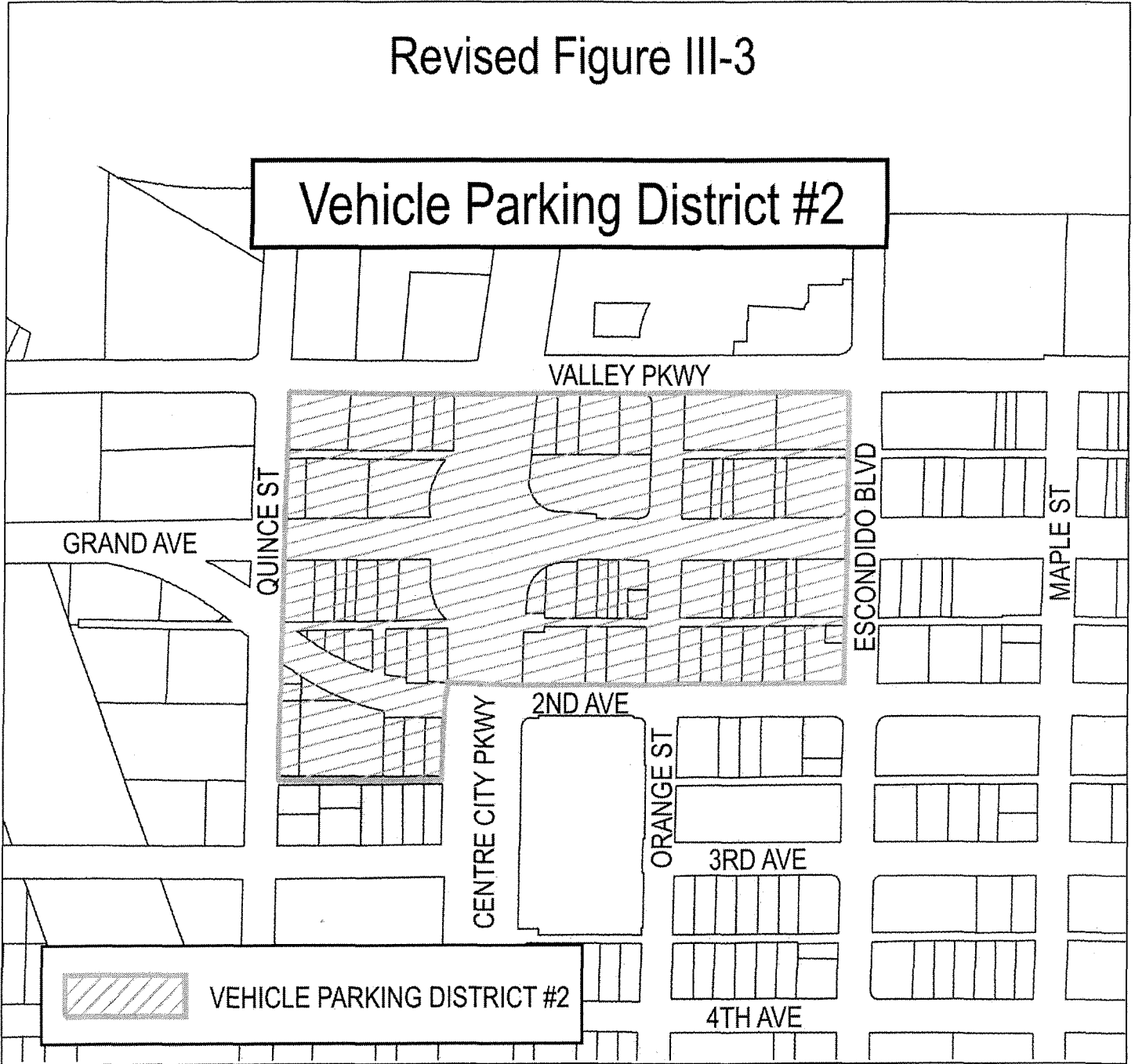
↑
ALLEY
Incorporating
alley pass
through

↑
Incorporating
dedicated access
from front and
rear

Vehicle Parking District No. 1/ Retail Core Parking District



Revised Figure III-3





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

Notice of Exemption

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

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

Project Title/Case No.: Amendment to the Interim Downtown Specific Plan (AZ 09-0006)

Project Location - Specific: The Downtown Specific Plan Area (SPA) encompasses approximately 460 acres extending from I-15 and West Valley Parkway to Palomar Hospital, between Washington Avenue and Fifth Avenue.

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

Description of Project:

A request to amend the Interim Downtown Specific Plan consisting of two subitems that would revise the Permitted Use Matrix to refine land use categories and permitted uses, and eliminate on-site parking space requirements for existing, new and expanding non-residential uses within Vehicle Parking Districts 1 and 2 in the core downtown area.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: City of Escondido Planning Division – Bill Martin

Telephone: (760) 839-4557

Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status:

Categorical Exemption. CEQA Section 15061(b)(3), "General Rule"

Reasons why project is exempt:

1. The proposed project is limited to modifying the list of permitted businesses allowed within an existing specific plan area and eliminating existing parking standards within a defined downtown area. No physical changes are proposed to any existing structures located within the specific plan area.
2. The Downtown Specific Plan encompasses the urban core of the city and has no value as habitat for endangered, threatened or rare species.
3. The proposal would refine existing land use regulations within an established urban area. No construction is proposed and the project would not result in any significant effects related to traffic, noise, air quality or water quality.
4. In staff's opinion the proposal would not have the potential to cause an adverse impact on the environment. Therefore, the proposal is not subject to further CEQA review.

Lead Agency Contact Person: Bill Martin

Area Code/Telephone/Extension (760) 839-4557

Signature: _____

Bill Martin, Principal Planner

JUNE 22, 2011

Date

Signed by Lead Agency

Date received for filing at OPR:

RESOLUTION NO. 2011-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE INTERIM DOWNTOWN SPECIFIC PLAN CONSISTING OF TWO SUBITEMS TO REVISE THE PERMITTED USE MATRIX AND AMEND THE SPECIFIC PLAN TEXT TO ELIMINATE PARKING SPACE REQUIREMENTS IN THE CORE DOWNTOWN AREA AND MODIFY THE MINIMUM RETAIL STOREFRONT DEPTH IN THE RETAIL CORE AREA

Applicant: City of Escondido
Planning Case No.: AZ 09-0006

WHEREAS, on June 28, 2011, the Planning Commission recommended approval of Subitem A of the proposed amendments to the Interim Downtown Specific Plan and denial of Subitem B, described as follows:

- Subitem A: Amendment to Interim Downtown Specific Plan, Figure II-2, Permitted Use Matrix, to refine the land use categories, notations, and permitted uses primarily in the Historic Downtown District, but inclusive of all districts within the specific plan.
- Subitem B: Amendment to Interim Downtown Specific Plan, Section III. (Design Principles, Guidelines and Standards) and Section V. (Land Use Districts), to eliminate on-site parking space requirements for existing, new or expanding non-residential uses within Vehicle Parking District No. 1 and the proposed Vehicle Parking District No. 2. An additional amendment would reduce minimum retail storefront depth requirements for businesses fronting on Grand Avenue in the Retail Core Area.

WHEREAS, the City Council held a duly noticed public hearing to consider the proposal, the staff report, the notice of exemption, the recommendation of the Planning Commission, and the public testimony presented at the hearings; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said amendments to the Interim Downtown Specific Plan;

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 Notice of Exemption, which was issued pursuant to the California Environmental Quality Act, Section 15061(b)(3), "General Rule," and has determined that it adequately addresses all the environmental issues associated with the project.
3. That upon consideration of the environmental review, all material in the staff report (a copy of which is on file in the Planning Division), the recommendation of the Planning Commission, public testimony presented at the hearings, and all other oral and written evidence on this project, the City Council hereby approves the proposed amendments to the Interim Downtown Specific Plan set forth in Exhibit "A," which is attached to this resolution and incorporated by this reference.

FIGURE II-2
PERMITTED USE MATRIX

LAND USE	HD	PV	CCU	GT	M	SG	CN
RESIDENTIAL AND LODGING (in accordance with Figure II-3A)							
Bed-and-breakfast establishments						C	C
Residential-care facilities						C	C
Hotels and Motels (subject to submittal requirements and findings for other commercial zones in the City)	C	C	C	C	C		
Residential above ground floor in specified areas, in conjunction with permitted non-residential use on ground floor (refer to Figure II-3 for appropriate locations and housing types)	P	P9	P	P	P	P	P
Residential, on ground floor in specified areas (refer to Figure II-3 for appropriate locations and housing types)	P7, 8	P8, 9	P8	P8	P8	C/P8P	P/C6
GENERAL RETAIL*							
New merchandise sold in department stores, drugstores, pharmacies, and retail establishments selling toys, flowers, gifts, stationery, jewelry, leather, apparel, shoes (including repair), china, glassware, pottery, crafts, cigars, yardage goods, pets, hobbies, art supplies, video sales and rental, music (including incidental recording, instruction and instrument repair) books/magazines/newspapers, sporting goods, bicycles/cameras/electronics/office business/small household appliance sales and service, and other similar retail goods and incidental services NEC. Prohibited uses include retail uses with across the board maximum pricing or "everything under" pricing and surplus goods.	P	P	P	P	P	P3	P6
Previously owned goods and merchandise including antiques, collectibles, coins, consignment and stamps, excluding pawn shops, second hand and consignment stores, and thrift stores.							

NOTES:

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
- 2 Within Grand Avenue's "historic retail-core area" use is not permitted on ground floor on-facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted, within front one-third or 1,000-SF-of building space, whichever is greater.
- 3 Only permitted on Escondido Boulevard.
- 4 Only permitted within a multi-tenant building. May not occupy more than 30% of the gross floor area.
- 5 Only when integrated into a residential project.
- 6 Only permitted on Pennsylvania Avenue
- 7 Not allowed along Grand Avenue on ground floor within the "historic retail core area."
- 8 Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Escondido Zoning Code.
- 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 10 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 11 Permitted on Local Historic Register properties.

* Existing automobile dealerships were a non-conforming use at the time of adoption of the Interim Downtown Specific Plan. Conversion of these sites to a new, substantially different, use shall require plot plan review pursuant to Article 16 of the Escondido Zoning Code.

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
GENERAL RETAIL (continued)							
Automobile supply stores with, or without, incidental installation				P		P3	
Carpet and floor covering and installations				P		P3	
Large appliance sales (including incidental service)	P7		P	P	P1	P3	
Home Furnishings with retail display (not including "mattress only" carpet, drapery, and discount furniture stores)	P		P	P	P1	P3	
Hardware, paint, glass, tools, curtains, home improvement	P1, P7		P	P	P1	P1, 3	
Medical equipment sales/rentals and health supplies	P4, P7		P	P		P3	
Outdoor vending machines		P					
EATING AND DRINKING ESTABLISHMENTS*							
All types of eating establishments providing meal service from an on-site operating commercial-grade kitchen, and/or dessert service from an on-site operating commercial-grade freezer/refrigerator facility with, or without, incidental sale of alcohol (including micro-breweries and outdoor dining, but with no drive-through), including incidental reception-room space and off-site catering, with no live amplified entertainment or dancing	P	P	P	P	P	P3, 11	
Eating establishments (as defined above) with indoor amplified live entertainment and/or dancing, drinking establishments, cabarets, bars and nightclubs serving alcohol with or without live entertainment and/or dance	P	C	C	C	P	C3	
Wine- and beer-tasting establishments (only with retail sales involving related merchandise that includes a significant portion of the sales area)	C	C	C	C	C	C3	
Drinking establishments, bars and nightclubs serving alcohol with or without live entertainment and/or dance	C	C	C	C	C	C3	

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
FOOD AND LIQUOR SALES (excluding convenience and package stores)*							
Specialty foods, including imported and/or unique food products, produce, candy, baked goods, meat, etc., specialty liquor sales involving off-sale unique brands of beer, wine, and distilled spirits (establishments exceeding 7,000 SF of sales area require a Conditional Use Permit)	P	P	P	P	P	P3	
General grocery stores exceeding 7,000 SF of sales area with, or without, alcohol sales	PZ	P	P				
GENERAL OFFICE and FINANCIAL AND HEALTH / PERSONAL SERVICES*							
Administrative, business and professional offices (including short-term-political campaign offices with a maximum duration of six months), employment agencies, secretarial services, realtors/real estate offices and counseling services, travel and ticket agencies, excluding call centers	P2	P	P	P	P	P	P6
Short-term political campaign offices with a maximum duration of six months	P	P	P	P	P	P	P6
Financial institutions, banks, savings and loans (excluding check cashing and/or payday loans as a primary use), travel bureaus, visitor and information center (including Downtown Business Association), governmental services, police and fire stations	P	P	P	P	P	P	P6
Off-site sales and call centers	P10					P	P6
HEALTH and PERSONAL SERVICES*							
Medical/dental/optical/offices, clinics and laboratories, licensed alternative/holistic health-care establishments, day spas, excluding acupuncture and massage establishments as primary uses, veterinary services excluding animal-boarding and outdoor pens/cages.	P2	P		P	P	P	P6
Barber, beauty shops-salons including cosmetology involving ear piercing, permanent eye and lip lining, excluding other body piercing, body art, and inking parlors	P	P	P	P	P	P3	C1, 5, 6

DOWNTOWN DISTRICTS:
 HD Historic Downtown
 PV Park View
 CCU Centre City Urban
 GT Gateway Transit
 M Mercado
 SG Southern Gateway
 CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
SPECIALTY SERVICES (includes similar ancillary uses NEC)*							
Animal services to include pet training, boarding (indoor only), pet spas, pet day care and veterinary clinics	P7		P	P			P6
Photographic developing and photocopy services, watch and clock and small appliance-repair, locksmiths	P	P	P	P	P	P	P6
Music recording/practice studios	P2	P4	P	P	P	P4	P1, 6
Custom-furniture upholstery and repair	P2P7					P3	
Picture framing shops	P	P4	P	P	P	P3	
Postal services including parcel delivery (public/private)	PP2	P	P	P	P	P	P
Cleaning and laundering services without on-site cleaning	P4P7	P1	P1	P1		P1, 4	C1, 5, 6
Cleaning establishments and laundries, self-service or coin operated	P7 P10	P				C	C1, 5, 6
Mortuaries (not allowed within Grand Avenue's "historic retail-core area")	C10	PC				C	C6
Tailors and dressmakers and alterations	PP2	P	P	P	P	P	C5, 6
ENTERTAINMENT, RECREATION AND CULTURAL*							
Dance facilities, pinball and electronic game arcades	C		C		C		
Athletic clubs, health studios	P2,7	P	P	P	P	P3	P5, 6

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

LAND USE									
ENTERTAINMENT AND RECREATION (continued)									
	HD	PV	CCU	GT	M	SG	CN		
Galleries and studios pertaining to artists, craft workers and photographers (including incidental developing and printing), libraries, museums, etc., including incidental sale of merchandise pertaining to the primary use	P	P	P	P	P	P	P6		
Dance and martial-arts-studios and schools	P2		P	P	P	P3	P6		
Martial arts schools and training facilities	P10		P	P	P	P3	P6		
Entertainment establishments (including internet cafes) with incidental sale of food or alcohol (excluding incidental entertainment in restaurants)	C	C	C	C	C	C3			
Parks - general recreation	P	P	P	P		P	P		
Roller-skating and bowling alleys and similar indoor arena sports			P	P	C				
Swimming pools and schools		P					P6		
Theater, live and motion picture	P	P	P	P					
SOCIAL, PROFESSIONAL, RELIGIOUS ORGANIZATIONS*									
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities (not allowed within Grand Ave. "historic retail core area")	C	C	C	C	C	C	C		
Social and professional organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations	C2	C	C	C	C	C	C		
Youth Organizations		C	C	C	C	C	C		

DOWNTOWN DISTRICTS:
 HD Historic Downtown
 PV Park View
 CCU Centre City Urban
 GT Gateway Transit
 M Mercado
 SG Southern Gateway
 CN Creekside Neighborhood

LAND USE	HD	PV	CCU	GT	M	SG	CN
EDUCATION*							
Arts and crafts schools and colleges/Educational facilities for adults	P2 C10	P	C	P	P	P	C6
Business colleges and professional schools (excluding vocational schools)	C2	P	C	C	C	C	C6
Daycare facilities (large) (not allowed within Grand Ave. "historic retail-core area")	C10	C	C	C	C	C	C6
Daycare facilities (small)		P		P	P	P	P
Schools (primary and secondary education)		C		C	C	C	C
COMMUNICATIONS (wireless facilities subject to Article 34)							
Broadcasting (radio and/or television stations)	C7	C	C	C	P	C	C6
Newspaper printing and publishing	C7		C1	C1	C1	C1	C6
TRANSPORTATION AND MISCELLANEOUS SERVICES*							
Car-rental services, excluding maintenance and repair of vehicles			C	C			
Parking lots (municipal)	P	P	P	P	P	P	P
Parking lots (private full fee)	C	C	C	C	C	C	C
Taxicab, trolley, shuttle, and pedicab stands (as an incidental feature integrated into the primary use)	P	P	P	P	P	P	P
Transit stations and car-rental services, including maintenance and repair				P			
Seasonal sales not exceeding 30 days, (including pumpkin, Christmas tree and wreath sales between October 1 and December 31, both dates inclusive, to the extent permitted by other statutory and ordinance provisions). Any structures and materials used for seasonal sales shall be removed from the premises immediately after December 31 and the property shall be restored to a neat condition	P	P	P	P	P	P	P

NOTES:

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
- 2 Within Grand Avenue's "historic retail-core area" use is not permitted on ground floor east-facing Grand Avenue unless located behind a solid wall, and such wall shall be located a minimum of 25% of the floor space back from the front with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted, within front one-third or 1,000 SF of building space, whichever is greater.
- 3 Only permitted on Escondido Boulevard.
- 4 Only permitted within a multi-tenant building. May not occupy more than 30% of the gross floor area.
- 5 Only when integrated into a residential project.
- 6 Only permitted on Pennsylvania Avenue
- 7 Not allowed along Grand Avenue on ground floor within the "historic retail core area."
- 8 Residential and mixed-use projects are permitted in specified areas, subject to Master Project Plan approval similar to the planned development process (or equivalent) specified in Article 19 of the Escondido Zoning Code.
- 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 10 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 11 Permitted on Local Historic Register properties.
- * Existing automobile dealerships were a non-conforming use at the time of adoption of the Interim Downtown Specific Plan. Conversion of these sites to a new, substantially different, use shall require plot plan review pursuant to Article 16 of the Escondido Zoning Code.

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

DOWNTOWN DISTRICTS:

- | | |
|-----|------------------------|
| HD | Historic Downtown |
| PV | Park View |
| CCU | Centre City Urban |
| GT | Gateway Transit |
| M | Mercado |
| SG | Southern Gateway |
| CN | Creekside Neighborhood |

PROPOSED AMENDMENT TO THE INTERIM DOWNTOWN SPECIFIC PLAN:

III. DESIGN PRINCIPALS, GUIDELINES & STANDARDS

Page III-15 - Amend Section III.B.2 PARKING

2. PARKING

On-site parking shall be provided according to Article 39 of the Escondido Zoning Code, with the exceptions noted below. The provision of on-site parking spaces shall not be required for existing, new or expanding non-residential uses within Vehicle Parking Districts 1 and 2. For mixed-use, and/or shopkeeper developments outside Vehicle Parking Districts 1 and 2, the number of spaces shall be calculated by totaling the gross floor area (GFA) of commercial space at a ratio of one space per 250 square feet GFA (or other appropriate ratio, depending on the uses proposed), plus standard parking ratios for residential uses and required guest spaces. For mixed-use, and/or shopkeeper developments within Vehicle Parking Districts 1 and 2, the number of spaces shall be based on the standard parking ratios for residential uses and required guest spaces. Parking may be modified through the Planned Development application process. Justification for any parking modification request shall be based on a peak-hour parking demand utilizing a methodology pre-approved by the City. A Plot Plan application will be required for construction of new floor area or conversion of existing parking spaces within Vehicle Parking Districts 1 and 2.

Page III-16 – Amend Section III.B.3 VEHICLE PARKING DISTRICT No. 1:

3. VEHICLE PARKING DISTRICT NO. 1

Special assessments have been paid by property owners whose businesses are located within Vehicle Parking District No. 1 for establishing and financing public parking spaces (Figure III-2). For the purpose of calculating parking requirements for a current or future non-residential use, a property shall be deemed to have the number of parking spaces required by the City for the most intensive land use permitted that existed for such property, in the past, plus any additional spaces that may have been provided, or for which in-lieu fees may have been paid, as described below. Developers of vacant or underdeveloped parcels are encouraged to provide a number of parking spaces commensurate with their anticipated demand, but there is no minimum requirement.

~~a. Provisions for Existing Structures~~

~~This section shall be applicable to existing structures in Vehicle Parking District No. 1. It does not apply to residential structures (see also Figure III-3):~~

~~1. Existing structures may be remodeled with no additional parking requirements if the following conditions exist:~~

~~a. There is no additional square footage added to the structures, and~~

- ~~b. The remodeling takes twelve (12) months or less, from the date of building permit issuance.~~
- ~~c. If additional square footage is added to structures, compliance with the parking requirements applicable to the structure, as set forth in this article shall be required.~~
- ~~2. Existing ground-level structures that are demolished may be replaced with the same square footage capacity without requiring additional parking under the following conditions:~~
- ~~a. That construction of the replacement square footage commences within one (1) year, and~~
- ~~b. That construction is completed within two (2) years of demolition permit issuance.~~
- ~~c. If additional square footage is added to structures, there shall be compliance with the parking requirements that exist at the time of building permit issuance as set forth in this article.~~
- ~~3. Whenever an upper floor, or floors, of an existing structure are removed, the square footage capacity of the upper floor, or floors, removed or demolished may not be used for claiming a credit to meet the parking requirements applicable to any addition to the remaining floor level of the structure. Whenever additional square footage is added to the floor level of the structure, there shall be compliance with parking requirements applicable to the addition as set forth in this article.~~
- ~~4. If parking spaces are eliminated by either constructing an addition to an existing building, or by demolishing an existing building and constructing a new structure containing more square footage than the original structure, said replacement parking shall include:~~
- ~~a. The original number of parking spaces; and,~~
- ~~b. A new number of parking spaces as set forth in this article.~~
- ~~5. Whenever the application of the formula, as specified in this section, results in a fractional requirement for a vehicle parking space, the property owner in Vehicle Parking District No. 1 shall comply with the City's Parking Ordinance (Article 39, Section 33-776) pertaining to fractional spaces.~~

b. Provisions for New Structures

~~This section shall be applicable to new structures in Vehicle Parking District No. 1, excepting residential structures:~~

- ~~1. New structures, or previously unused square footage (i.e., vacant second stories converted to active use), must provide parking as required by Article 39.~~

- ~~2. New structures may utilize public parking lot spaces to count toward their required parking under the following circumstances:~~
 - ~~a. That the subject public lot is restriped to add extra spaces that may then be counted toward required parking; or,~~
 - ~~b. That any extra spaces that are counted toward required parking not be specifically designated or reserved for said use.~~

Page III-17 – Add Section III.B.3A Vehicle Parking District No. 2:

Vehicle Parking District No. 2 (Figure III-3) is the western extension of downtown and has been identified as a targeted commercial area where parking incentives could help retain existing businesses and facilitate new or expanding businesses. The area of the Mercado District that is included within the Downtown Specific Plan is also included within Vehicle Parking District No. 2. For the purpose of calculating parking requirements for a current or future non-residential use, a property shall be deemed to have the number of parking spaces required by the City for the most intensive land use permitted for such property. Developers of vacant or underdeveloped parcels are encouraged to provide a number of parking spaces commensurate with their anticipated demand, but there is no minimum requirement.

Page III-19 – Figure III-3 Parking Requirements within Downtown Vehicle Parking District:

Revise Figure III-3 to depict Vehicle Parking District No. 2

Page III-21 – Amend Section III.B.4 DOWNTOWN RETAIL CORE PARKING DISTRICT:

4. DOWNTOWN RETAIL CORE PARKING DISTRICT

The parking ratio for all land uses within the Downtown Retail Core Parking District (Figure III-2) shall be the same as Vehicle Parking District No. 1. ~~is three (3) parking spaces per one thousand square feet of gross floor area. This provision also credits all buildings within this parking district with the number of spaces equal to three (3) parking spaces per one thousand square feet of gross floor area.~~ Parking management strategies for public off-street parking lots may include time restrictions and the sale of parking permits for long-term parking on selected public lots

The signs for municipal parking lots, installation of pedestrian arcades and pass-throughs, improvement of the alleyways facing the parking lots, and required landscaping of the lots would encourage the use of off-street parking as an alternative to on-street parking. ~~The provision of both long and short term restrictions, continued use of the parking permit system, and aggressive parking enforcement would ensure more efficient use of the parking facilities.~~ In the absence of time restrictions and permits for parking, employers shall be responsible for coordinating with the Downtown Business Association to develop employee parking policies that ensure convenient customer parking remains available for customers.

V. LAND-USE DISTRICTS

HISTORIC DOWNTOWN DISTRICT

Page V-6 – Amend Figure V-2a and the bulleted items in Section 3 LAND USES:

- ~~Ground-floor properties that are 25 feet, or larger, in width oriented toward Grand Avenue shall devote the entire Grand Avenue frontage, as well as a minimum of one-fourth third of the building depth or 25 feet 1,000 square feet of the front portion ground-level area (whichever is greater), for pedestrian-oriented active retail/restaurant uses.~~
- ~~In cases where the For properties less than 25 feet in width oriented toward Grand Avenue, the entire width, and at least one-third of the ground floor building depth shall be devoted to pedestrian-oriented active retail/restaurant uses only occupy the front portion of the building as noted above, a fixed, solid wall with a minimum height of eight feet shall be installed to define the retail/restaurant environment and provide separation from the permitted activities occurring in the back of the building. The wall shall span the entire width of the building and may include doors or openings to meet fire and building code requirements.~~
- ~~For properties greater than 50 feet in width oriented toward Grand Avenue, the active retail uses shall be determined on a case-by-case basis provided at least 25 feet of the front building depth is devoted to pedestrian-oriented active retail/restaurant uses.~~
- Storage/office areas associated with retail establishments are not included in pedestrian-oriented active retail/restaurant use floor-area calculations.

Permitted ground-floor uses that do not front on Grand Avenue shall achieve pedestrian access from the rear or side of the building via an alley or side street and shall not have direct primary access or signage oriented toward Grand Avenue. Drive through businesses and convenience stores are not allowed, with the exception of financial institutions. For a detailed list of permitted and conditionally uses refer to Land-Use Matrix (Figure II-2).

HISTORIC DOWNTOWN DISTRICT

Page V-8 – Amend Section g. Parking:

~~Between Maple Street, Juniper Street, Second Avenue, and Ivy Street~~Valley Parkway, the provisions of the Retail Core Parking District apply as described in Chapter III. Within the remaining portion of the Downtown Retail District, parking shall be provided according to standards set for the Vehicle Parking District No. 1.

Outside Vehicle Parking Districts Nos. 1 and 2, No-Pparking shall be required for the outside or rooftop seating areas that does not exceed 50% of the inside seating area or 50% of the rooftop area, whichever is less.

PARKVIEW DISTRICT

Page V-15 – Amend Section g. Parking:

Parking for all commercial and multi-family residential uses shall be provided in accordance with Article 39 of the Escondido Zoning Code, excepting that portion of the district located within Vehicle Parking District No. 1, which shall provide parking according to Section III.B.3. Reductions for mixed-use projects may be considered on a case-by-case basis if it can be determined that adequate parking would be provided for the project.

MERCADO DISTRICT

Page V-36 – Amend Section g. Parking:

In accordance with Vehicle Parking District No 2, there is no minimum parking requirement for non-residential uses. ~~Parking shall conform to Article 39 of the Escondido Zoning Code.~~

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Lori Vereker, Director of Utilities

SUBJECT: 2010 Urban Water Management Plan

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-93 approving the 2010 Urban Water Management Plan

FISCAL ANALYSIS:

No fiscal impact

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

To meet the requirements of California Water Code

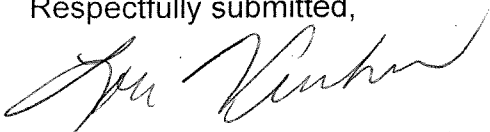
PREVIOUS ACTION:

The Council approved and adopted the 2005 Urban Water Management Plan (UWMP) on December 7, 2005, by Resolution No. 2005-284.

BACKGROUND:

The Urban Water Management Planning Act of the California Water Code requires urban water agencies to update their UWMP every five years. Adopted plan will be submitted to the California Department of Water Resources.

Respectfully submitted,



Lori Vereker

RESOLUTION NO. 2011-93

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK, ON BEHALF OF THE CITY, TO
ADOPT THE 2010 URBAN WATER
MANAGEMENT PLAN

WHEREAS, water is vital to public health, the health of the economy and the environment, as well as the future of a community; and

WHEREAS the proper, cost effective and efficient management of our water resources is essential to ensuring water supplies now and in the future; and

WHEREAS, the City of Escondido has completed an Urban Water Management Plan pursuant to the requirements of the California Water Code Section 10610 et seq.; and

WHEREAS, the Plan is a formal document to discuss past, current and projected water demands; water use efficiencies; existing and future water supply sources; and water management practices.

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 approves and adopts the 2010 Urban Water Management Plan.
3. That the Director of Utilities is authorized and directed to implement the measures included in the plan as the City of Escondido's part in the local and regional

water management efforts. A copy of the 2010 Urban Water Management Plan is attached as Exhibit "A" and incorporated by this reference.



Agenda Item No.: 12
Date: July 13, 2011

- () There is no material for this agenda item**

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

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

DUE TO THE SIZE OF THIS AGENDA ITEM:

- (X) The 2010 Draft Urban Water Management Plan is on file for public viewing in the City Clerk's Office. This document is also available on the City's website. Please use the following link:**

<http://www.escondido.org/Data/Sites/1/pdfs/Utilities/2010DraftUrbanWaterManagementPlan.pdf>

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 13

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Ali M. Shahzad, Associate Engineer

SUBJECT: Implement Two-hour and Three-Hour Parking Time Zones at Various Locations
Citywide

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-46, to implement two-hour and three-hour parking time zones at various locations citywide, listed below, with minor field adjustments per field conditions.

1. Lincoln / Ash
2. Jesmond Dene / Broadway
3. Park / E of Broadway
3. Las Villas / El Norte
5. Lincoln / E of Rose (3-hour time zone)
6. Broadway / Lincoln Avenue
7. 400 W. 9th Avenue
8. 2100 E. Valley
9. 600 N. Broadway in front of Food for Less
10. 2200 S. Escondido
11. Mission from Juniper east to Fig
12. Beechwood / Washington
13. Rose Street between Grand Avenue and Valley Parkway
14. Valley Parkway and Claudan Road
15. Broadway south of Crest Street (west-side)

FISCAL ANALYSIS:

Funds are available in the CIP Streets Annual Maintenance budget for the \$12,000 estimated sign installation expenses.

PREVIOUS ACTION:

On March 17, 2011, the Transportation and Community Safety Commission (TCSC) recommended approval to implement two-hour and three-hour parking time zones at various locations citywide.

BACKGROUND:

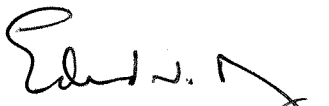
Escondido Municipal Code section 28-143 authorizes the City Traffic Engineer, with the approval of the City Council, to install signs and markings where necessary to restrict parking for a certain period of time. City officials regularly have received complaints of parking spaces being occupied for long periods by vehicles with "for sale" signs on them. The cars often appear to be parked for the sole purpose of selling the vehicle, but that purpose is difficult to verify without dedicating significant law enforcement resources. Likewise, efforts to limit the types of signs displayed on vehicles face several constitutional challenges.

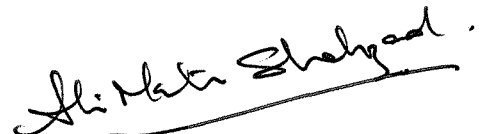
As a general rule, cars may be parked on a public street for 72 hours at a time. But long term parking of vehicles by a relatively few sellers hampers the regular turnover of parking spaces that is needed to support local businesses and residences. Although the recommended parking restrictions may force the sellers to move to other streets, at some point the lack of adequate exposure or cost of frequently moving the vehicles should hinder those businesses that seek to use the public parking spaces for their personal gain.

The Escondido Police Department Traffic Bureau identified those areas most commonly used for long term parking of vehicles with for sale signs. The City Traffic Engineer evaluated each area and found it appropriate to restrict parking in those areas identified above. On March 17, 2011, the TCSC recommended approval to implement two-hour and three-hour parking time zones at various locations citywide. During discussion at the TCSC, the elementary school district representative requested area 5 off Lincoln be designated for three-hour restricted parking due to multiple school events scheduled that regularly exceed two hours in duration. This is the only three-hour area so designated in this request.

As a part of the final evaluation of this request, the City Traffic Engineer sent out a mass mailing of approximately 180 notices to the property owners/tenants in close proximity to the respective areas evaluated. Only two return calls were received from this mailing- one requesting the limited time parking area be expanded and the other opposing the parking restriction because they did not feel this would solve the problem. Both of these comments were considered in the final delineation of the limited timed parking areas. The proposed parking restrictions are necessary to ensure equal access to public parking spaces and will have a positive impact on those businesses/residences adjacent to the timed parking zones. The limited time parking will take effect as soon as the signs are posted.

Respectfully submitted,

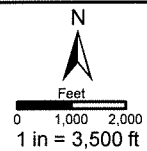

Edward N. Domingue, PE
Director of Engineering Services

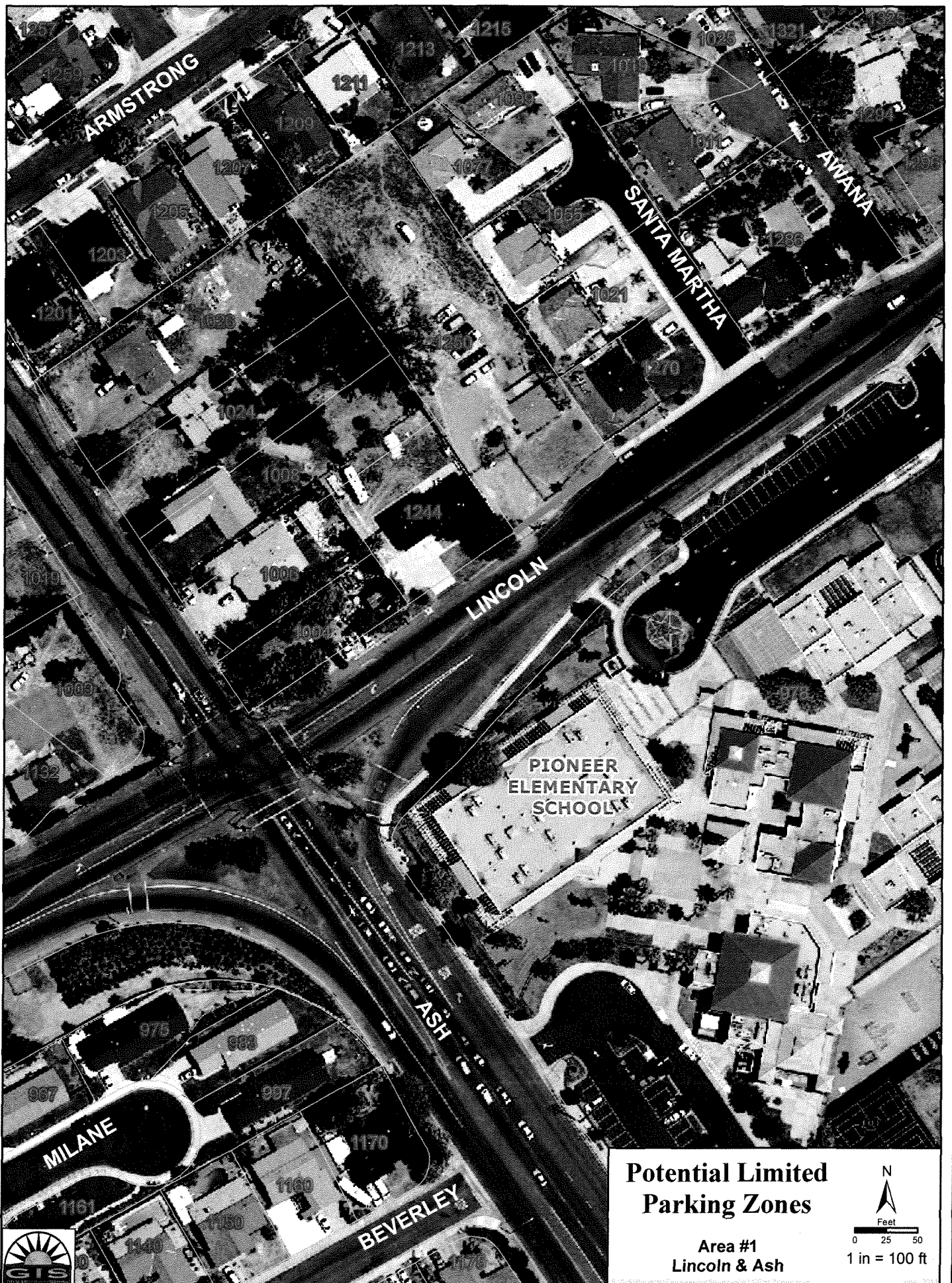

Ali M. Shahzad, PE
Associate Engineer



CITY OF ESCONDIDO
Potential Limited
Parking Zones

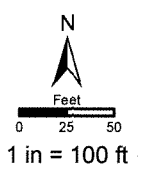
- Potential Limited Parking Zones
- - - City Boundary





Potential Limited Parking Zones

Area #1
Lincoln & Ash





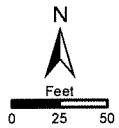
JESMOND DENE

BROADWAY

Jesmond Dene Park

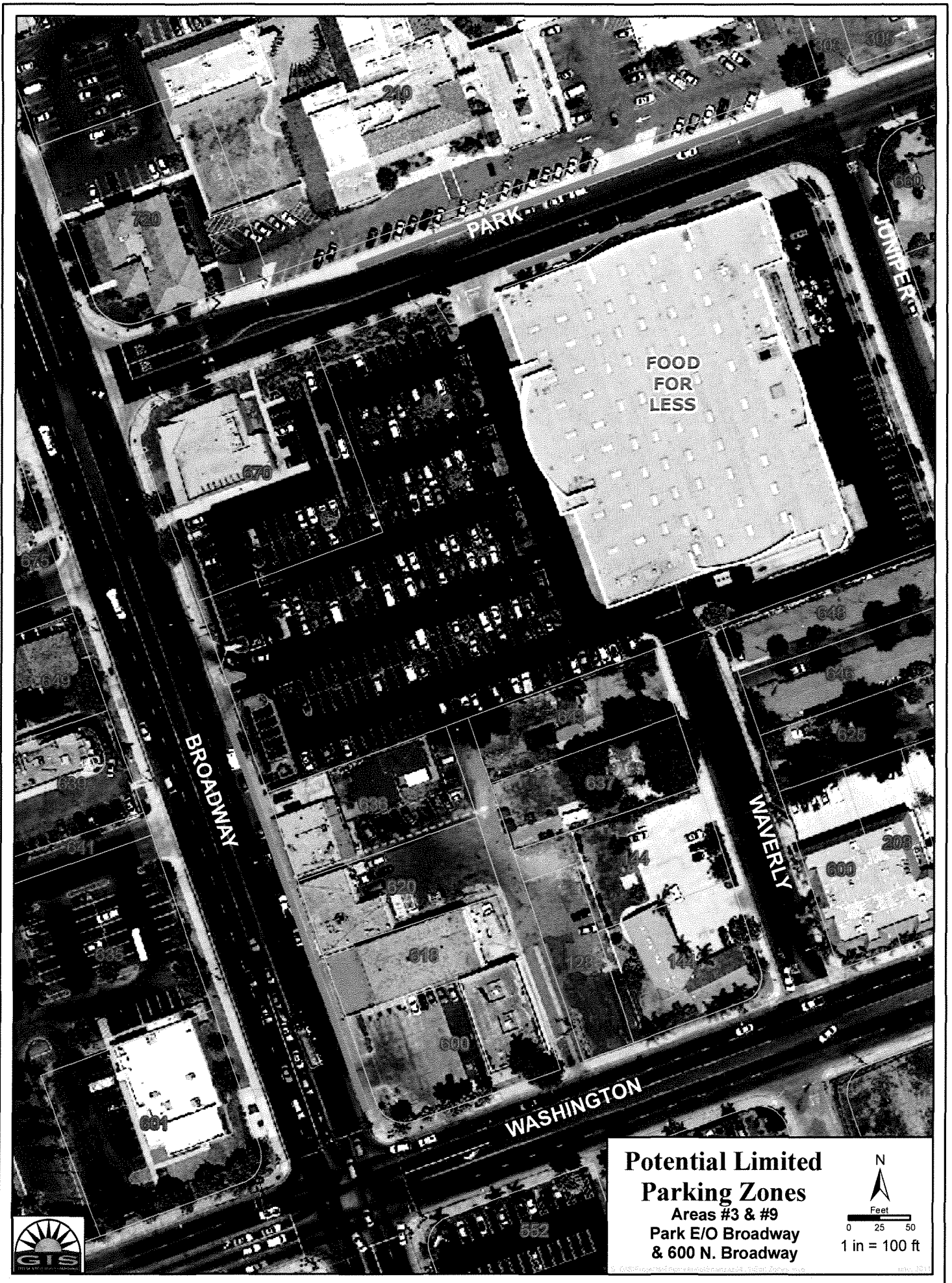
**Potential Limited
Parking Zones**

**Area #2
Jesmond Dene & Broadway**

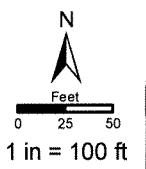


0 25 50
1 in = 100 ft





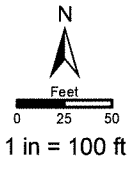
**Potential Limited
Parking Zones**
Areas #3 & #9
Park E/O Broadway
& 600 N. Broadway





**Potential Limited
Parking Zones**

**Areas #4
Las Villas & El Norte**





LINCOLN

3-HOUR-ZONE

THOMAS

CHURCH

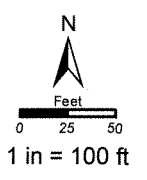
BUS STOP

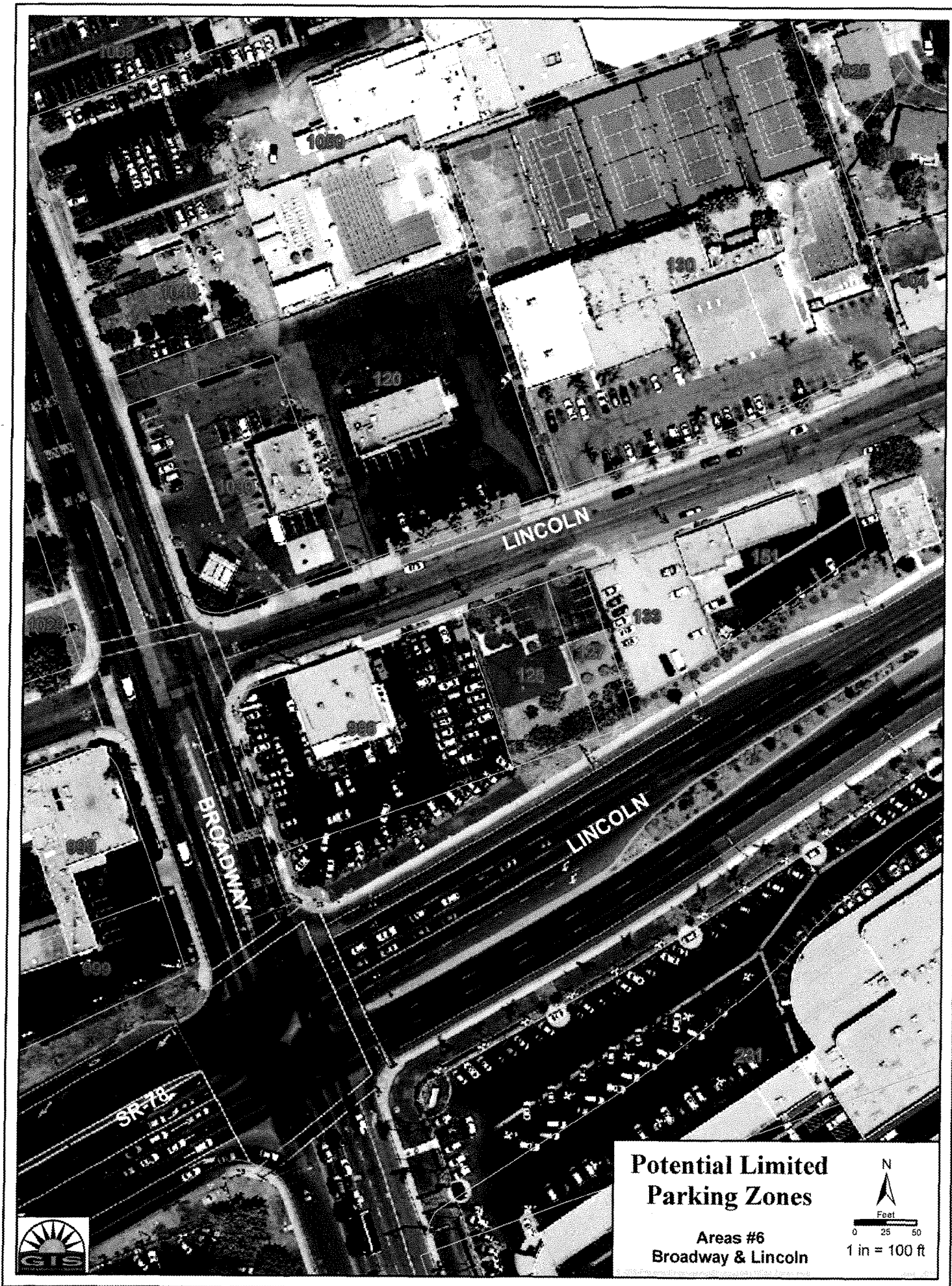
ROSE
ELEMENTARY
SCHOOL

ROSE

Potential Limited Parking Zones

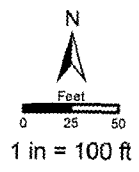
Areas #5
Lincoln E/O Rose





**Potential Limited
Parking Zones**

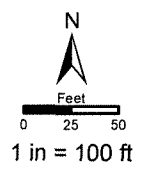
**Areas #6
Broadway & Lincoln**

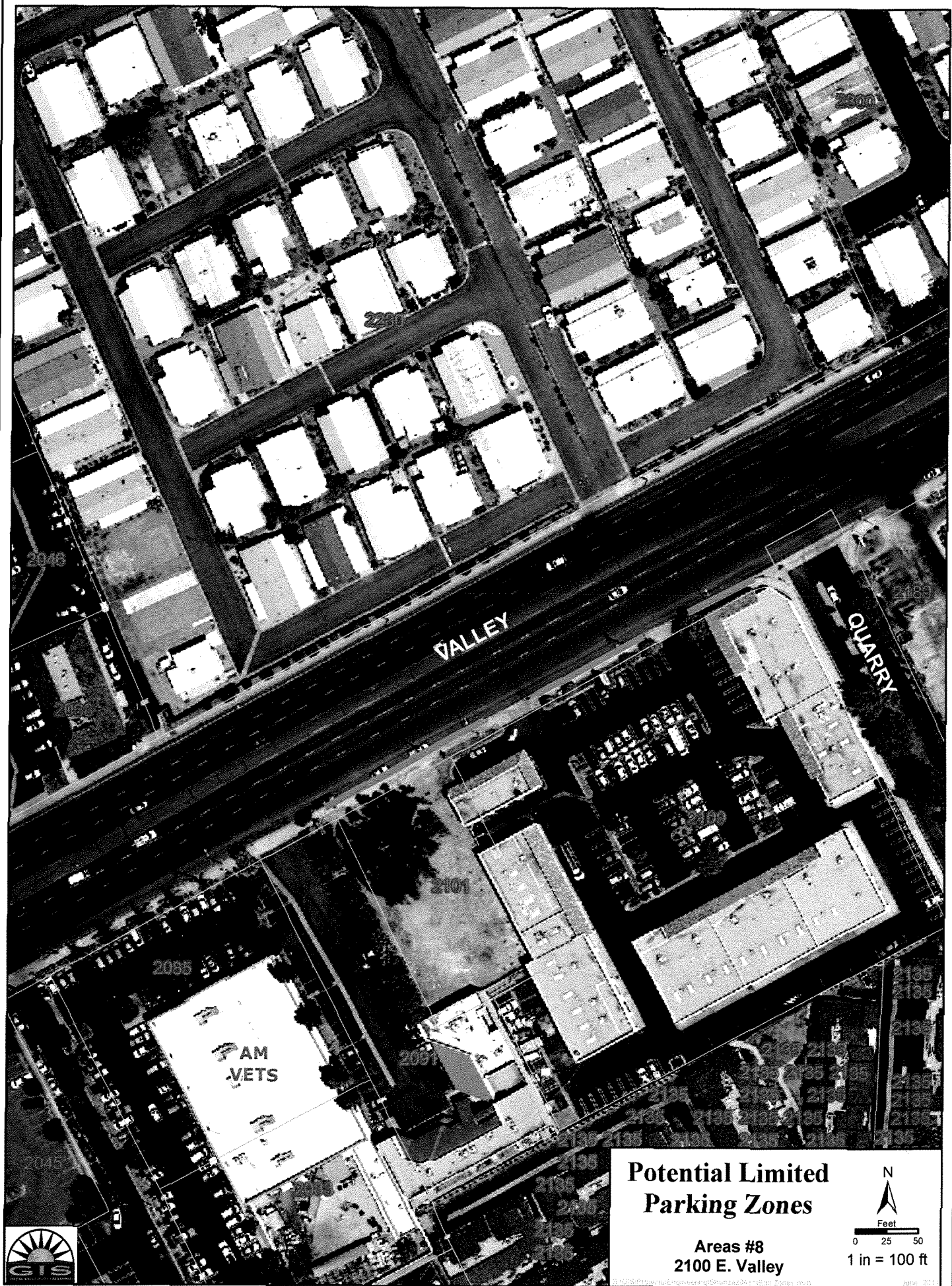




**Potential Limited
Parking Zones**

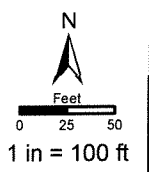
**Areas #7
400 W. 9th**

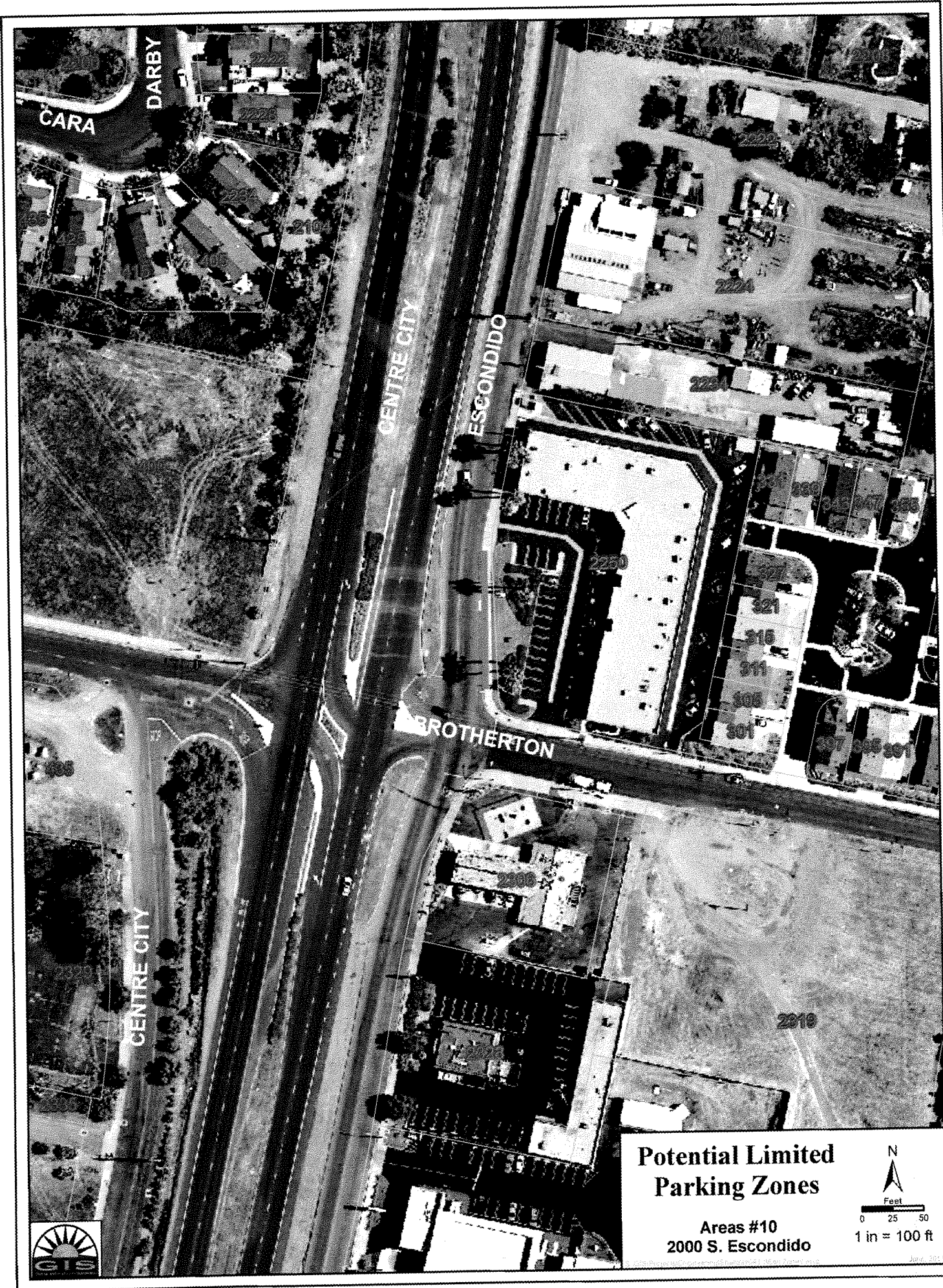




**Potential Limited
Parking Zones**

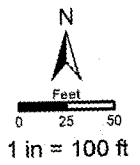
**Areas #8
2100 E. Valley**





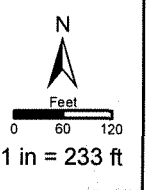
**Potential Limited
Parking Zones**

Areas #10
2000 S. Escondido

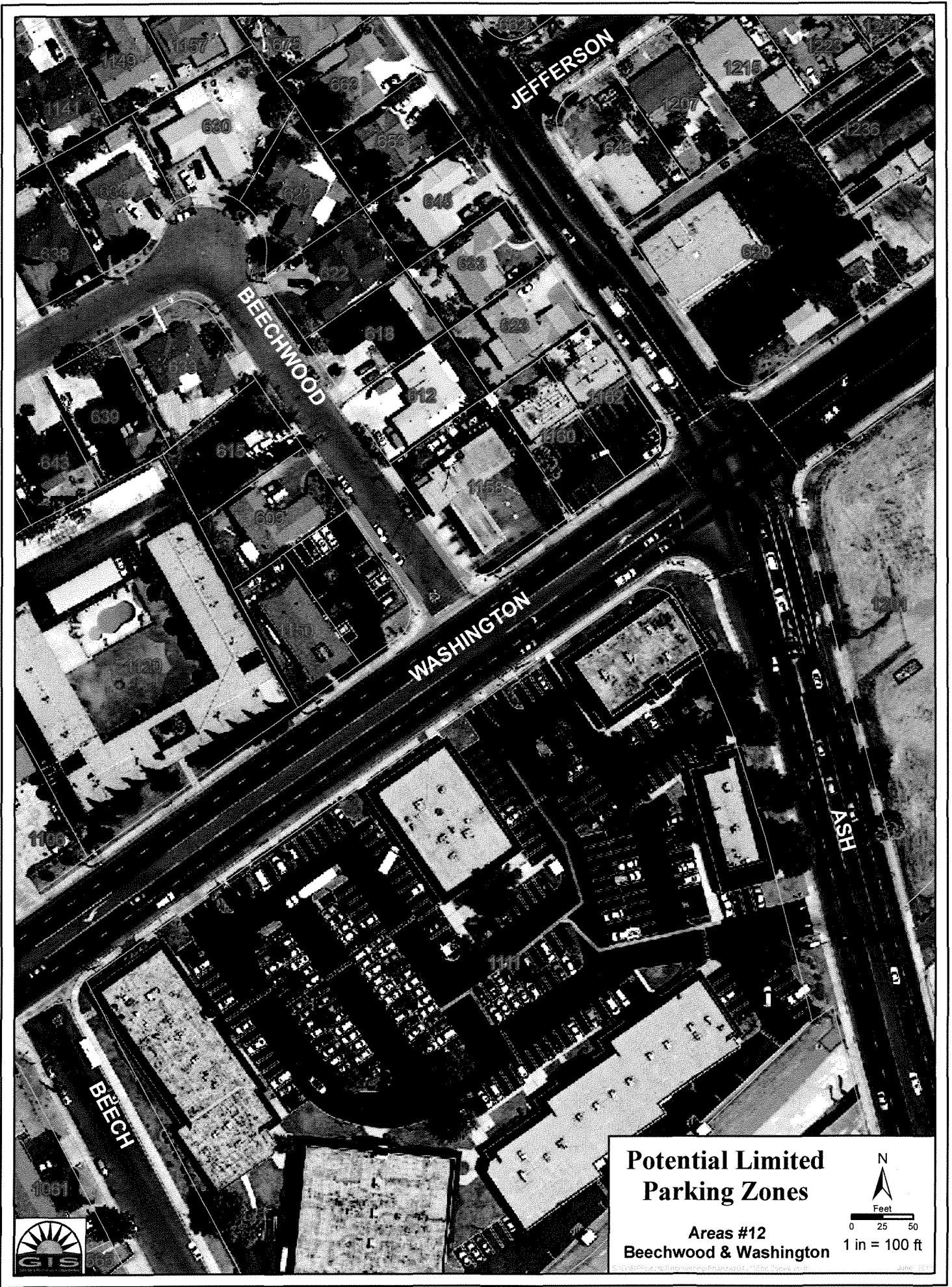




**Potential Limited
Parking Zones**
 Areas #11
 Mission: Juniper to Fig
 Fig: Mission to Lincoln



PARK



JEFFERSON

BEECHWOOD

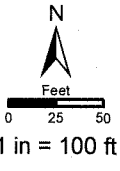
WASHINGTON

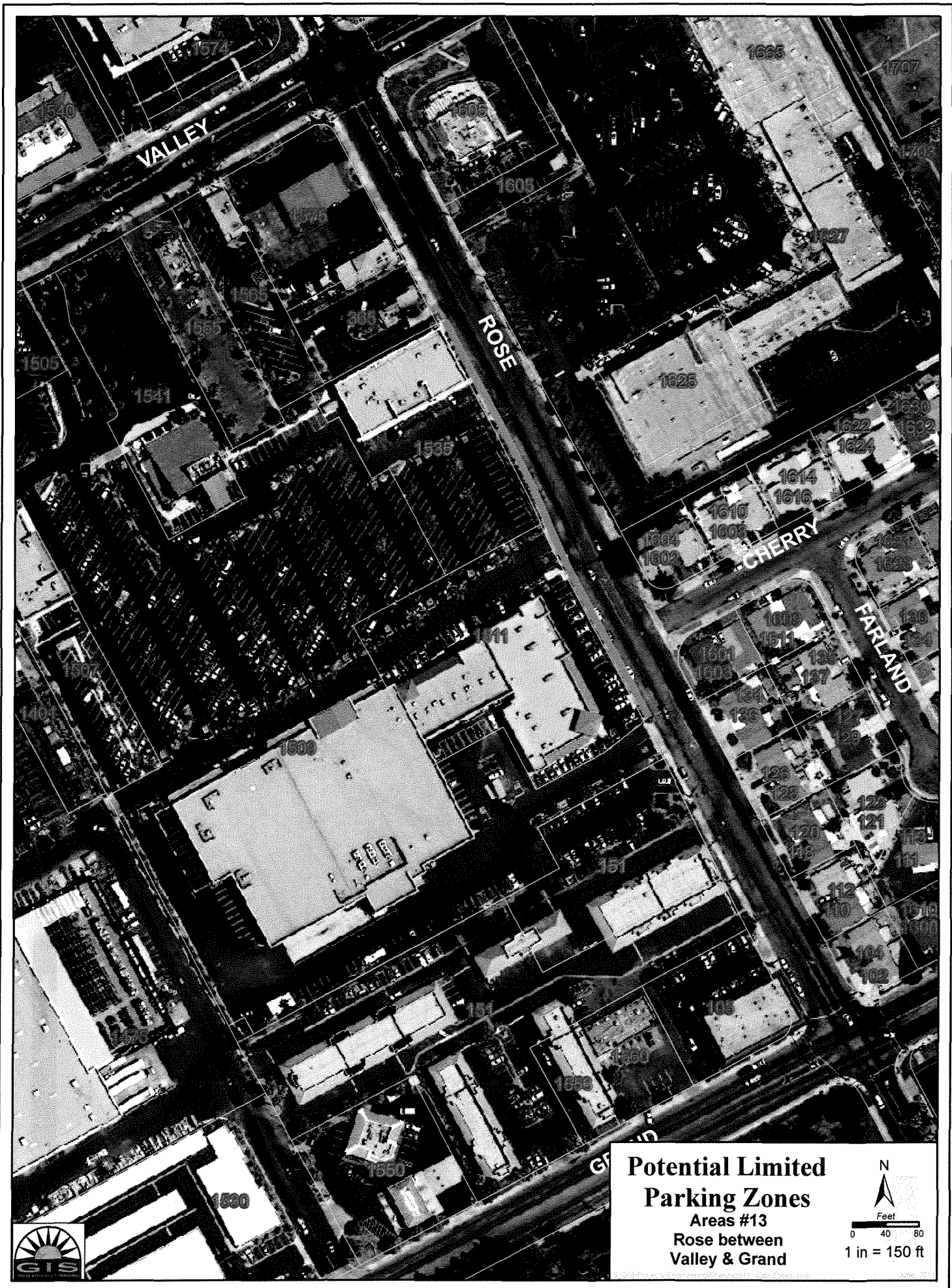
BEECH

HSH

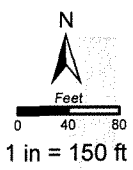
Potential Limited Parking Zones

Areas #12
Beechwood & Washington





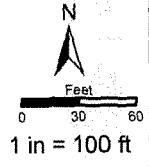
**Potential Limited
Parking Zones**
Areas #13
Rose between
Valley & Grand





**Potential Limited
Parking Zones**

Areas #14
Valley & Claudan

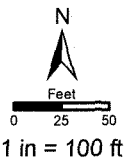


June 2017



**Potential Limited
Parking Zones**

**Areas #15
Broadway S/O Crest**



RESOLUTION NO. 2011-46

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE TRAFFIC SCHEDULES FOR
TIME ZONE PARKING

WHEREAS, Section 28-5 (7) of the Escondido Municipal Code provides that the City Council shall establish a Traffic Schedule for on-street time parking zones; and

WHEREAS, this City Council Desires at this time and deems it to be in the best public interest to amend said Traffic Schedules;

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 Traffic Parking Schedules for On-Street Time Parking Zones be amended as follows:

Limited Time Zone two-hour and three-hour parking within the areas as needed on the following streets with minor field adjustments per field conditions.

1. Lincoln / Ash
2. Jesmond Dene / Broadway
3. Park / E of Broadway
3. Las Villas / El Norte
5. Lincoln / E of Rose (3-hour time zone)
6. Broadway / Lincoln Avenue
7. 400 W. 9th Avenue
8. 2100 E. Valley
9. 600 N. Broadway in front of Food for Less
10. 2200 S. Escondido
11. Mission from Juniper east to Fig
12. Beechwood / Washington
13. Rose Street between Grand Avenue and Valley Parkway
14. Valley Parkway and Claudan Road
15. Broadway south of Crest Street (west-side)

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Orcl No. _____

Agenda Item No.: 14

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Lori Vereker, Utilities Director
Cheryl Filar, Environmental Programs Manager

SUBJECT: Bid Award: Phase 2, Regional General Permit (RGP)

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-97, authorizing the Mayor and the City Clerk to execute a Consulting Agreement with the lowest responsive and responsible bidder, AECOM Technology Corporation, in the amount of \$269,990 for the Phase 2 Regional General Permit (RGP) Project.

FISCAL ANALYSIS:

Based on the specialized nature and scope of the Phase 2 project, six environmental firms were invited to prepare proposals for the City's Phase 2 RGP Project. Two bids were received and opened by the City Clerk's representative on June 9, 2011. AECOM, an environmental consulting firm, provided the lowest and the most responsive bid, \$269,990, which is fully funded in the Fiscal Year 2011-2012 Stormwater budget.

BACKGROUND:

The City has ongoing needs to effectively maintain its municipal separate storm sewer system (MS4) within the federal, state, and local regulatory framework established for such activities, which include some of the following:

- Annual removal of vegetation, debris, and other potentially clogging materials from riparian drainage corridors;
- Maintaining bank stability and channel capacity in unlined water courses of the MS4;
- Regular sediment removal and vegetation clearing in concrete-lined or similar hardscape drainage and/or flood control facilities; and/or
- Regular maintenance or repair of storm drain structures (MS4).

To regularly conduct the above-referenced maintenance activities, several permitting requirements are triggered by various local, state and federal regulatory agencies, including the US Army Corps of Engineers, California Fish and Game, California Fish and Wildlife, as well as the San Diego Regional

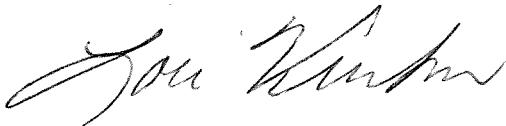
Water Quality Control Board. Each of these agency's regulations protect various environmental features and/or resources inherent to or supported by a jurisdiction's waterways, including water quality, various species of plants and wildlife, as well as the structural integrity of natural and concrete-lined channels.

During 2011 the City worked with an environmental consultant to conduct a survey of its waterways, which included determining the total number of drainages that need to be maintained on a routine basis (39). The survey also characterized the extent and nature of the vegetation and wildlife present at given sites, such as at the Mission Pools and Kit Carson/Sand Lake sites. Based on the results of this survey, staff determined the regular maintenance of its extensive drainage system would best be served by applying for a comprehensive, multi-site, five-year Regional General Permit versus single site, one-year permits. Overall, the RGP is the City's five-year plan for maintaining each site while protecting its environmental resources. As such, it provides the foundation for the City's multi-agency permit application project, which is further developed and then completed in Phase 2.

Phase 2 of the RGP project will develop the final permits, environmental reports (e.g., California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) assessments, mitigation requirements (if any), and address all other conditions identified by the regulatory agencies for each of the 39 sites. This final phase of the project will also involve coordinating and negotiating with the multiple regulatory agencies to achieve the most effective drainage maintenance plan for Escondido. It is anticipated that the Phase 2 project will be completed in 2013, when a comprehensive, long-term maintenance permit is approved by the federal, state, and local regulatory agencies.

Once the permit has been obtained, the City will be able to annually maintain its waterways and channels without having to apply for individual, short-term permits. Successive five-year RGP renewal efforts will involve updating the existing plan/RGP instead of the large-scale data collection and evaluation work that has defined the first comprehensive permit application process.

Respectfully submitted,



Lori Vereker
Utilities Director



Cheryl Filar
Environmental Programs Manager

RESOLUTION NO. 2011-97

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE, ON BEHALF OF THE
CITY A CONSULTING AGREEMENT WITH
AECOM TECHNOLOGY CORPORATION
FOR PHASE 2 OF THE REGIONAL
GENERAL PERMIT PROJECT

WHEREAS, the City has ongoing needs to effectively and regularly maintain its municipal separate storm sewer system ("MS4") within the federal, state, and local regulatory framework established for such activities; and

WHEREAS, developing a comprehensive plan or Regional General Permit ("RGP") application is required to obtain a long-term permit from the various regulatory agencies, such as the US Army Corps and California Fish and Game; and

WHEREAS, Phase 2 of the RGP permit application process requires the specialized services of an environmental consultant; and

WHEREAS, the Director of Utilities has determined AECOM Technology Corporation to be the lowest responsive and responsible bidder and recommends awarding the bid to them in the amount of \$269,990; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to award this contract to AECOM Technology Corporation.

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

1. That the above recitations are true.
2. That the Mayor and City Council accepts the recommendation of the Director of Utilities and finds AECOM Technology Corporation to be the lowest responsive and responsible bidder.
3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, a Consulting Agreement ("Agreement") with AECOM Technology Corporation for the Project. A copy of the Agreement is attached as Exhibit "A" and is incorporated by this reference.



CITY OF ESCONDIDO
CONSULTING AGREEMENT

This Agreement is made this _____ day of _____, 2011

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Cheryl Filar
760-839-6315
("CITY")

And: AECOM Technology Corporation
1420 Kettner Boulevard, Suite 500
San Diego, CA 92101
Mark Williams
(619) 233-1454
("CONSULTANT")

Witness that whereas:

- A. It has been determined to be in the CITY's best interest to retain the professional services of a consultant to prepare revisions to develop a five-year Regional General Environmental Permit application so the City can conduct regular maintenance activities in its identified natural waterways and concrete-lined channels; and
- B. The CONSULTANT is considered competent to perform the necessary professional services for CITY;

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

- 1. Services. The CONSULTANT will furnish all of the services as described in "Attachment A" which is attached and incorporated by this reference.
- 2. Compensation. The CITY will pay the CONSULTANT in accordance with the conditions specified in "Attachment A," in an amount not to exceed \$269,990. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONSULTANT contained in subsequent amendment(s) shall not exceed a cumulative total of twenty-five percent (25%) of the maximum payment provided for in this Section 2.

3. Scope of Compensation. The CONSULTANT will be compensated for performance of tasks specified in "Attachment A" only. No compensation will be provided for any other tasks without specific prior written consent from the CITY.
4. Duties. CONSULTANT will be responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports and other services furnished by the CONSULTANT under this Agreement, except that the CONSULTANT will not be responsible for the accuracy of information supplied by the CITY.
5. Personnel. The performance of services under this Agreement by certain professionals is significant to the CITY. CONSULTANT will assign the persons listed on "Attachment A," which is attached and incorporated by this reference, to perform the Services described in Paragraph 1, and will not add or remove persons from the list without the prior written consent of the CITY. If no designation is made, then CONSULTANT may not assign services without obtaining the advance written consent of the CITY. CONSULTANT will not subcontract any tasks under this Agreement without obtaining the advance written consent of the CITY.
6. Termination. Either CONSULTANT or the CITY may terminate this Agreement with thirty (30) days advance written notice.
7. City Property. All original documents, drawings, electronic media, and other material prepared by CONSULTANT under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONSULTANT for any other purpose without prior written consent of the CITY.
8. Insurance.
 - a. The CONSULTANT shall secure and maintain at its own cost, for all operations, the following insurance coverage, unless reduced by the City Attorney:
 - (1) General liability insurance. Occurrence basis with minimum limits of \$1,000,000 each occurrence, \$2,000,000 General Aggregate, and \$1,000,000 Products/Completed Operations Aggregate; and
 - (2) Automobile liability insurance of \$1,000,000 combined single-limit per accident for bodily injury and property damage, unless waived as provided in 8(b) below; and
 - (3) Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship; and
 - (4) Errors and Omissions professional liability insurance with minimum coverage of \$1,000,000.
 - b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONSULTANT acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of the CONSULTANT. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONSULTANT _____

Waiver appropriate by CITY _____

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

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

this public project. CONSULTANT agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

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

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

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Marsha Whalen
City Clerk

(Consultant name)

Date: _____

(Consultant signature)

Title

APPROVED AS TO FORM:

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

By: _____

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

04 Proposed Method to Accomplish Work

We understand that this is a time-critical project. The City of Escondido (City) started the programmatic permitting process with an investment in extensive data collection, and now must attain resource agency approval quickly so that important maintenance activities can proceed.

To accomplish this, we will leverage our regulatory permitting expertise and our ongoing relationships with resource agency staff to advocate for favorable permit authorizations on behalf of the City. Our ability to quickly engage permitting agencies and jump-start programmatic permit development is centered on the following:

- Our understanding of the scope and content of the Phase 1 data collection process.
- Our insight into the direction, intent, and needs of this contract.
- Our experience with the City and other public agencies.
- Our extensive portfolio of successful programmatic permitting.

AECOM's approach to obtaining programmatic permits for the City is described below relative to the structure of the Scope of Work described in the request for proposal (RFP). Deliverables are listed within each task identified below. Where relevant to key activities, the specific level of effort proposed for that activity is noted. Our schedule provided at the end of this section illustrates the inter-relationship between the tasks and the relative timeframe for accomplishing the work.

Examples of similar permitting projects, presented in Section 3; Project Experience, demonstrate AECOM's success on various environmental permitting efforts.

4.1 Project Management

For this contract, Mark Williams will serve as the principal in charge (PIC). Mark is AECOM's Environmental Sciences Division Leader in Southern California, is a long-term ally of the City's storm water program, and is intimately familiar with the history of the City's pursuit of an RGP program. He will ensure the continuity of service and ensure that Paula Jacks, the City's direct point of contact, is provided with dedicated resources to fulfill this contract. At a minimum, he will meet with Paula on a monthly basis to review project status, progress, and City satisfaction.

Paula will be the City's direct point of contact. Her project management tasks will include coordinating with City and internal staff, interfacing with the regulating agencies, invoicing and managing the project budget, overseeing development and review of all deliverables, and ensuring implementation of AECOM's quality assurance/quality control (QA/QC) program. Paula will maintain regular communications with Jeff Warner and, on his behalf, maintain regular communication with the U.S. Army Corps of Engineers (the Corps), Regional Water Quality Control Board

This project requires a team with a strong understanding of the complexities of impact delineation and extensive experience in obtaining programmatic permits for jurisdictional activities.

(RWQCB), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Game (CDFG), as needed. Other key team members, a breakdown of responsibilities, and lines of communication are presented in Section 2.

Our project management objective is to efficiently and effectively provide the City with high-quality results, as demonstrated through our RGP Phase I work. To meet this goal, Paula will perform the following tasks:

- Ensure that the project's technical/professional and contractual requirements are fulfilled.
- Respond to the City's inquiries quickly.
- Establish clear lines of communication both internally and externally.
- Handle problems and resolve issues.
- Maintain project files.
- Chair meetings.
- Initiate and maintain a quality management program tailored to the project.
- Deliver high-quality work on time and within budget.

As standard AECOM practice, our project managers prepare a Project Work Plan (PWP) for each project. The PWP defines how the scope of services will be accomplished to meet client goals and objectives. Preparation of the PWP is a valuable and necessary step for AECOM's project managers and key staff to synthesize the final contractual scope, expectations, a detailed schedule for each task, and a budget. The PWP is kept current throughout the life of the project, with review and updates conducted as needed.

- AECOM's process for planning and tracking project costs involves the following tasks:
- Defining the work items, task budgets, and schedule sequence for performing the work.
- Monitoring work progress relative to the project PWP.
- Evaluating any variance in the work progress and establishing appropriate corrective action before the project schedule or budget are affected.

4.1.1 Meetings

From our extensive experience in programmatic permitting, we know that all efforts necessary to obtain agency permits cannot be anticipated. However, we and our clients have learned the benefits of coordinating early with the resource agencies through informal communication before applications are submitted. Through this, we have streamlined a variety of permitting processes by proactively integrating agency concerns and recommendations. Multi-agency pre-application meetings are even more beneficial to this process.

Whenever agency communication is conducted on behalf of, and with the authorization of, the City,

AECOM will maintain meeting notes, telephone logs, and email correspondence to document agency issues or concerns and facilitate resolution. After the permit applications have been submitted, AECOM will continue coordination with the Corps, RWQCB, USFWS, CDFG, and the State Historic Preservation Office (SHPO) to expedite agency authorization. Documentation of communications with the agencies and the permitting progress will be maintained in an Agency Notebook for this RGP process.

For all meetings, Paula and our project team will prepare and provide meeting notices, agendas, and minutes. Draft versions will be provided to the City for review and approval, and final versions will be distributed to all attendees, or as directed by the City. The anticipated topics of discussion and coordination are outlined below.

Corps Coordination

As part of this proposal, AECOM has included an initial meeting with the Corps to review and confirm elements of the RGP—before holding other agency meetings. In particular, at the February 2011 meeting held with the Corps, RWQCB, and CDFG as part of the Phase 1 work for the City, the Corps suggested a possible alternative to the RGP. The Corps suggested that establishment of a Section 404 Letter of Permission (LOP) process may be able to authorize the City's operations and maintenance (O&M) activities and other storm water management projects affecting "more than minimal" areas of federal waters, and provide for a longer permit term. This alternative authorization will be discussed further with the Corps to determine whether it is the superior programmatic Section 404 permit for the City. Because that alternative has not been confirmed as the optimal approach for the City, this proposal will continue to refer to the RGP.

Issues to be discussed and resolved with the Corps at this initial meeting are the following:

- Confirm eligible O&M and other activities to be covered under the RGP, and non-eligible projects.
- Discuss anticipated RGP terms, limitations, and conditions.
- Discuss conservation measures that provide protection to aquatic resources.
- Develop a strategy for pre-activity assessments and review, and post-activity reporting for covered activities.
- Gain concurrence on a pre-activity interagency notification form.
- Discuss compensatory mitigation and protection of aquatic resources function and services under the RGP.
- Confirm the information that the Corps needs to support its preparation of a Public Notice and Environmental Assessment.

Interagency Coordination

Under the City's RGP Phase 1, AECOM initiated early coordination with the Corps, RWQCB, and CDFG, which will seamlessly continue to facilitate formal permit processing. Additional coordination will be conducted with USFWS and SHPO. Most of the issues listed above to be discussed with the Corps will also be

discussed with RWQCB, USFWS, CDFG, and SHPO. Additional issues to be discussed with these agencies are listed below.

Issues to be addressed with RWQCB:

- Discuss special conditions for the programmatic 401 Water Quality Certification (WQC) to ensure water quality protection.
- Identify particular watershed concerns.
- Agree on particular content for the pre-activity interagency notification form.
- Confirm whether proposed mitigation provides for adequate compensation for impacts to water quality and to waters of the state.
- Discuss the applicability of Waste Discharge Requirements (WDRs).
- Coordinate the timing for the California Environmental Quality Act (CEQA)-certified environmental document.

Issues to be addressed with USFWS:

- Review necessary federal endangered species coverage for the RGP.
- Coordinate the timing for issuance of the incidental take permit under the federal Endangered Species Act (ESA).
- Agree upon particular content for the pre-activity interagency notification form.

Issues to be addressed with CDFG:

- Identify eligible O&M activities and any exceptions for the Section 1602 Routine Maintenance Agreement.
- Review necessary state-endangered species coverage for the RGP.
- Coordinate the timing for issuance of the incidental take permit under the California Endangered Species Act (CESA).
- Agree upon particular content for the pre-activity interagency notification form.
- Coordinate the timing for the CEQA-certified environmental document.

Issues to be addressed with SHPO:

- Define the area of potential effects (APE).
- Discuss the utility of a Programmatic Agreement (PA) and agree on the timing for a signed PA (see discussion of PA below).

Upon completion of the early interagency coordination phase, the Corps will issue its Public Notice for the RGP.

Deliverables:

- Draft and final meeting notices, agendas, and minutes

4.1.2 Progress and Coordination

Paula and her staff will coordinate with the City on a weekly basis to keep Mr. Warner and City staff aware of progress and accomplishments under the contract. She will also provide monthly progress reports to Mr. Warner that describe activities of the previous month, planned activities for the next month, coordination issues, budget and schedule updates (including percentage of work completed and remaining), and

other applicable information.

Deliverables:

- Monthly progress reports

4.1.3 Accounting

AECOM will invoice the City monthly for work conducted during the previous month. The invoice will display the total authorized budget identified by project and task, the amount previously expended, the amount expended during the current period, and the amount remaining.

4.2 Baseline Data Review, Impact Refinement, and Database Improvement

4.2.1 Data Review and Assimilation

Under the RGP Phase 1 work, AECOM developed data management strategies that greatly facilitated the collection, organization, and tracking of baseline data; enhanced collaboration between the City and the resource agencies; and established the groundwork for defensibly managing and accounting for long-term impacts and equitable mitigation. These strategies included (1) development of a field report containing the comprehensive results of Phase 1; (2) creation of a database that houses the Phase 1 survey data and is structured to facilitate the Phase 2 development of electronic, automated tools to simplify and expedite annual report production; (3) development of standard templates for reporting O&M impacts, which were constructed in anticipation of resource agency notifications that may be required as a condition of the RGP; and (4) establishment of a standardized, "tiered" approach to impact/mitigation accounting. AECOM proposes to use this comprehensive framework structure to help streamline subsequent phases of this project, accommodate for additional sites and future renewals of the RGP, and ensure long-term permit compliance.

Further, we understand the depth and scope of the baseline data collected during Phase 1; have discussed this information with the Corps, CDFG, and RWQCB; and know that it is sufficient for pursuing agency permits under an RGP (or alternative, e.g., LOP) structure. There is no need to gather additional biological and/or jurisdictional data; AECOM has already met with the resource agencies and negotiated to provide conditions in the permit for pre-activity, site-specific surveys. As a result, only minimal time will be needed for baseline data review with City maintenance staff to get the permitting process started. However, if the resource agencies require additional baseline data, we will perform this work under the contingency allocations within the Extended Services option.

4.2.2 Impact Refinement

AECOM anticipates that this task will mainly consist of impact refinement that would include (1) agency negotiations to obtain approval of the impact tiers developed during Phase 1, (2) revision/reduction of the O&M impact areas to minimize jurisdictional impacts and/or avoid special aquatic features to keep sites within the bounds of the RGP, and (3) recalculation/categorization of impacts based on the outcomes of

(1) and (2).

Deliverables:

- Final data summaries of anticipated impacts to wetland vegetation or aquatic cover types based on the existing baseline data.
- Updated database for tracking impacts/mitigation, adding future maintenance facilities, and generating reports.

4.3 Agency Coordination and Permit Assistance

Obtaining an RGP to streamline Clean Water Act (CWA) permitting is one facet of a complex and dynamic environmental evaluation and regulatory process. To be effective, the streamlining approach must maximize satisfying the regulatory requirements of overlapping agency jurisdictions (e.g., state and federal ESAs, state and local water quality standards, and the National Historic Preservation Act [NHPA]). AECOM is prepared to implement a synergistic, comprehensive approach to the permitting process that is compatible to and creates efficiency with the City's permitting efforts and direction to date.

As previously noted, AECOM team members have positive working relationships and a history of successful interactions with the resource agencies. We work continuously with staff at the Corps, USFWS, CDFG, RWQCB, and SHPO, among others, and have extensive experience assisting our clients with obtaining various types of programmatic permits. We will leverage our resource agency relationships to continually advocate efficiency and effectiveness for the City's RGP during each of the following contract components:

- CWA Section 404 Application
- CWA Section 401 WQC Application
- ESA Section 7 Consultation
- Fish and Game Code 1602 Streambed Alteration Agreement
- Fish and Game Code 2080.1 Consistency Determination
- Section 106 Consultation
- Wetland Mitigation
- CEQA and National Environmental Policy Act (NEPA) Compliance

A flowchart illustrating the technical documents that are relevant to the regulatory review process and the formal outcome from each agency is provided in Figure 1. Where relevant in the discussion below, we identified potential challenges to the permitting process and our strategies to circumvent problems and facilitate project success.

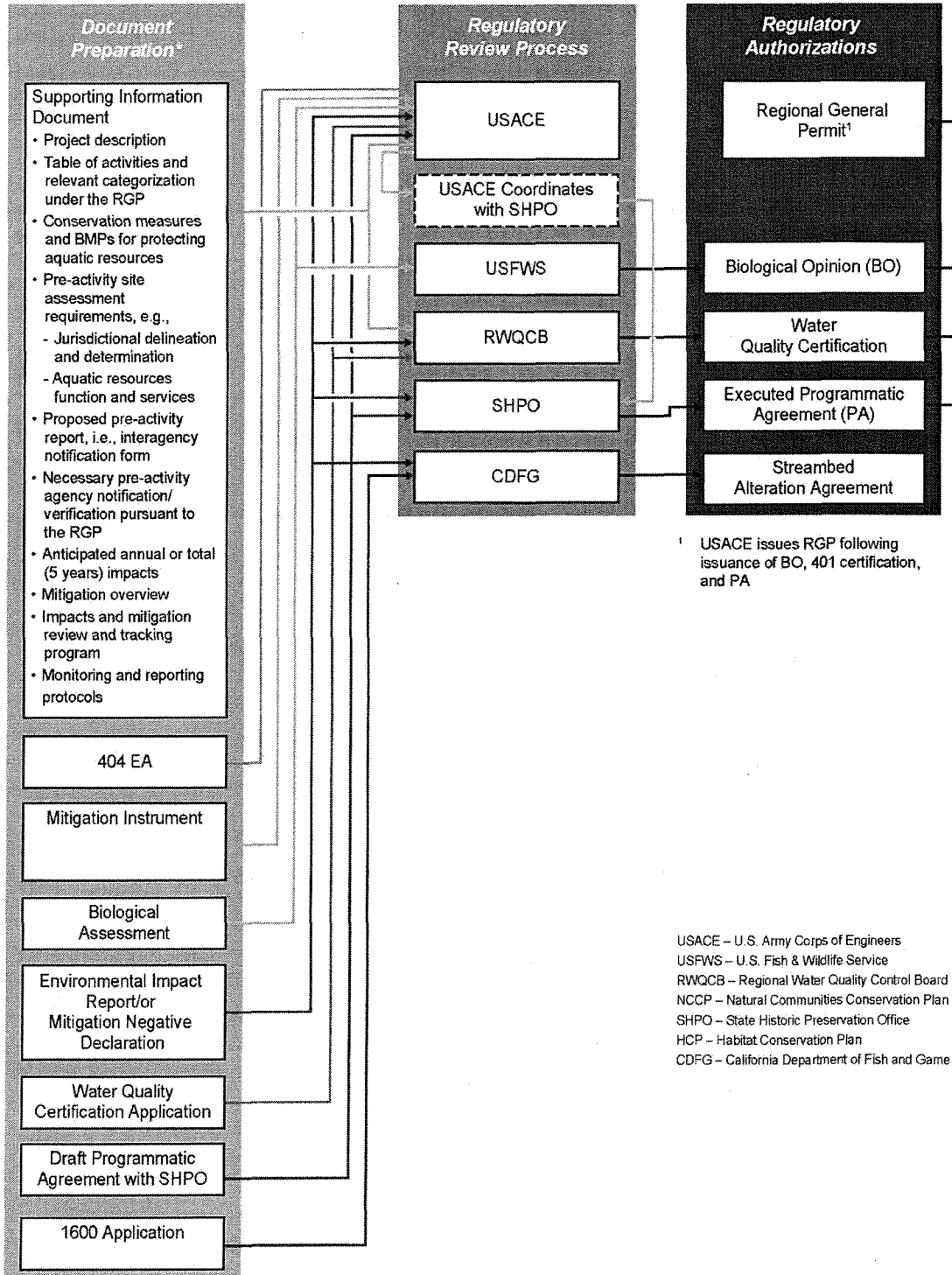
4.3.1 Section 404 RGP Application Preparation

Development and issuance of an RGP as proposed, which will include measures to help minimize adverse impacts to aquatic resources and integrate features beneficial to riparian and other aquatic functions and services, will ensure compliance under the CWA for all qualifying activities.

Although the RGP is primarily discussed herein, as noted above, the Corps also suggested that a Section

Figure 1

City of Escondido
 Regional General Permit Process



* This is a graphic representation and does not include all documents that may be necessary for complete permit application packages.

404 LOP process is an alternative authorization to cover the City's O&M activities and other storm water management projects impacting "more than minimal" areas of federal waters. As part of initial discussions with the City under this contract, as well as being a topic at the initial meeting with the Corps proposed herein, the RGP vs. LOP authorization structure will be considered, including any advantages/disadvantages in obtaining Section 401 and Section 106 authorizations for those options. In light of AECOM's long resume for obtaining programmatic authorizations for our clients, we can advocate either Section 404 programmatic permitting pursuit, as necessary. If the LOP is proven superior, the steps to pursue that alternative authorization are essentially the same as pursuing an RGP. Specifically, both require public noticing and a Corps-prepared NEPA document, with an alternatives analysis, if needed, and a final Statement of Findings. Once either permit is issued, the review of proposed actions is dictated by the conditions of the permit, as is the need for pre-activity notification and periodic reporting to the Corps during the term of the permit. Therefore, the cost for developing an LOP is not expected to vary appreciably from development of an RGP. Any unforeseen additional effort could be provided under the Extended Services portion of the contract.

4.3.1.1 Application Package Preparation

The RGP permit application will be accompanied by a cover letter summarizing the request for RGP authorization and by supporting information applicable to processing the application and necessary for the Corps to complete its Public Notice and Environmental Assessment (see subtasks below). The supporting information will include summary information extracted and summarized from the CEQA document (Initial Study/Mitigated Negative Declaration [IS/MND]) as the information relates to impacts to jurisdictional waters and obtaining authorization for an RGP. The City's RGP application package would include the following components, as confirmed at the initial Corps meeting:

- Cover letter (printed on City letterhead)
- Standard application (ENG FORM 4345)
- Supporting information components
 - project description
 - table of activities and relevant categorization under the RGP
 - conservation measures and best management practices (BMPs) for protecting aquatic resources
 - pre-activity site assessment requirements (e.g., jurisdictional delineation and determination; aquatic resources function and services assessment)
 - proposed pre-activity report (i.e., interagency notification form)
 - necessary pre-activity Corps or other agency notification/verification pursuant to the RGP
 - anticipated annual or total (5 years) impacts
 - mitigation overview
 - impacts and mitigation review and tracking program

- monitoring and reporting protocols
- Applicable exhibit sheets as required by the Corps (e.g., O&M activity locations overview and representative cross sections through jurisdictional waters based on information provided by the City)
- Documentation of compliance with Section 401 of the CWA
- Documentation of compliance with Section 106 of the NHPA

Deliverables:

- Draft and final cover letter
- Draft and final ENG 4345 Application
- Draft and final supporting information components
- Applicable exhibit sheets

4.3.1.2 Corps Public Notice Review

The Section 404 Public Notice is the Corps' document, prepared using a format issued by Corps headquarters. AECOM will review the draft Public Notice for the RGP as prepared by the Corps that will be circulated within the Corps and to the City for comment. It is expected that AECOM would assist the Corps in providing graphics, geographic information system (GIS) data, word processing, and technical editing support for the final Public Notice before it is posted on the Corps website.

Deliverables:

- Associated graphics and word processing support for preparation of the final Public Notice
- Responses to public comments

4.3.1.3 Corps Environmental Assessment and 404(b)(1) Alternatives Analysis Review

The Section 404 Environmental Assessment (EA) is the Corps' document, prepared using a format also issued by Corps headquarters for its internal purposes to document compliance under NEPA. This format provides for a document that, once completed, constitutes the Corps' EA, 404(b)(1) Guidelines evaluation, Public Interest Review, and Statement of Findings. AECOM will review the draft EA and Finding of No Significant Impact (FONSI) prepared by the Corps, and provide graphics, GIS, word processing, and technical editing support to the Corps for preparing the final EA and FONSI. Because the latest Corps EA format includes a 404(b)(1) Guidelines evaluation, a stand-alone 404(b)(1) analysis document or separate findings for the least environmentally damaging practicable alternative (LEDPA) will not be required, and review of such a document is not proposed. AECOM will provide review comments on the EA to the Corps in Microsoft Word format, and the Corps will make revisions and finalize the document for its use.

Deliverables:

- Associated graphics and word processing support for preparation of the final EA and FONSI

4.3.2 Section 401 Water Quality Certification Application Preparation

Under Section 401 of the CWA, every applicant must obtain certification from the state that the proposed activity will comply with state water quality standards and water quality objectives. For general Section 404 permits, either the State Water Resources Control Board (SWRCB) or RWQCB would issue the 401 WQC. AECOM will pursue a programmatic Section 401 WQC for the RGP and, if determined applicable to protect state waters, Waste Discharge Requirements (WDRs) from the RWQCB. Generally, when staff issue or waive a Section 401 WQC, WDRs are simultaneously waived. However, for large or multi-year projects reviewed under Section 401 of the CWA, staff may determine that WDRs should also be issued, whereby additional review by RWQCB and a public hearing would be necessary. The need for WDRs will be confirmed in pre-application meetings with RWQCB.

Most projects that the Corps will allow under an RGP will likely be able to obtain a Section 401 WQC from the RWQCB, particularly for O&M activities. A programmatic Section 401 WQC for the RGP will streamline project permitting.

AECOM will prepare a Section 401 WQC permit application package for review and submittal by the City, and then coordinate with RWQCB to attain the permit. The components of the City's 401 WQC application package are expected to include the following:

- Cover letter (printed on City letterhead)
- Standard application
- Copy of the RGP application package, including supporting information provided to the Corps
- Documentation of compliance with CEQA
- Proposed Wetland Mitigation Plan

Deliverables:

- Draft and Final Water Quality Certification Application
- Cover letter to be printed on City letterhead

4.3.3 Section 7 Consultation

As a condition of the CWA Section 404 permitting process, the Corps is required to consult with USFWS under Section 7 of the ESA if the proposed action may affect federally listed species. The storm water and flood control facility maintenance activities that would be permitted by the Corps could affect species listed under the federal ESA or modify critical habitat. While Escondido is within the Multiple Habitat Planning Area (MHPA), the City does not have an approved Subarea Plan and Implementing Agreement that includes "take authorization" under ESA Section 10a for federally listed species. Therefore, Section 7 consultation with USFWS would be required to ensure that the Corps is not permitting an action likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.

Per the federal ESA, the action agency (in this case, the Corps) prepares a Biological Assessment (BA) to evaluate the project's effects on species protected under the ESA and determines when it is final. To

facilitate development of the BA, AECOM will prepare a Draft BA for review and submittal to USFWS by the Corps. The BA will include relevant ecosystem and recovery goals associated with the species potentially affected, BMPs specific to avoiding/minimizing impacts to listed species and/or designated critical habitat, and the anticipated effect of channel maintenance on listed species and/or designated critical habitat. The statutory time for USFWS to issue its Biological Opinion after receipt of a BA from another federal agency is 135 days. AECOM will work with the Corps and USFWS to facilitate the review process in an effort to reduce USFWS review time.

Deliverables:

- Draft and Final Biological Assessment for the Corps to send to USFWS

4.3.4 Fish and Game Code 1602 Streambed Alteration Agreement

Under Sections 1600 through 1616 of the California Fish and Game Code, CDFG regulates activities that will alter the flow, bed, channel, or bank of a river, stream, or lake. Written notification must be provided to CDFG before beginning any activity that would alter these types of state waters. After review of the notification, CDFG may issue a Lake or Streambed Alteration Agreement. AECOM recommends that the City pursue a Streambed Alteration Agreement (Type E – Routine Maintenance) from CDFG. The scope of maintenance activities to be covered in the Streambed Alteration Agreement will be addressed at the pre-application meeting with CDFG. After the pre-application meeting, AECOM will prepare a Streambed Alteration Agreement Notification package for review and submittal to CDFG by the City. AECOM will then facilitate final authorization of the Streambed Alteration Agreement through coordination with CDFG.

- The Notification package will include the following components:
- CDFG 1602 standard application and applicable attachments
- Cover letter printed on City letterhead
- Project description
- CEQA document and receipt of CEQA filing fee
- Wetland Mitigation Plan

Deliverables:

- Draft and Final Streambed Alteration Agreement application
- Cover letter to be printed on City letterhead

4.3.5 Fish and Game Code 2080.1 Consistency Determination

The proposed maintenance activities could affect species listed under CESA. Because the City does not yet have an approved Subarea Plan and Implementing Agreement that includes "take authorization" under CESA for state-listed species, authorization from CDFG would be required. For species listed under both the federal ESA and CESA (i.e., dually listed species), Fish and Game Code Section 2080.1 allows an applicant who has obtained a federal incidental take statement pursuant to an ESA Section 7 consultation to notify the CDFG Director in writing that the

applicant has been issued an incidental take statement and submit a copy of the federal document to the CDFG Director. The Director will determine whether the incidental take statement is "consistent" with CESA, and, if so, issue a written "consistency determination." If the Director determines that the incidental take statement is consistent with CESA, the applicant does not need to obtain separate take authorization from CDFG under Fish and Game Code Section 2081(b) and (c).

AECOM proposes that the City pursue a consistency determination from CDFG for unavoidable impacts to species listed under both ESA and CESA. In doing so, AECOM will prepare the notification for the City to send to CDFG, together with the incidental take statement issued by USFWS. The statutory time for CDFG to issue a written "consistency determination" is 30 days. AECOM will work with CDFG to facilitate its review and authorization process.

The Notification package will include the following components:

- Notification letter for the City to send to CDFG to request a consistency determination
- Federal incidental take statement issued under the federal ESA (to be provided by USFWS)

Deliverables:

- Draft and final Notification letter
- Cover letter to be printed on City letterhead

4.3.6 Section 106 Consultation

The City and the Corps could choose to conduct Section 106 consultation in the traditional way by conducting record searches and surveys to identify archaeological sites in the project areas, evaluating sites that are found, and following up with data recovery or avoidance for sites that are found to be significant, but AECOM does not recommend this approach. Based on AECOM's Phase 1 RGP work, AECOM recommends that the City and the Corps use an alternative Section 106 compliance process under 36 Code of Federal Regulations (CFR) 800.14b that includes a PA with SHPO, interested parties, and other signatories that may be identified during the process. AECOM considers preparation of a PA to be the best practice in this case because it allows the City more flexibility to change project footprints or possibly even add projects if situations change in the coming years. The PA will establish a protocol for the treatment or avoidance of historic resources that facilitates management of the resources. AECOM believes that this will be the most cost-effective solution and that this document should be renewable if the City chooses to obtain additional permits when the existing ones expire.

To obtain a signed PA for a project, AECOM will proactively initiate SHPO consultation quickly so that project delays are avoided. Although it is the responsibility of the Corps to conduct the consultation, AECOM will provide support to the City and the Corps during the preparation of the PA. Our project team is experienced with the NHPA Section 106 consultation process involving the lead federal agency/agencies; the Advisory Council on Historic Preservation (ACHP); and participating federal, state,

and local agencies (including SHPO, Indian tribes, and other interested parties). The major components of this effort are (1) consultation with ACHP and SHPO, (2) consultation with interested parties, and (3) preparation of the PA. We bring a thorough understanding of the PA preparation and implementation process. We know that the Corps has language that it has successfully employed in previous PAs, and we will assist in melding this language with language from ACHP (should it choose to participate), SHPO, and the City, along with input from the other consulting parties. What we were trying to say is that we will take an existing PA that the Corps is happy with and use it as a template. We will then consult with all Section 106 consulting parties to add/remove/change language and tailor the PA to this specific set of undertakings.

Deliverables:

- Draft and final letters to initiate consultation with Programmatic Agreement participants
- One PowerPoint presentation (up to 20 slides)
- Draft and Final Programmatic Agreement

4.4 Wetland Mitigation Plan

AECOM habitat restoration ecologists will prepare a wetland-riparian mitigation plan for a City-approved site to provide compensatory mitigation for anticipated impacts to regulated waters (vegetated wetlands and unvegetated waters) and species habitat from the proposed maintenance activities. The wetland-riparian mitigation plan is a required component of the state and federal permit packages. The overall mitigation strategy is to accomplish successful negotiations with the resource agencies and obtain maximum flexibility in the types, ratios (e.g., low ratios for disturbed and/or isolated habitat), and locations of wetland and riparian mitigation, and to solidify concurrence on acceptable mitigation so that maintenance/operation activities are not delayed. AECOM will serve as an advocate for the City to negotiate wetland mitigation conditions that are reasonable to minimize cost in the short and long term.

Although the total area of impact to jurisdictional waters (vegetated and unvegetated) among all City maintenance sites to be covered under the RGP is being refined, a total maximum impact area of 4 acres is assumed for the sake of this proposal. Therefore, impacts to approximately 4 acres or less of jurisdictional waters are expected to require off-site mitigation. AECOM will coordinate with the City to identify a preferred wetland-riparian site (or sites) for the project. AECOM has successful experience identifying preferred mitigation sites by comparing factors such as site-specific ecological conditions and opportunities for mitigation, property ownership status, presence of utilities and easements, cost to complete mitigation, certainty of success, and level of support from the resource agencies (to expedite permitting). AECOM will coordinate with the City to select the most cost-effective option to complete mitigation—either through "permittee-responsible" mitigation (where the City would be responsible for implementation, maintenance/monitoring, and success standards for a site) or through "third-party responsible" mitigation (City would pay to transfer the

responsibility of the mitigation to a third party via an in-lieu fee program, mitigation bank, or private party), depending on availability of these potential options.

Based on Phase 1 data, AECOM knows that existing habitat within the identified maintenance areas is of a relatively low-to-moderate quality and that some hydrology and habitat functions will remain after most maintenance activities. Therefore, the resulting mitigation ratios in the mitigation plan would be low to moderate (e.g., 1:1 to 2:1+). More importantly, we know that certain channel maintenance activities will remove nonnative/exotic species, which will provide an environmental benefit to the riparian/wetland ecosystems—an aspect we will use to negotiate mitigation ratios to the benefit of the City. Based on Phase 1 data, it is anticipated that approximately 2.5 acres of Tier I (native habitat within earthen channels) would be impacted, which would require off-site mitigation. Depending on negotiations with the agencies, some impacts to Tier II (nonnative habitat and unvegetated areas within earthen channels) may also require mitigation. Assuming permanent impacts are mitigated off-site at an approximate 2:1 ratio, approximately 5 to 8 acres of wetland-riparian mitigation (in the form of wetland-riparian creation, restoration, or enhancement) may be needed.

Although several factors can increase the cost-effectiveness of the mitigation effort, we recommend the following:

1. Select one mitigation option or site. Typically, this is more economical and there is a greater ecological benefit to use one mitigation site as compared to multiple smaller sites.
2. Conduct restoration and/or enhancement to cost effectively accomplish mitigation goals. Based on resource agency guidance, "restoration" (restoring a substantially degraded wetland) is preferred over "creation" (converting upland to wetland) because there is a higher likelihood of success and "restoration" accomplishes "no net loss" mitigation for wetlands equal to "creation" credit. Conducting "restoration" typically requires little or no grading as compared to conducting excavation grading for "creation" mitigation, which is typically more expensive. "Enhancement" (exotic plant removal) can often be used to accomplish a portion of mitigation for a project.
3. Use a site that does not require land acquisition, has good access, and is already precluded from future development (so that additional protections and easements do not need to be processed). This will also reduce cost to the City.

Prior to preparing the draft mitigation plan, AECOM will coordinate with the City to identify wetland-riparian mitigation options and provide information to assist the City in selecting the preferred mitigation option that will be presented to the resource agencies and included with the permit applications. AECOM has extensive successful experience (i.e., Hale Avenue Resource Recovery Facility [HARRF] Access Road, HARRF Equalization Tanks, Citracado Parkway, and Escondido Sewer Outfall) identifying and reviewing wetland mitigation options within the City, and preparing wetland mitigation plans approved by the

City and agencies. Assessment of potential mitigation sites and preparation of the wetland mitigation plan are reviewed below.

4.4.1 Assess Potential Mitigation Sites

Based on the initial screening of potential mitigation sites and preliminary decisions reached during the pre-application meeting, AECOM will coordinate with the City to perform reconnaissance assessments of potential mitigation sites. This task includes up to 2 field days to assess potential mitigation sites. As part of the assessment work, AECOM will take field notes and photographs, and estimate the type (i.e., habitat type and whether the mitigation would be creation, restoration, or enhancement) and acreage of mitigation that could be accomplished. As part of this effort, AECOM will prepare a succinct matrix comparing the sites (e.g., mitigation acreage opportunities, property ownership and land use status, approximate implementation cost, type of responsibility) to assist the City in selecting a preferred mitigation site or option. Per resource agency precedence, it is anticipated that at least 1:1 of the mitigation would include wetland-riparian creation or restoration, and the difference would be accomplished through a combination of restoration or enhancement.

It is worth noting that AECOM prepared a Wetland Mitigation Plan for the Escondido Sewer Outfall project (June 2010), which was approved by the agencies. This plan identified 1.71 acres of supplemental mitigation area in Kit Carson Park that could be applied in the future to another City project (contingent on agency approval). This supplemental mitigation could potentially be included as part of the mitigation for the City's RGP, Phase II project. Based on previous site evaluations within the City and coordination with the City, additional mitigation areas could be located within Kit Carson Park, Escondido Creek, and Daley Ranch, among other options.

4.4.2 Prepare Wetland Mitigation and Monitoring Plan

Once the preferred mitigation site(s) or option(s) are identified by the project team and approved by the City, AECOM will prepare the Wetland Mitigation and Monitoring Plan. The plan will follow the Corps Los Angeles District's recommended plan outline to expedite review and approval from the Corps, RWQCB, and CDFG. The plan will include sufficient detail to satisfy City and resource agency requirements to help complete the permitting phase. The plan will include information on existing conditions of the mitigation site, proposed site preparation, nonnative plant removal, native planting and seeding (plant palettes and seed mixes), maintenance and monitoring, success standards, and steps needed for completion of mitigation. It will also include graphics and representative photographs. From AECOM's experience, an important factor in a plan is the development of reasonable and appropriate success standards that are tailored to a site so that the mitigation is not held to achieve unreasonable standards that could delay final mitigation sign-off. From our recent experience and agency input, it is anticipated that the agencies will require a functional assessment of the mitigation site and a reference site as part of development of success standards for the

mitigation plan. AECOM is a regional expert in conducting the California Rapid Assessment Method (CRAM) (with certified CRAM trainers on staff). Based on our experience and reputation with the agencies, we can conduct the CRAM functional assessment in an efficient manner and obtain agency approval (for inclusion in the mitigation plan) in an expedited manner.

AECOM will submit a draft Wetland Mitigation and Monitoring Plan for the City's review. Based on review comments, AECOM will revise and finalize the plan for submittal to the resource agencies. With permission of the City, AECOM can review the plan approach with the agencies before submittal to expedite its approval once submitted.

Note: This scope does not include preparation of detailed hydrologic studies (e.g., groundwater sampling or surface flow modeling) or protocol-level surveys at the chosen mitigation site(s). In addition, this scope does not include preparation of mitigation landscape construction plans (i.e., bid documents) with large-scale grading, planting, or irrigation sheets. Mitigation construction plans are not necessary to complete project permitting requirements.

4.5 NEPA Compliance

Before issuing the RGP, the Corps must prepare its own NEPA document to record its own findings on the effects of the RGP on federal waters. Refer to Section 4.3.1.3, above, for our scope and associated deliverables pertaining to our review of the draft EA prepared by the Corps.

4.6 CEQA Compliance

Compliance with CEQA is required for an agency to make a discretionary action (CEQA Guidelines 21080 [a]). The City will be the lead agency under CEQA. Both RWQCB and CDFG will serve as responsible agencies under CEQA. RWQCB and CDFG require that an approved CEQA document be provided prior to issuance of their discretionary permits. As indicated in the City's RFP, AECOM will prepare an IS/MND to satisfy CEQA environmental clearance in accordance with CEQA Guidelines and procedures, and will rely on the City's IS Checklist for significance criteria. The IS/MND will include all required sections, including a description of proposed activities, evaluations of each environmental resource or issue area included in the City's IS Checklist and CEQA Guidelines Appendix G, and mandatory findings of significance.

Deliverables:

- One hardcopy draft and final MND, including electronic versions on compact disc (CD)

4.7 Deliverables

AECOM is known for its high-quality and professional documents, maps, and presentation materials that convey complex regulatory information in a reader-friendly fashion. In accordance with our ISO 9001 certified QA/QC program, all of our draft submittals will undergo internal quality review before being provided to the City for review. Prior to resource agency submittal, all permitting materials prepared by AECOM will be reviewed for City satisfaction and standards compliance.

AECOM's GIS specialists understand complex environmental information and will provide excellent-quality documents, such as accurate permitting deliverables for resource agencies. We already have the GIS data necessary to quickly and accurately prepare permitting deliverables. All digital submittals will be prepared in accordance with City standards on CD.

4.8 Extended Services

This task carries no specific scope of work but includes key services that may be requested throughout the project. Accordingly, we have structured our organization chart specifically to target these technical services. AECOM knows the value of having key in-house technical capabilities available to cope with spontaneous and unpredictable situations, and can provide these services without the use of subconsultants. Responsiveness, technical knowledge, and permitting experience will be key to ensuring that the City has representation through any aspect of the RGP process. We will be ready to assist the City under any circumstance.

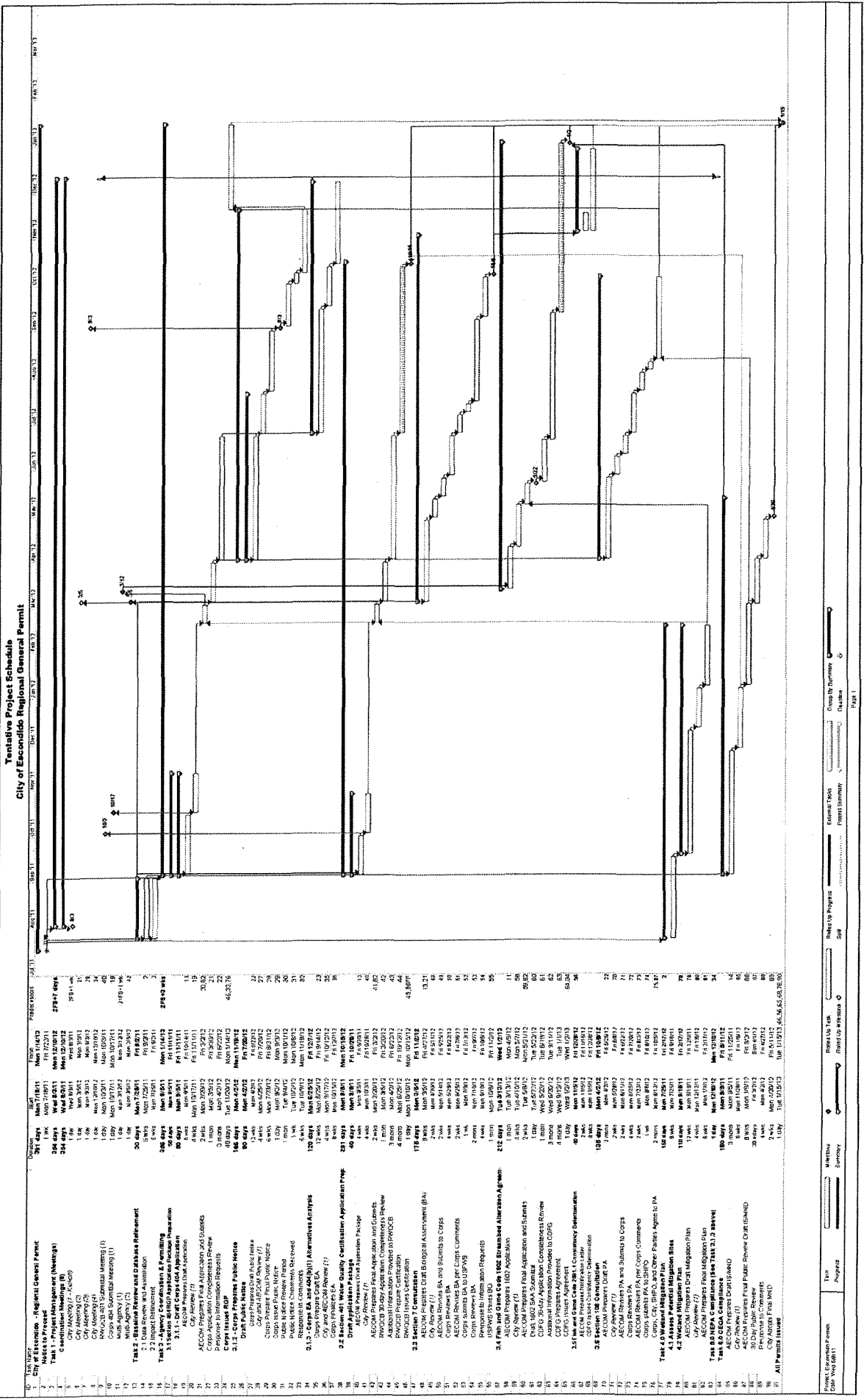
4.9 Options

We structured our cost estimate to give the City the best value possible. However, there are additional services that AECOM can provide, if needed during the permitting process. These include:

1. **Development of the draft EA and Public Notice for the Corps.** Resource agencies often have a high workload and are sometimes slow to respond to permit processing. In our experience, we have witnessed a number of project delays due to resource agency response time—particularly for developing environmental documents. If necessary, AECOM can provide a draft EA and Public Notice to the Corps to expedite its finalization. This has worked well for previous programmatic permit applications we developed, and it can also provide a time-saving benefit to the City for its RGP. The estimated cost for developing a draft EA and draft Public Notice is provided in our cost section.
2. **Enhancement of the current project database to automate the ongoing reporting requirements that will be a condition of the RGP.** After permits are acquired, reporting requirements will be significant and will be required throughout the life of the permit. The City will need a strategy for tracking, managing, and reporting permit-related data. Enhancement of the database will include automating the agency notification process, tracking real O&M impacts over time, and generating annual reports for compliance with the permit. Automating this process will be extremely important to City staff to comply with permit requirements and will save the City a significant amount of time and money in the long-term. The estimated cost for enhancing the Phase 1 database is provided in our cost section.
3. **Letter of Permission (LOP) permitting approach.** If there are even a few sites that are too large to be considered under an RGP that would require Individual Permit (IP) attention, an LOP may be a viable programmatic permitting alternative.

Through our Corps relationships, we know that the LOP approach is preferred over an RGP + IP option. Although an RGP is the best solution, the City will need to get all of its impacts below the RGP threshold. Although not presented as a priced option at this time, an LOP may be a viable alternative depending on impact evaluation outcome. The impact to the proposed cost of our proposal is not expected to be appreciably different from the RGP approach.

Please see our schedule on the following page.



Tentative Project Schedule
 City of Escondido Regional General Permit

Home
 Back to Task
 Back to Summary
 Print Summary
 Refresh
 Copy
 Paste
 Zoom In
 Zoom Out
 Full Screen
 Help

CITY OF ESCONDIDO REGIONAL GENERAL PERMITTING APPLICATION														Total Hours per Task	TPH \$ per Task		
Mark Wilmer Principal in Charge	Paul Jacobs Project Manager	Stephanie Lortson Environmental Analyst I	Lucy Tanski Permitting Specialist/Coordinator	Michelle Thompson III Environmental Planner III	Jessica Fernandez Environmental Planner I	Myr Ferner Biologist II	Christy Dean Agency/Architect III	Stephanie How Agency/Architect I/II	Patricia Auer GIS Specialist	Leanne Lee GIS Specialist II	Technical Editor	Word Processor	QA/QC	Business Admin/Operations			
\$185	\$168	\$109	\$101	\$125	\$76	\$95	\$167	\$62	\$112	\$88	\$104	\$78	\$135	\$78			
0	20		16	32	14	16									0	\$ -	
0	28		16	32	14	20	16		4		4				102	\$ 11,948	
6	30	24	6	12											78	\$ 10,986	
		6													24	\$ 2,856	
5	78	30	38	76	14	36	0	0	0	16	4	4	0	18	336	\$ 39,684	
\$1,107	\$13,104	\$3,262	\$1,836	\$9,500	\$1,063	\$4,414	\$0	\$2,665	\$0	\$11,569	\$414	\$313	\$0	\$1,404	\$41,652	\$1,642	
TASK 1 - PROJECT MANAGEMENT																	
1.1 Meetings: AECOM + City of Escondido Internal Meetings (4) AECOM + City of Escondido + Resource Agency Meetings (4) 1.2 Project Progress and Coordination 1.3 Accounting																	
SUBTOTAL HOURS																	
SUBTOTAL LABOR COST																\$1,642	\$1,642

CITY OF ESCONDIDO REGIONAL GENERAL PERMITTING APPLICATION														Total Hours per Task	TPH \$ per Task		
Mark Wilmer Principal in Charge	Paul Jacobs Project Manager	Stephanie Lortson Environmental Analyst I	Lucy Tanski Permitting Specialist/Coordinator	Michelle Thompson III Environmental Planner III	Jessica Fernandez Environmental Planner I	Myr Ferner Biologist II	Christy Dean Agency/Architect III	Stephanie How Agency/Architect I/II	Patricia Auer GIS Specialist	Leanne Lee GIS Specialist II	Technical Editor	Word Processor	QA/QC	Business Admin/Operations			
2	0	4	0	0	0	16	6								32	\$ 3,856	
0	0	2	0	0	0	18	6								38	\$ 4,608	
50	0	562	0	0	0	34	534	0	0	22	0	0	0	0	70	\$ 8,400	
SUBTOTAL HOURS																\$9,878	\$9,878
SUBTOTAL LABOR COST																\$212	\$212
TASK 2 - BASELINE REVIEW AND DATABASE REFINEMENT																	
2.1 Data Review and Assimilation 2.2 Impact Refinement																	
SUBTOTAL HOURS																	
SUBTOTAL LABOR COST																\$7,089	\$7,089

CITY OF ESCONDIDO REGIONAL GENERAL PERMITTING APPLICATION														Total Hours per Task	TPH \$ per Task		
Mark Wilmer Principal in Charge	Paul Jacobs Project Manager	Stephanie Lortson Environmental Analyst I	Lucy Tanski Permitting Specialist/Coordinator	Michelle Thompson III Environmental Planner III	Jessica Fernandez Environmental Planner I	Myr Ferner Biologist II	Christy Dean Agency/Architect III	Stephanie How Agency/Architect I/II	Patricia Auer GIS Specialist	Leanne Lee GIS Specialist II	Technical Editor	Word Processor	QA/QC	Business Admin/Operations			
2	15	8	10	20		48									127	\$ 15,252	
9	2	2	20	20		40									77	\$ 9,240	
2	6	10	10	10	8										100	\$ 12,000	
4	4		6	6		116									141	\$ 16,920	
14	8		24	24	10										194	\$ 23,280	
2	4		4	4	40	4									74	\$ 8,880	
2	2		4	4	4	4									23	\$ 2,760	
6	54	28	30	92	0	62	214	57	86	0	32	32	13	0	161	\$ 19,320	
\$1,107	\$5,072	\$3,044	\$3,029	\$11,500	\$0	\$5,979	\$18,048	\$8,663	\$7,046	\$0	\$3,188	\$2,743	\$1,755	\$0	\$29,339	\$3,609	
TASK 3 - AGENCY COORDINATION AND PERMIT ASSISTANCE																	
3.1 Section 404 Permit Application and Refinement 3.1.1 Section 404 RFP Application Package Preparation 3.1.2 Review and Support for the Corps Public Notice 3.2 Section 401 Water Quality Certification Application Preparation 3.3 Section 7 Consultation 3.3.1 Draft Biological Assessment 3.4 Fish and Game Code 1602 Streambed Alteration Agreement 3.5 Fish and Game Code 2080.1 Consistency Determination 3.6 Section 106 Consultation																	
SUBTOTAL HOURS																	
SUBTOTAL LABOR COST																\$3,609	\$3,609
TOTAL FOR TASK 2 - AGENCY COORDINATION AND PERMIT ASSISTANCE																\$7,089	\$7,089

CITY OF ESCONDIDO REGIONAL GENERAL PERMITTING APPLICATION														Total Hours per Task	TPH \$ per Task		
Mark Wilmer Principal in Charge	Paul Jacobs Project Manager	Stephanie Lortson Environmental Analyst I	Lucy Tanski Permitting Specialist/Coordinator	Michelle Thompson III Environmental Planner III	Jessica Fernandez Environmental Planner I	Myr Ferner Biologist II	Christy Dean Agency/Architect III	Stephanie How Agency/Architect I/II	Patricia Auer GIS Specialist	Leanne Lee GIS Specialist II	Technical Editor	Word Processor	QA/QC	Business Admin/Operations			
2	8	6	28	12	8	32	16								99	\$ 11,880	
2	8	6	102	20	0	60	36	0	0	26	4	6	4	0	216	\$ 25,920	
2	8	6	190	20	0	60	36	0	0	26	4	6	4	0	282	\$ 33,840	
SUBTOTAL HOURS																\$29,077	\$29,077
SUBTOTAL LABOR COST																\$1,606	\$1,606
TASK 4 - WETLAND MITIGATION PLAN																	
4.1 Assess Potential Mitigation Sites 4.2 Draft and Final Wetland Mitigation Plan																	
SUBTOTAL HOURS																	
SUBTOTAL LABOR COST																\$3,609	\$3,609
TOTAL FOR TASK 4 - WETLAND MITIGATION PLAN																\$3,609	\$3,609

Costs are proposed as estimated based on a mixture of staff. Actual billings will be based on time and materials, and may be different.

**Estimated Costs for Regional General Permitting,
City of Escondido 2011**



CITY OF ESCONDIDO REGIONAL GENERAL PERMITTING APPLICATION														Total Hours per Task			
Mr. Williams Principal in Charge	Paula Ladd Project Manager	Michelle Larson Environmental Analyst II	Leah Taylor Permitting Specialist/Coordinator	Michelle Peterson Environmental Planner II	Jessica Pennington Environmental Planner II	Janice Pennington Environmental Planner	Kyle Harper Biologist II	Brian Peterson Biologist III	Gregory Dorn Grading/Arctic Eng III	Stephanie How Archieve/Arctic Eng I	Peter Albrecht Sr. GIS Specialist	Janice Lee GIS Specialist II	Technical Editor	Word Processor	QA/QC	Business Advertising Operations	Total Hours per Task
2	28	0	0	92	92	32	18	18	0	0	0	18	10	14	14	0	220
2	28	0	0	92	92	32	18	18	0	0	0	18	16	14	0	0	220
SUBTOTAL LABOR COST																	
\$969	\$4,704	\$0	\$0	\$11,500	\$0	\$3,055	\$1,602	\$0	\$0	\$0	\$0	\$1,785	\$1,687	\$1,087	\$0	\$0	\$25,730
Other Direct Costs: \$336																	
TOTAL FOR TASK 5 - NEPA COMPLIANCE: \$26,065																	

TASK 6 - CEQA COMPLIANCE														Total Hours per Task			
6.0 CEQA Compliance	Screencheck Draft IS/MND	Public Review Draft IS/MND; Notice of Intent (NOI)	Response to Comments, Final IS/MND														Total Hours per Task
2	12	8	30	30	120	24	48	8	8	24	0	14	2	2	2	0	4
6	4	4	18	48	48	32	32	2	2	8	0	2	8	8	6	0	112
6	4	4	10	30	30	4	12	4	4	8	0	6	6	12	6	0	120
2	24	16	58	198	28	92	14	14	40	40	0	22	16	22	12	0	544
SUBTOTAL LABOR COST																	
\$969	\$4,032	\$1,740	\$7,250	\$15,034	\$2,555	\$8,188	\$2,212	\$0	\$2,277	\$0	\$0	\$2,158	\$1,687	\$1,774	\$1,620	\$0	\$52,037
Other Direct Costs: \$3,878																	
TOTAL FOR TASK 6 - CEQA COMPLIANCE: \$55,915																	

TOTAL WITHOUT CONTINGENCY	\$2,454,445
CONTINGENCY FOR EXTENDED SERVICES (10%)	\$245,445
GRAND TOTAL	\$2,699,990

OPTIONAL TASKS														Total Hours per Task			
Database Enhancement for Permit Tracking and Reporting Requirements	Letter of Permission (no additional cost anticipated)																Total Hours per Task
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	4	4	80	80	0	80	0	0	0	0	0	0	0	0	0	0	100
SUBTOTAL LABOR COST																	
\$0	\$0	\$0	\$7,586	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,181

Other Direct Costs: \$1,419

TOTAL FOR OPTIONAL TASKS: \$11,599

* Per the RFP, a 10% set aside is included for Extended Services.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: First Amendment to the Lexus Digital Screen Content and Operation Agreement
Case No. ADM11-0104, 1205 Auto Park Way

REQUEST:

An amendment of the agreement to broaden the allowable types of digital screen displays to include artistic images related to the businesses located on the premises with the name of the businesses displayed, and expanding the allowable text to 24-inch banners at the top and bottom of the screen.

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-88 authorizing the Mayor and City Clerk to execute the First Amendment to the Lexus Digital Screen Content and Operation Agreement. The recommendation of the Economic Development Subcommittee from their July 11, 2011, review will be included in staff's presentation.

FISCAL ANALYSIS:

No direct fiscal impacts are related to this request to allow business related images on the digital screen. However, in 2007 the City Council entered into an Agreement RE Operating Covenant and Restrictive Covenants with the property owner, Luna Properties, LLC (Luna). Through this agreement, Luna agreed to cause a Lexus automobile dealership to be developed and operated at this location for ten years (from approximately June 30, 2008.) In consideration for this covenant, the City agreed to pay to Luna an amount equal to 50% of the sales tax revenues, generated from the businesses conducted on the property each year, which are in excess of \$240,000 per annum (the Primary Base Sales Tax Revenues).

COUNCIL ACTION PLAN: N/A

PREVIOUS ACTION:

On March 5, 2008, City Council authorized the Mayor and City Clerk to execute a Digital Screen Content and Operation Agreement between the City and Luna/Lexus. This agreement defines the location, size, position, visibility, brightness, hours of operation, content, and approval process for images proposed to be added to the Collection for display on the screen.

BACKGROUND:

In December 2006, the City Council approved a Planned Development project for the construction of the Lexus Escondido Centre, which included an automobile dealership, a restaurant, conference center and digital media screen. Details of the electronic screen, location, hours of operation and content returned to Council for review in March 2008 and were formalized in the Digital Screen Content and Operation Agreement (Agreement) between the City and Luna/Lexus. The digital screen was approved as an electronic mural to enhance the development's elegant image and support the applicant's concept and philosophy that the dealership extends beyond an auto dealership and becomes a lifestyle center. Clause number 9 of the Agreement allows changes, adjustments, and modifications of the agreement upon mutual consent of the City Appearance Committee and Luna/Lexus without

public notice or hearing. This request has been forwarded to the Council since it proposes to show on the screen images and text related to the on-site businesses, rather than purely aesthetic/artistic displays.

CURRENT ALLOWANCES:

The Digital Screen Content and Operation Agreement, specifies the range of images permitted on the screen and restricts the type and location of text. Appropriate images include scenes depicting nature such as landscapes, seascapes, animals and plant life; urban landscapes and buildings, fine art, people, food, other artistic representations, as well as, community service images. The images submitted by Lexus are reviewed by the City Appearance Committee. The City may also submit images to Lexus to consider for inclusion in the Collection. The screen displays static images contained in the approved Collection with incidental text in an 18-inch high strip at the bottom of the screen limited to credits for artist's names, dates of artist's performances, the name "Lexus Centre Escondido", and the website address of the digital screen. Images change about every 20 seconds. The digital screen is not considered a sign and is not included in the allowable sign area permitted for the dealership. The dealership does have an electronic message sign at the driveway entrance off of Auto Park Way, wall signs, and directional signs throughout the site. See the current Agreement in Attachment "1."

PROPOSED CHANGES:

Approval of this request would allow Lexus to display on the digital screen artistic images related to products and services offered by on-site businesses located at the Lexus Centre Escondido. The images would include the name and/or logo, and website address of the associated on-site business in 24-inch high text strips at the top and bottom of the screen. The proposed business images would be submitted to the City Appearance Committee for consideration of being added to the collection of approved images in the same manner as the current process. They would also be subject to existing clause number 12 of the Agreement, wherein they voluntarily waive First Amendment Rights concerning the digital screen. See proposed First Amendment in Attachment "2."

DISCUSSION:

The City Appearance Committee reviewed the proposal May 19, 2011. The Committee felt that the proposed types of images were elegant and in-keeping with the high quality of approved images in the Collection. The Committee's concern was to maintain the artistic basis of the digital screen and recommended approval with the restriction that the business images be limited to less than 50% of the total images displayed in a 24-hour period. The Committee felt that this would be appropriate in order to retain the original intent of the screen as an electronic mural and keep the majority of images as artistic displays. Two letters have been received from the public raising a concern with the nature of potential images related to the automobile dealership that might involve or promote off-road activities that could damage natural resources, and requesting that the review of images be cognizant of images that project environmental sensitivity (see Attachment "3").

The Economic Development Council Subcommittee will consider this request on July 11, 2011. The subcommittee's recommendation will be included in staff's presentation.

Respectfully submitted,



Barbara J. Redlitz
Director of Community Development



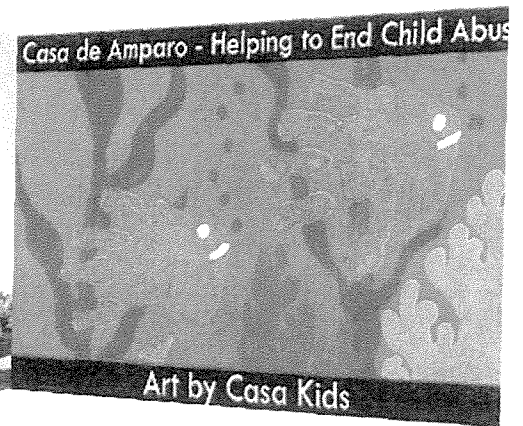
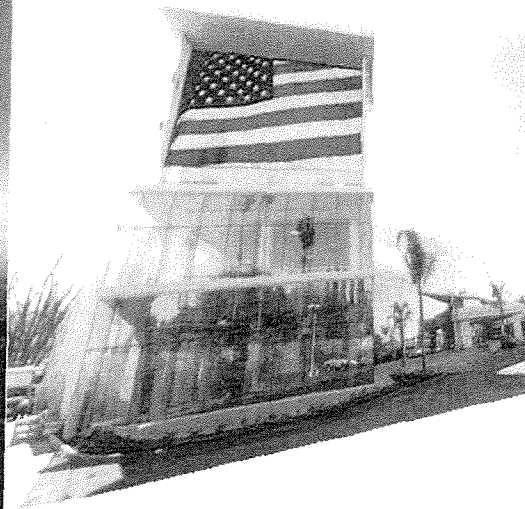
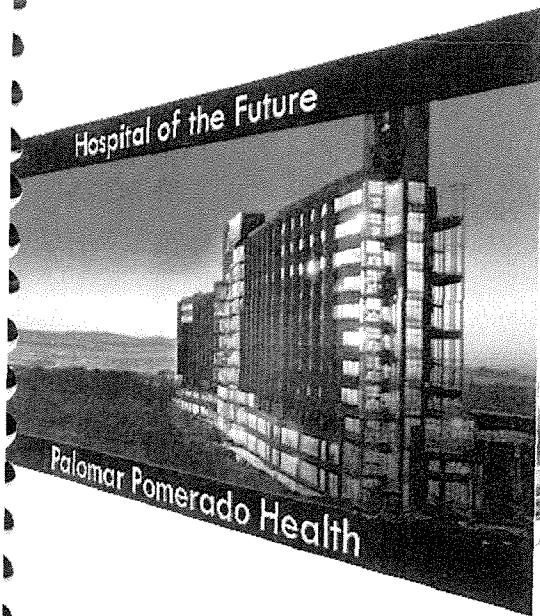
Rozanne Cherry
Principal Planner

3 June
PLW6

The Digital Screen

An Endeavor of Community Service and Artistic Commerce

Judith Jones-Cone and David Cohn



March 29, 2011

Dear Mayor Sam Abed,

Thank you for receiving our request to represent The Restaurant on The Digital Screen, positioned facing I-15 at The Centre at Lexus Escondido. The Restaurant's representation will be done in an elegant fashion as shown with the enclosed examples.

The request will also give this opportunity to Lexus Escondido, and, over time, potentially five retail shop owners as tenants. All retail images will be portrayed in an artistic fashion as portrayed in this packet by our current retail tenant, Windsor Rose.

Since December 1, 2009, The Digital Screen has operated in accordance with the Digital Screen Operating Agreement as determined by the City of Escondido and administered by the Awareness Committee, a committee composed of staff members of the City of Escondido and led by Charlie Grimm.

The Digital Screen has been an instrument of beauty and community service during this time. Not only have there been images of beautiful colors, shapes and themes, but also the screen has increased public awareness in regards to services of several local non-profit organizations. North County Lifeline, Escondido Creek Conservancy, YMCA, Casa De Amparo, The Children's Museum, and Boys and Girls Club are some of the initial organizations that are currently receiving exposure on the screen as a courtesy to boost their awareness in Escondido and the regional communities.

Now in 2011, Escondido and surrounding communities have the opportunity to welcome The Cohn Restaurant Group to add another of his successful restaurants to our local environment. Among the Group's many outstanding 13 locations in San Diego County, are Inland Prime, Blue Point, Corvette Diner, The Prado at Balboa Park, and more. The Centre at Lexus Escondido is offering a 160-seat restaurant and multiple venues for special event catering on the Third Level of The Centre at Lexus Escondido. The Cohn Group sees great potential for a cutting-edge restaurant experience at our facility, especially if the opportunity includes an artistic representation of their presence on The Digital Screen. We have included samples of what this representation would include for your review. Mr. Cohn is looking for support from The Escondido City Council for this representation before making his final commitment to Luna Properties, LLC, property owner of The Centre at Lexus Escondido. With your support, we believe you will open the way for increased revenues from not only the restaurant, but also up to five other shop keepers that would follow as part of The Retail Collection at The Centre on the second floor along with Windsor Rose, opened since fall of 2010.

With an ever changing world and marketplace, it is important to move forward in innovative ways to attract new business and stimulate the marketplace. I hope you appreciate the synergy of this retail environment and its importance in generating new and increased revenues for the City of Escondido. Lexus Escondido believes partnering with these retailers will enhance the experience of the automotive purchaser into realms not commonly found among automotive dealers. Therefore, we believe the highest reputation for customer satisfaction, treatment, education and entertainment will all reside in the City of Escondido because it had the foresight to support an endeavor that truly made the automotive business an exciting destination experience. Please lend your support to allow the Digital Screen to represent the retailers inside The Centre at Lexus Escondido in an artistic and elegant manner as represented on the following pages.

Best regards,



Judy Jones-Cone
Luna Properties, LLC
Lexus Escondido

Cc: Marie Waldron, Deputy Mayor
Ed Gallo, Council Member
Olga Diaz, Council Member
Michael Morasco, Council Member
David Cohn, President, The Cohn Restaurant Group

The Restaurant at *The Centre*



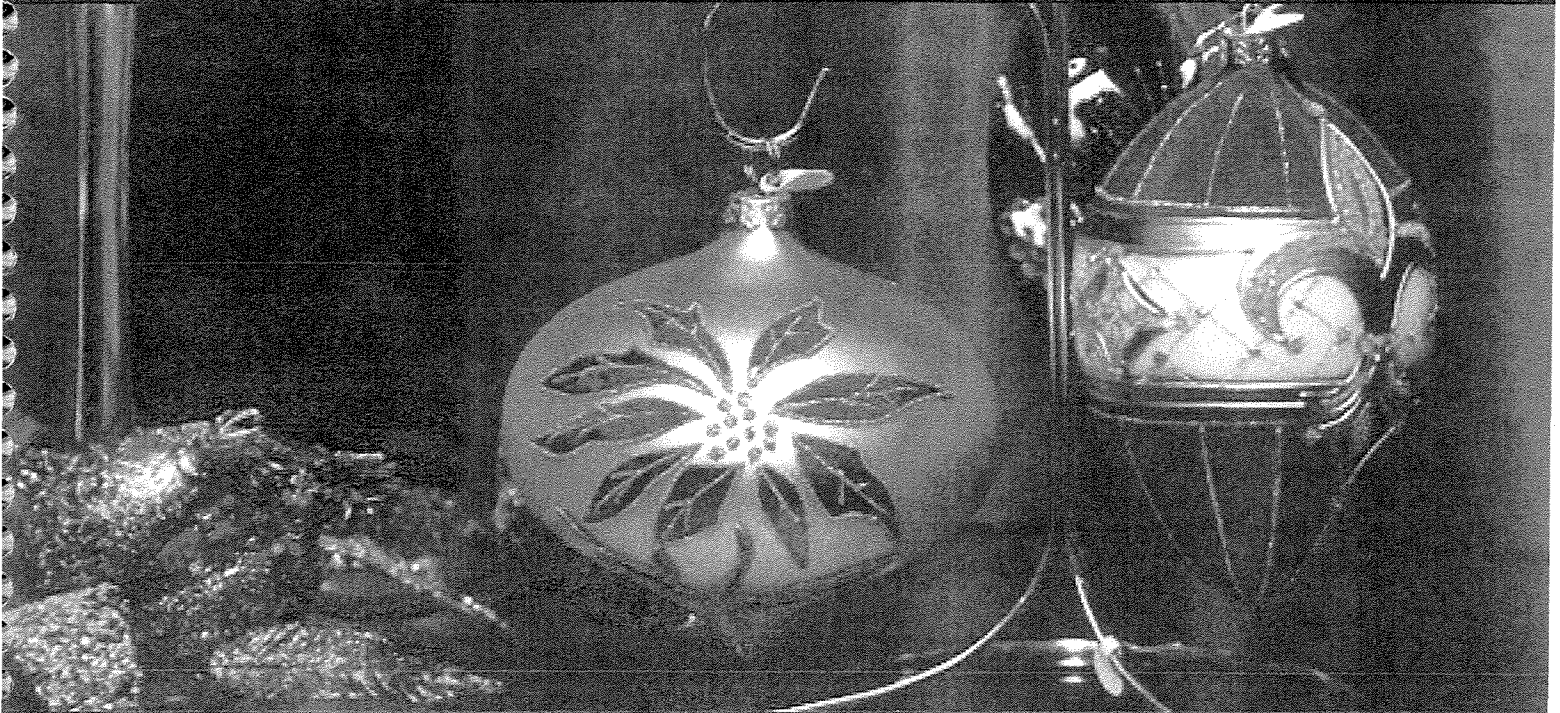
www.LexusEscondido.com

The Restaurant at *The Centre*



www.LexusEscondido.com

Windsor Rose at *The Centre*



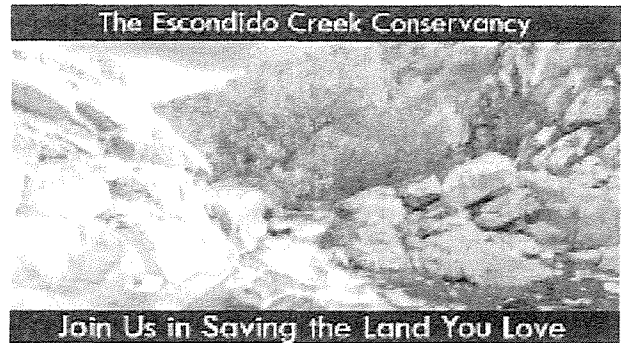
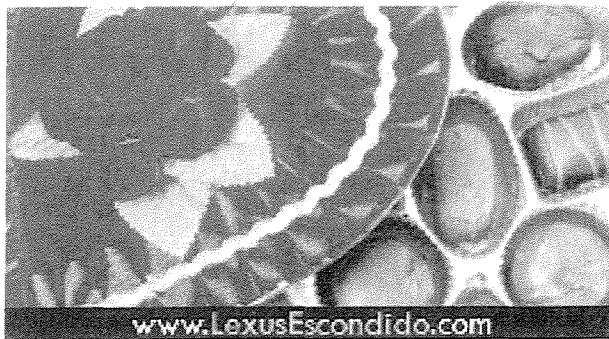
www.LexusEscondido.com

Windsor Rose at *The Centre*



www.LexusEscondido.com

A Small Representation of Images Shown in Rotation on The Digital Screen



DIGITAL SCREEN CONTENT AND OPERATION AGREEMENT

This **DIGITAL SCREEN CONTENT AND OPERATION AGREEMENT** (the "Agreement") is entered into as of March 19, 2008, by and between the **CITY of Escondido** ("City"), and **LUNA PROPERTIES, LLC**, a California limited liability company ("Luna").

RECITALS

A. Luna is the owner of certain real property located at 1233 West Ninth Avenue, Escondido, California (the "Property"), on which Luna intends to cause Halo Motor Company, a California corporation doing business as **LEXUS ESCONDIDO** ("Lexus") to open and operate a Lexus automobile dealership (collectively, the "Businesses").

B. As part of the land use approval process for the automobile dealership, the Businesses voluntarily sought to include a digital screen for the purpose of displaying art and other images of public, community or artistic interest. The digital screen is in addition to other approved signage normally allowed in connection with an automobile dealership. To accommodate the request for the digital screen, the City included Condition of Approval No. 22 (Planning Case No. 2006-10-PD, ER 2006-07) which calls for an Agreement between the Businesses and the City prior to the installation and operation of the digital screen; and

C. As part of this Agreement, the Businesses wish to provide for the City Appearance Committee, or such successor entity selected by the City Council, to review and approve the selection and display of certain images.

D. The City wishes to participate in the selection and display of said images.

NOW, THEREFORE, the parties hereto agree as follows:

- ✓ 1. **Location:** The digital screen shall be on the third level of the east structure of the Lexus Dealership as more precisely depicted on Exhibit "A-A" which is attached to and incorporated herein.
- ✓ 2. **Size:** The Digital Screen shall be 48 feet wide and 27 feet tall.
- ✓ 3. **Position:** The digital screen shall be in a fixed position and permanently installed.
- ✓ 4. **Visibility:** The digital screen shall be operated so that it is only visible as depicted in Lexus Escondido Cross Section Exhibit "A-A," Screen View Angle Exhibit (northeast toward Interstate 15).
- ✓ 5. **Brightness:** The media screen shall be operated so that it does not exceed the illumination standards of 6443 nits during daylight and 322 nits after sunset.
- ✓ 6. **Hours of Operation:** The digital screen may only be operated during the hours, commencing 6:30 a.m. and terminating no later than 11:00 p.m.

✓ **7. Content:** The digital screen may only display images as follows: The digital screen shall display art, and other images of public, community or artistic interest. Only images contained in the approved Collection (as described below) shall be displayed. Text may be displayed in the bottom 18 inches of the screen, but will be limited to description of the art piece, credits for artists' names, dates of artist's display and the website address of Lexus Centre Escondido Digital screen. All images and text shall be static and shall not change more that once every 20 seconds.

8. The Collection: Images for the digital screen shall be selected as follows:

Images depicting nature (including landscapes, animals and plant life), urban landscapes and buildings, statues and monuments, paintings, sculpture, fine art, children, food, and performing artists including those of local significance and origin shall be permitted for display and eligible for inclusion in the Collection. Prior to commencing operation of the Digital Screen, the Businesses shall provide the City Appearance Committee with specific digital images for approval. Upon approval by the City Appearance Committee, such images shall be included in the Collection.

Periodically, the Businesses may propose additional images for inclusion in the Collection. The City Appearance Committee shall review the additional images. Upon approval by the City Appearance Committee, the additional images shall be added to the Collection. Collages of previously approved images shall be deemed approved and shall not require re-approval before display. In the event the City Appearance Committee disagrees with any images proposed by the Businesses or Businesses' designee to be included in the Collection, such disagreement shall be submitted to the City Manager or his designee for resolution, whose decision shall be final.

Periodically, the City Appearance Committee may propose additional images for inclusion in the Collection. The Businesses shall review the additional images. Upon approval by the Businesses, the additional images shall be added to the Collection. Collages of previously approved images shall be deemed approved and shall not require re-approval before display.

9. Modification: The operation of the Digital Screen will require ongoing cooperation between City Appearance Committee and Businesses and experience may demonstrate that changes to this Exhibit are appropriate to expand, modify or change the details of operation. If the City Appearance Committee and Businesses find that changes or adjustments are appropriate, they may amend the Collection from time to time, subject to the mutual consent of the Businesses and the City Appearance Committee. No such change shall require prior public notice or hearing, nor constitute an amendment to any underlying entitlements for the project.

10. Binding on Successors: This contract shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

11. Remedies: Remedies for breach of any provision of this Agreement shall be limited to specific performance, i.e. orders directing one or more of the parties to comply with the terms of this Agreement, or other equitable relief, such as injunctive or related relief. In no event shall any party be entitled to monetary damages of any sort, including direct, indirect, special, consequential, or punitive damages, whether in contract or tort.

12. No First Amendment Rights: The Businesses and the City agree that the Digital Screen and the provisions regarding the Collection and Content as set forth above are contractually agreed to on a voluntary basis, and arise out of their desire to include the Digital Screen in the Project. The involvement of the City's Appearance Committee, or any successor committee are for the purposes of accommodating the Businesses' desire to have City participation in the selection and review of material for the Digital Screen. Businesses agree that they shall not in the future object to the City's participation, review, or decisions regarding the Collection on free speech, First Amendment, or any related grounds under the United States or California Constitutions and related statutes and court cases, and hereby knowingly and voluntarily waive such rights insofar as the operation of the Digital Screen is concerned.

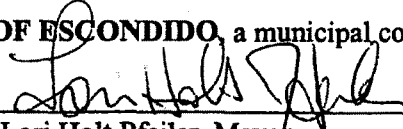
13. Entire Agreement: This Agreement is the entire understanding of the parties and there are no other terms or conditions, written or oral, concerning this subject matter, with the sole exception of those matters pertaining to the Digital Screen Content and Operation Agreement contained in City of Escondido Resolution No. 2006-269-R.

[The remainder of this page intentionally left blank]


IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

CITY:

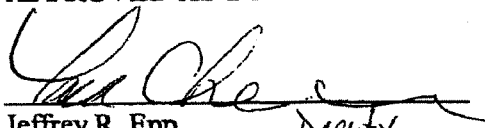
CITY OF ESCONDIDO, a municipal corporation

By: 
Lori Holt Pfeiler, Mayor

ATTEST

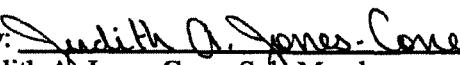

Marsha Whalen, City Clerk *3-19-08*

APPROVED AS TO FORM:

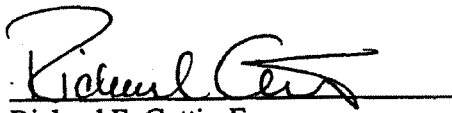

Jeffrey R. Epp *Deputy*
City Attorney

LEXUS ESCONDIDO:

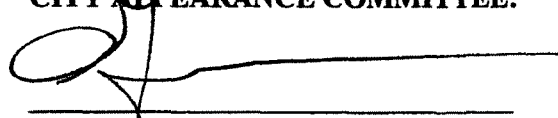
Luna Properties, LLC, a California
Limited Liability Company

By: 
Judith A. Jones-Cone, Sole Member

APPROVED AS TO FORM:

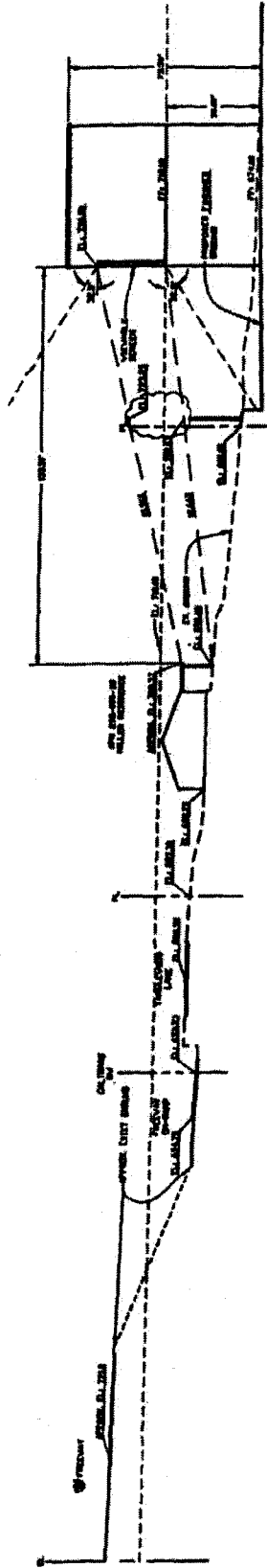

Richard E. Gattis, Esq.
Luna Properties, LLC Legal Counsel

CITY APPEARANCE COMMITTEE:

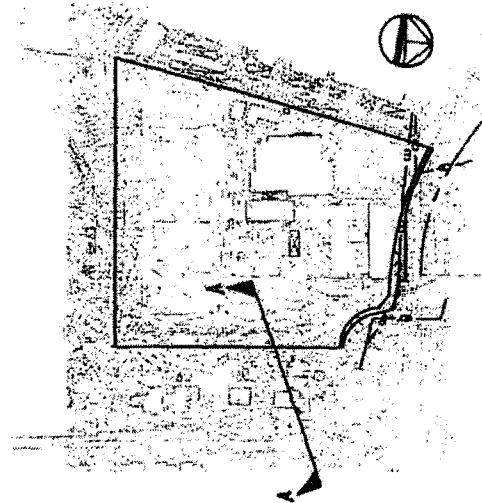

(Name)

Agreement Exhibit A-A

Page 1 of 2

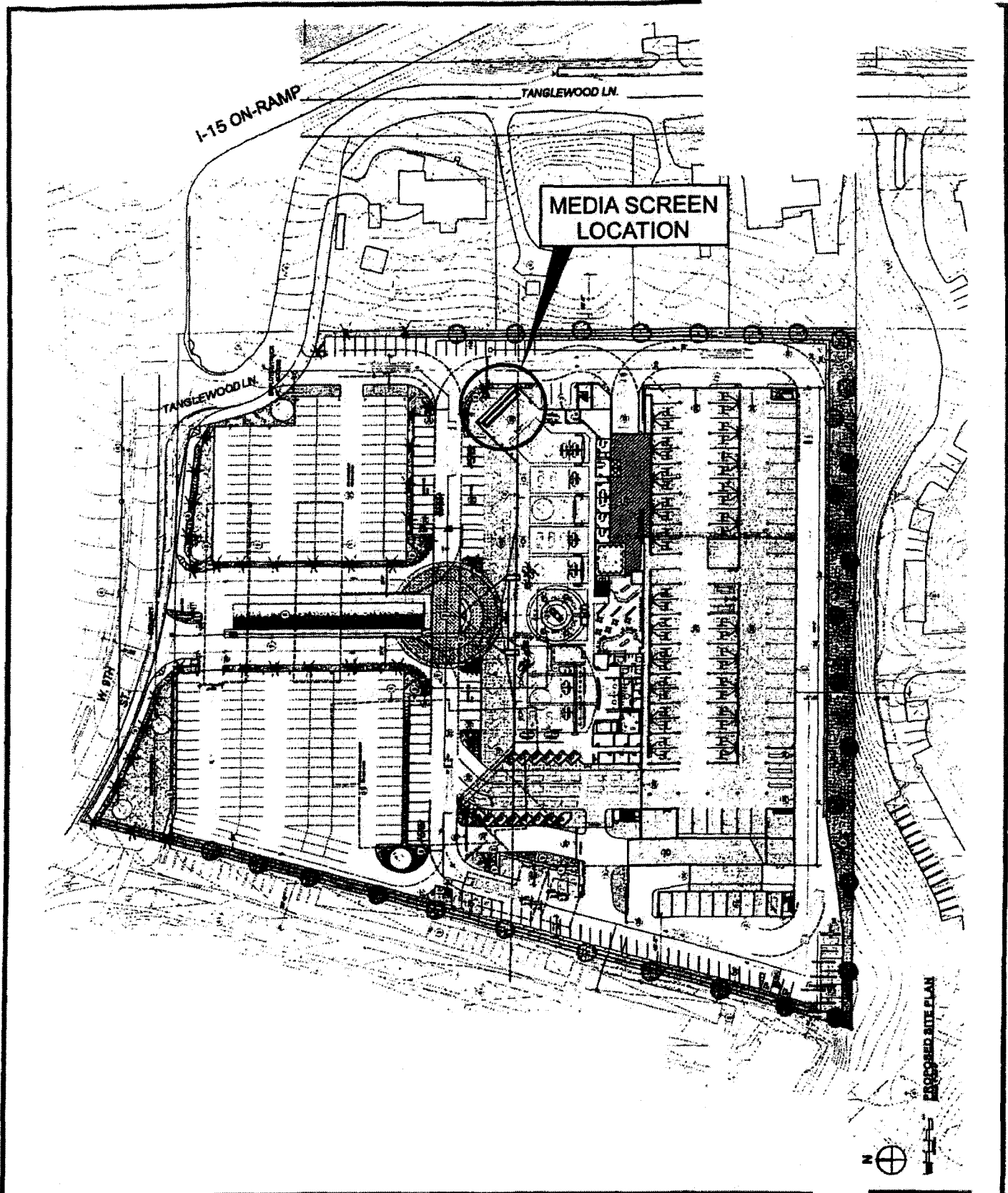


SECTION A-A
SCALE: 1/8" = 1'-0"



LEXUS ESCONDIDO
CROSS SECTION EXHIBIT

bHA inc.
10000 Wilshire Blvd
Suite 1000
Los Angeles, CA 90024
Tel: 310.206.1000



**PROPOSED PLANNED DEVELOPMENT
2006-10-PD**



SITE PLAN

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

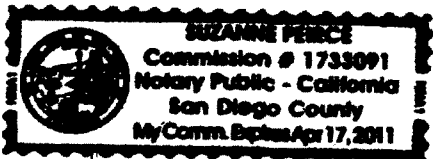
County of San Diego

On March 13, 2008 before me, SUZANNE PEIRCE, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Judith A. Jones-Cove
Name(s) of Signer(s)

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

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



Place Notary Seal Above

WITNESS my hand and official seal
Signature Suzanne Peirce
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Digital Screen Content and Operation Agreement

Document Date: _____ Number of Pages: 6

Signer(s) Other Than Named Above: Rick Gattis

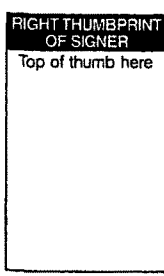
Capacity(ies) Claimed by Signer(s)

Signer's Name: Judith A. Jones-Cove Signer's Name: _____

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



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



Signer Is Representing: Luna Properties, LLC

Signer Is Representing: _____

DRAFT

Underlined normal text = Lexus proposal

Underlined italic text = City proposal

~~Strike-through text~~ = deleted text

**FIRST AMENDMENT TO DIGITAL SCREEN CONTENT AND
OPERATION AGREEMENT**

THIS FIRST AMENDMENT TO DIGITAL SCREEN CONTENT AND OPERATION AGREEMENT (the "Amendment") is entered into as of _____, 2011, by and between the CITY OF ESCONDIDO ("City"), and LUNA PROPERTIES, LLC, a California limited liability company ("Luna").

RECITALS

A. The City and Luna are parties to that certain Digital Screen Content and Operation Agreement dated March 19, 2008 ("Agreement").

B. The City and Luna desire to amend the Agreement in certain respects.

NOW, THEREFORE, the parties hereto agree as follows:

1. **Content**: Paragraph 7 of the Agreement is amended and restated to read as follows:

"7. Content: The digital screen may only display images as follows: The digital screen shall display art, and other images of public, community or artistic interest, and images of products and services offered by on-site businesses located at the Property (including the name and/or logo of the associated on-site business). Only images contained in the approved Collection (as described below) shall be displayed. Text may be displayed in the bottom 24 inches of the screen, but will be limited to description of the art piece, credits for artists' or submitting parties' names, website addresses for the artist or submitting party, dates of artist's display, identification and website addresses of on-site businesses, and the website address of The Centre Lexus Centre Escondido Digital screen. Text may also be displayed in the top 24 inches of the screen for specified images, but will be limited to description of community events corresponding to the image, dates of such events, the name of the community-based or nonprofit organization corresponding to the image, and identification of on-site businesses. All images and text shall be static and shall not change more than once every 20 seconds. Images of products and services offered by on-site businesses located at the Property shall be limited to less than fifty percent (50%) of the overall images displayed on the digital screen in a twenty-four (24) hour period."

2. **The Collection**: Paragraph 8 of the Agreement is amended and restated to read as follows:

“8. **The Collection**: Images for the digital ~~mural~~ screen shall be selected as follows:

Images depicting nature (including landscapes, animals and plant life), urban landscapes and buildings, statues and monuments, paintings, sculpture, fine art, children, food, and performing artists including those of local significance and origin shall be permitted for display and eligible for inclusion in the Collection. In addition, images of products and services offered by on-site businesses located at the Property (including the name and/or logo of the associated on-site business) shall be permitted for display and eligible for inclusion in the Collection. Prior to commencing operation of the Digital Screen, the Businesses shall provide the City Appearance Committee with specific digital images for approval. Upon approval by the City Appearance Committee such images shall be included in the Collection.

Periodically, the Businesses may propose additional images for inclusion in the Collection. The City Appearance Committee shall review the additional images. Upon approval by the City Appearance Committee, the additional images shall be added to the Collection. Collages of previously approved images shall be deemed approved and shall not require re-approval before display. In the event the City Appearance Committee disagrees with any images proposed by the Businesses or Businesses’ designee to be included in the Collection, such disagreement shall be submitted to the City Manager or his designee for resolution, whose decision shall be final.

Periodically, the City Appearance Committee may propose additional images for inclusion in the Collection. The Businesses shall review the additional images. Upon approval by the Businesses, the additional images shall be added to the Collection. Collages of previously approved images shall be deemed approved and shall not require re-approval before display.”

3. **No Other Changes**: Except as modified as set forth above, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date and year first written above.

CITY:

CITY OF ESCONDIDO,
a municipal corporation

By: _____
Sam Abed, Mayor

ATTEST:

Marsha Whalen, City Clerk

APPROVED AS TO FORM:

Jeffrey R. Epp
City Attorney

(Signatures continued on the following page)

LEXUS ESCONDIDO:

Luna Properties, LLC, a California limited liability company

By: _____

Judith A. Jones-Cone, Sole Member

APPROVED AS TO FORM:

Richard E. Gattis, Esq.

Luna Properties, LLC Legal Counsel

ATTACHMENT #3

July 5, 2011

Patricia Borchmann
1141 Carrotwood Glen
Escondido, CA 92026

Mayor Sam Abed,
And Escondido City Council
201 N. Broadway
Escondido, CA 92026

RE: Lexus Dealership – First Amendment to Digital Sign Content and Operation Agreement
Current Business – Agenda Item _____

Honorable Mayor and City Council Members:

Thank you for opportunity to provide public input on this Current Business agenda item, for the proposed Amendment to the Digital Screen Content and Operation Agreement between Lexus Dealership (and onsite businesses) and City of Escondido.

I have reviewed the existing Agreement, and the text of the proposed Lexus Amendment, and City proposal, and have coordinated w/Planning staff. Based on an initial review, it appears the existing Agreement was developed to carefully control visual images and message content for the large digital screen for the Lexus Dealership site on Ninth Avenue. This type of careful control is appropriate for any high visibility auto dealership which is visible from vehicles traveling on I-15, as well as local traffic on surface streets.

As understood, the scope of proposed Amendment is fairly minor. The proposed change would expand the content limits, to allow images of products and services offered by the on-site businesses located at the property, (including name and/or logo of the associated on-site business). Based on the limited scope, and extent of city control over the content/images for the digital display, I can support the new limits sought by the Lexus auto dealership (as associated on-site businesses such as Windsor Rose).

Initially, I was unaware of the limited scope of proposed Amendment for the highly visible digital display, and I had concerns. My initial concerns have been resolved by details in the proposed Amendment, the Operational Agreement with the City, and control of Images in the Collection.

So I was pleasantly surprised by examining the details of the Digital Screen Content and Operation Agreement, that the display would not be projecting offensive images of high profile sport vehicles, or 4x4 vehicles with oversized tires positioned on a fragile landform for a photo- op.

I find more comfort with what the images on the digital display will NOT be projecting.

The type of images that I personally find offensive are commonly used in typical mainstream media for commercial advertisements on television, for high profile sport utility vehicles for off-road use, by projecting a certain 'macho' image, with customers viewing a handsome man driving off into the sunset.

They often show a luxury sport vehicle crossing stream courses and rivers , maneuvering over large rocks/boulders , or through mud pits created when off-road vehicles travel through rural areas, and the pavement ends. It's as though these advertisements sort of 'glorify' irresponsible actions by off-road enthusiasts, which inevitably cause irreversible damage to natural resources, erosion, soil displacement, and extreme damage to natural drainage patterns and fragile wetland habitats, or the ever fragile desert habitats and ecosystems.

During economic conditions which often create hardships for businesses, it is easily understood how local government seeks ways to extend opportunities for businesses to market themselves, and I am impressed with the methods, products proposed by Lexus auto dealership, and agreement w/City to carefully control images and content.

I hope that the proposed Amendment may be expanded to include specific limits on types of images or products which would be prohibited, so future business partners have the full disclosure they deserve, by being responsible business partners and managers. I think this is a concept that deserves attention, and discussion by Council members.

Respectfully,

Patricia Borchmann,

(resident of Escondido)



Agenda Item No.: 15
Date: July 13, 2011

- There is no material for this agenda item**

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

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

DUE TO THE QUALITY OF THIS AGENDA ATTACHMENT:

- The pictures submitted with Attachment 3 are available in the City Clerk's office**

Rozanne Cherry

From: Barbara Redlitz
Sent: Thursday, June 16, 2011 1:07 PM
To: Rozanne Cherry; Charles Grimm
Subject: FW: Opposition to Commercial Ads - Lexus Sign

FYI

From: Patricia Borchmann [mailto:patricia.borchmann@yahoo.com]
Sent: Thursday, June 16, 2011 11:45 AM
To: Bill Martin
Cc: patricia; Olga Diaz; Barbara Redlitz
Subject: Opposition to Commercial Ads - Lexus Sign

Bill -

If it's not too late, can you please forward my opposition comments to appropriate Planner processing the proposed modification to Lexus Dealership Sign, to allow expanded commercial advertising displays?

Even though the current economy is still dismal, this allowance for a VERY large, lit, commercial advertising display (w/freeway visibility) is ill-advised in my opinion. Any 'allowances', or attempts to compensate for the poor economic conditions will become a permanent, 'vested' right, which would not easily be revoked (if ever revocable at all).

Escondido is in transition, and is struggling to compete w/neighborhood cities in a large SD regional pool, to attract customers, homebuyers, large employers, high quality users, employee pools, public agencies looking for the 'right' locations. We want to attract those users; (not just customers for a one-time auto purchase).

This proposal would drastically expand the advertisement/commercial venue scope way beyond the current profile, and it would do little to improve Escondido's 'image'; On the contrary, I believe the proposed expansion for commercial advertising would instead cause a detrimental visual impact on Escondido's image, making it a 'cheaper' commodity.

When I visit communities in Long Beach, Huntington Beach, as I drive north on I-405 I always think how those large lit advertising displays (w/freeway visibility) cause a detrimental visual impact on those communities, and they send a message, which I don't think actually attracts any customers, potential homebuyers, large employers, high-end users.

The proposed expanded sign allowances requested by the Lexus Auto Dealership would make Escondido more like those communities, and I believe would cause a detrimental visual impact on our community, and the 'image' so many are trying hard to upgrade. There is no actual need for expanded signage displays, and little (if any) benefit to the City of Escondido.

Thank you for opportunity to provide public comment. If possible, please ask the assigned Planner to advise the schedule for public hearing or other action.

Patricia Borchmann

RESOLUTION NO. 2011-88

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK, TO EXECUTE, ON BEHALF OF THE
CITY, THE FIRST AMENDMENT TO THE
DIGITAL SCREEN CONTENT AND
OPERATION AGREEMENT FOR THE LEXUS
AUTOMOBILE DEALERSHIP AT 1205 AUTO
PARK WAY

Project Case No. ADM 11-0104
Applicant: Judith A. Jones-Cone
Luna Properties, LLC

WHEREAS, the Escondido City Council did on March 5, 2008, consider, and by Resolution 2008-51 authorize the Mayor and City Clerk to execute on behalf of the City, the Digital Screen Content and Operation Agreement ("Agreement") for the Lexus automobile dealership at 1205 Auto Park Way; and

WHEREAS, the Agreement was executed on March 19, 2008; and

WHEREAS, the applicant for the project now seeks, pursuant to section number 9 of the Agreement, to amend the Agreement to broaden the allowable types of digital screen displays to include artistic images related to the businesses located on the premises with the name of the businesses displayed, and expand the allowable text to 24-inch banners at the top and bottom of the screen; and

WHEREAS, the City Council has received the recommendation of the Council Economic Development Subcommittee; and

WHEREAS, the City Council has held a meeting to consider the First Amendment to the Agreement, and desires at this time, and deems it to be in the best public interest, to approve said request.

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

1. That the above recitations are true.
2. That upon consideration of the staff report (a copy of which is on file in the Planning Division), and all other oral and written evidence on this project, the City Council finds that the proposed changes to the Agreement are consistent with the previously approved Preliminary, Master and Precise Development Plan for the project.
3. That the City Council desires at this time and deems it to be in the best public interest to approve the First Amendment to the Agreement.
4. That the Mayor and City Clerk are hereby authorized to execute, on behalf of the City, the First Amendment to the Digital Screen Content and Operation Agreement with Luna Properties, LLC, a California limited liability company. A copy of the First Amendment is attached as Exhibit "1" and is incorporated by this reference.

Underlined normal text = Lexus proposal

Underlined italic text = City proposal

~~Strike-through text~~ = deleted text

FIRST AMENDMENT TO DIGITAL SCREEN CONTENT AND OPERATION AGREEMENT

THIS FIRST AMENDMENT TO DIGITAL SCREEN CONTENT AND OPERATION AGREEMENT (the "Amendment") is entered into as of _____, 2011, by and between the CITY OF ESCONDIDO ("City"), and LUNA PROPERTIES, LLC, a California limited liability company ("Luna").

RECITALS

A. The City and Luna are parties to that certain Digital Screen Content and Operation Agreement dated March 19, 2008 ("Agreement").

B. The City and Luna desire to amend the Agreement in certain respects.

NOW, THEREFORE, the parties hereto agree as follows:

1. **Content**: Paragraph 7 of the Agreement is amended and restated to read as follows:

"7. Content: The digital screen may only display images as follows: The digital screen shall display art, and other images of public, community or artistic interest, and images of products and services offered by on-site businesses located at the Property (including the name and/or logo of the associated on-site business). Only images contained in the approved Collection (as described below) shall be displayed. Text may be displayed in the bottom 24 inches of the screen, but will be limited to description of the art piece, credits for artists' or submitting parties' names, website addresses for the artist or submitting party, dates of artist's display, identification and website addresses of on-site businesses, and the website address of The Centre Lexus-Centre Escondido Digital screen. Text may also be displayed in the top 24 inches of the screen for specified images, but will be limited to description of community events corresponding to the image, dates of such events, the name of the community-based or nonprofit organization corresponding to the image, and identification of on-site businesses. All images and text shall be static and shall not change more than once every 20 seconds. Images of products and services offered by on-site businesses located at the Property shall be limited to less than fifty percent (50%) of the overall images displayed on the digital screen in a twenty-four (24) hour period."

2. **The Collection**: Paragraph 8 of the Agreement is amended and restated to read as follows:

“8. **The Collection**: Images for the digital mural screen shall be selected as follows:

Images depicting nature (including landscapes, animals and plant life), urban landscapes and buildings, statues and monuments, paintings, sculpture, fine art, children, food, and performing artists including those of local significance and origin shall be permitted for display and eligible for inclusion in the Collection. In addition, images of products and services offered by on-site businesses located at the Property (including the name and/or logo of the associated on-site business) shall be permitted for display and eligible for inclusion in the Collection. Prior to commencing operation of the Digital Screen, the Businesses shall provide the City Appearance Committee with specific digital images for approval. Upon approval by the City Appearance Committee such images shall be included in the Collection.

Periodically, the Businesses may propose additional images for inclusion in the Collection. The City Appearance Committee shall review the additional images. Upon approval by the City Appearance Committee, the additional images shall be added to the Collection. Collages of previously approved images shall be deemed approved and shall not require re-approval before display. In the event the City Appearance Committee disagrees with any images proposed by the Businesses or Businesses’ designee to be included in the Collection, such disagreement shall be submitted to the City Manager or his designee for resolution, whose decision shall be final.

Periodically, the City Appearance Committee may propose additional images for inclusion in the Collection. The Businesses shall review the additional images. Upon approval by the Businesses, the additional images shall be added to the Collection. Collages of previously approved images shall be deemed approved and shall not require re-approval before display.”

3. **No Other Changes**: Except as modified as set forth above, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date and year first written above.

CITY:

CITY OF ESCONDIDO,
a municipal corporation

By: _____
Sam Abed, Mayor

ATTEST:

Marsha Whalen, City Clerk

APPROVED AS TO FORM:

Jeffrey R. Epp
City Attorney

(Signatures continued on the following page)

LEXUS ESCONDIDO:

Luna Properties, LLC, a California limited liability company

By: _____

Judith A. Jones-Cone, Sole Member

APPROVED AS TO FORM:

Richard E. Gattis, Esq.

Luna Properties, LLC Legal Counsel

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 16

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Clay Phillips, City Manager
SUBJECT: Funding for California Center for the Arts, Escondido

RECOMMENDATION:

It is requested by the CCAE Subcommittee that the City Council approve a budget adjustment in the amount of \$200,000 for additional funding for the California Center for the Arts, Escondido

FISCAL ANALYSIS:

Funding is available in the Recreation and Parks Fund Balance.

PREVIOUS ACTION:

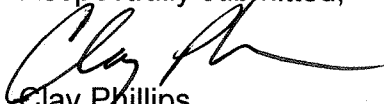
On May 25, 2011, the City Council approved an advance payment of \$270,000 to CCAE to meet cash flow needs for the balance of Fiscal year 2010-11. The City Budget was approved with a \$200,000 reduction in funding for 2011-12.

BACKGROUND:

The CCAE Subcommittee met on June 9, 2011. At that meeting, the Center for the Arts, Escondido (CCAЕ) discussed the impact of the \$200,000 reduction in funding recently approved by the City Council. While the CCAE felt they could remain open and function, the reduction did not allow them to pursue the ultimate goal of the new structure, which is to pursue a higher level of rental opportunities. In the long run, it is felt that the additional funding will result in the ability to receive more rental income.

It is therefore the recommendation of the Council CCAE Subcommittee that the City allocate an additional \$200,000 to the CCAE for this fiscal year.

Respectfully submitted,


Clay Phillips,
City Manager

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 17

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Barbara Redlitz, Director of Community Development
SUBJECT: General Plan Update Status and Climate Action Plan
(Case No. PHG 09-0020, PHG 10-0016)

RECOMMENDATION:

It is requested that the City Council:

- 1) Review and endorse draft goals and policies intended for inclusion in the updated General Plan to be analyzed in the Environmental Impact Report; and,
- 2) Consider a request to initiate a private General Plan Amendment request involving 22 acres on Amanda Lane
- 3) Review progress on other activities pertaining to the General Plan Update

FISCAL ANALYSIS:

Three contracts were approved by the City Council with the consulting firm Atkins Environmental Inc. to conduct planning technical studies, prepare a Climate Action Plan, and Screencheck EIR totaling \$899,302.00 on December 15, 2010. The City Council approved an additional \$500,000.00 for the 2011-2012 FY Budget Process to complete the EIR, fund the staff Project Manager's salary, and related expenses in anticipation of a public vote for the November 2012 election.

ENVIRONMENTAL REVIEW:

Staff issued a Notice of Preparation (NOP) on July 26, 2010, informing agencies, organizations and individuals of the City's intent to prepare a Program Environmental Impact Report (EIR) that will comprehensively examine the series of actions characterized by the build-out of the General Plan.

GENERAL PLAN ANALYSIS:

The updated General Plan will meet current legal requirements, establish a framework for implementing the community's vision with a planning horizon year of 2035, and address the City Council's Action Plan requirements.

PREVIOUS ACTION:

The City Council has directed staff to modernize several Quality of Life Standards, perform General Plan text edits to incorporate updated legal requirements and a refined community vision for accommodating anticipated population increases and creating and/or enhancing employment lands. Fifteen (15) Land Use Study Areas are focused in the urban core and along transportation corridors where opportunity exists to enhance employment and residential mixed-use opportunities involving:

- 1) Amending approximately 450 acres of existing residentially designated properties to employment land uses (Business Park, Office, and Commercial);
- 2) 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;

- 3) Incentivizing educational institutions, vocational schools, and job training facilities along the East Valley Parkway corridor providing residents opportunities to enhance their personal or professional skills resulting in a higher trained, better educated local labor force; and,
- 4) Establishing compact, high intensity urban mixed-use residential nodes in close proximity to employment, transit, services, shopping, recreation, and entertainment in pedestrian-friendly environments designed to reduce vehicle trips.

Based on Council direction from March 9, 2011, the General Plan EIR will evaluate variations in alternatives, building intensities, mixed-use development, and residential densities. A range of 3,350 to 5,825 net residential units will be studied for the planning horizon that would be added to the General Plan's current build-out projection of 67,700 units. The range of options being evaluated in the EIR will allow the community and City Council flexibility in determining the General Plan appropriate for voters to consider at the November 2012 election.

DISCUSSION:

The General Plan is a statement of long-range public policy to guide the use of private and public lands within the community. The goals and policies are intended to become the foundation for decisions by elected and appointed officials. Most of the current General Plan goals and policies have not changed since their original adoption 21 years ago. As part of the General Plan Update staff is reviewing and evaluating each policy for its appropriateness and consistency with state law, changed conditions, contemporary trends, community vision, and City Council direction.

All policies are proposed to be formatted as "action statements" which is a common style in modernized General Plans. In addition, the list of 11 General Plan Goals are proposed to be expanded to complement the scope of policies included in the Plan. Accompanying the staff report* ([available on-line](#)) is a side-by-side matrix comparing the current wording of the General Plan policies with the proposed policy text, and comments discussing proposed changes. In general, the changes can be summarized as follows:

Restructured Policies:

Several policies, including the General Plan Land Use Policies are proposed to be restructured as a table (see attached Figure II-6). No changes are proposed that would change the definition of existing residential land uses. New General Plan Land Use categories and Overlays include:

1. Urban V Residential designation (up to 45 units per acre) is proposed for areas between Escondido Boulevard, Centre City Parkway, Sixth Avenue and Felicita Avenue (currently designated Urban IV (up to 24 units per acre);
2. Planned Office designation is proposed at the I-15 / Felicita Road interchange for up-scale office development to enhance employment opportunities;
3. Tribal Land designation is proposed for federally recognized Native American Tribal land;
4. Public Facility Overlay is proposed for single-use properties to identify individual public facilities such as fire stations, treatment plants, public school sites, etc.; and,
5. Mixed Use Overlay is proposed for nodes along Escondido Boulevard and East Valley Parkway that would accommodate employment/residential smart growth development opportunities in conjunction with their underlying General Plan designations.

*<http://www.escondido.org/Data/Sites/1/pdfs/Planning/GPUpdate/071311GoalsAndPoliciesMatrix.pdf>

Edited Policies:

Policies proposed for editing typically 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.

Additional Policies:

Additional policies are proposed throughout the text that do not currently exist and reflect new legislation, community vision, trends in planning, and City Council direction.

Deleted Policies:

Policies are proposed for deletions that are out-of-date, no longer practiced, or unable or inappropriate to be implemented based on changed conditions, legislation or circumstances. Other policies proposed for deletion are because the language has been consolidated in another policy. A comment is provided for every policy proposed for deleting explaining the rationale.

Other steps in the process:

Traffic Circulation Study Areas:

The City's Circulation Element is currently being evaluated based on the General Plan alternatives previously described. The analysis also includes evaluating the downtown Valley Parkway / Second Avenue one-way couplet and the extension of light rail from the existing West Valley Parkway transit station to Westfield Shoppingtown pursuant to NCTD's master plan.

Climate Action Plan:

The Climate Action Plan is underway and will provide appropriate measures for reducing GHG emissions improving the health and safety of the community, consistent with General Plan goals and policies. To the extent land uses can be arranged to minimize vehicle trips, and General Plan policies can be implemented that promote alternative transportation modes, positive air quality impacts can be attained.

Housing Element:

The Housing Element's update schedule is structured by the State Department of Housing and Community Development and has been extended to January 2013 in order to be coordinated with SANDAG's regional planning efforts. The required Housing Element Update will be coordinated with the remainder of Escondido's General Plan Update and analyzed in the EIR to ensure they are ultimately consistent. A joint Community Workshop / Planning Commission meeting are scheduled for July 26, 2010, and the City Council's first review of the Housing Element is scheduled for August 10, 2011.

General Plan Amendment Initiation Request:

Based on City Council direction given at the beginning of the General Plan Update process, staff has declined private property owner requests to intensify land use densities in order to: a) preserve existing single family residential densities; b) promote smart-growth mixed-use opportunities within Escondido urbanized core; and, c) evaluate areas that offer employment opportunities adjacent to existing transportation corridors.

Staff has recently received a request from the property owner of a single 11-acre parcel on Amanda Lane to redesignate property from Estate I (Single-family, 40,000 SF minimum lot size) to Estate II (Single-family 20,000 minimum lot size) (see exhibit). Criteria used to evaluate the merits of initiating GPA requests include: 1) Logical Boundary; 2) Services/Infrastructure; 3) Environmental Constraints; 4) Land Use Pattern; 5) General Plan Amendment Criteria; and, 6) General Plan Goals.

Staff adjusted the boundary to include an additional 11 acres to "round out" the area for consideration (6 properties total). If the City Council initiates the GPA request the applicant would be responsible for paying proportionate fees for processing his application. A notice of the requested GPA initiation was mailed to property owners within 500 feet surrounding the area. Staff has not performed a detailed analysis to recommend support or denial of the request at this time. Consideration for the request could be made based on:

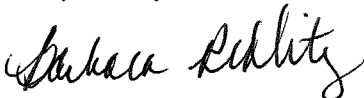
- The proposed area includes alignment of a circulation element street (Citracado Parkway) that terminates at the site; infrastructure is in close proximity;
- The surrounding land uses include densities/land uses that may be compatible with the individual request; and,
- Considering the General Plan Goals pertaining to orderly growth and development, the opportunity may exist for determining compatibility with surrounding areas. Separate project level environmental review would be required for the proposed amendment.

The EIR consultant indicates that the applicant's request can be included in the General Plan EIR Update at this time without compromising the 2012 ballot timeline. However, any other GPA requests added to the Update would delay the EIR processing and the 2012 timeframe could not be guaranteed.

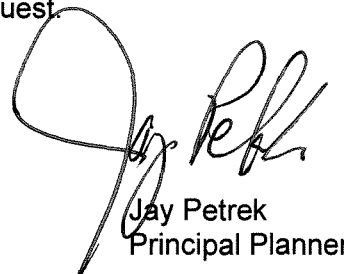
After the GPA request was mailed to the surrounding neighbors, staff received a petition from 7 property owners opposing the redesignation immediately adjacent to the subject site, including 3 who live within the expanded GPA area (see attached). In addition, another property owner within 500 feet of the applicant's property has expressed concern because she was declined by staff last year to be included in the General Plan Update process based on City Council's previous direction.

It should be noted that City Council's original direction to staff to decline additional GPA requests was in order to craft a General Plan that attained the broadest community support possible. Folding individual GPA requests into the citywide update could compromise public endorsement based on land use changes occurring within individual neighborhoods. The applicant has been advised that neighborhood opinions may factor in the City Council's decision to initiate the request. Additionally, that initiating the request for analysis in the EIR does not guarantee inclusion in the ultimate General Plan for the 2012 ballot, even if there are no significant environmental impacts associated with the request.

Respectfully Submitted,



Barbara Redlitz
Director of Community Development



Jay Petrek
Principal Planner

Figure 11-6

General Plan Land Use Designations





Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
Large Lot Single Family Residential			
Rural			
This designation applies to areas that are not intended to receive substantial urban services, distant from the developed valley floor; or steep (generally over 25% in slope) or contain sensitive natural resources. Development clustering is permitted pursuant to General Plan Land Use Policies			
<p style="text-align: center;">Rural I</p> 	<p>Maximum densities allowed on the following slope categories: 0-25% - 1 du/4 ac; 25-35% - 1 du/8 ac; and 35%+ - 1 du/20 ac. Min lot size: 4 ac Building Height: 1-2 stories Zoning: Residential Agriculture (R-A)</p>	<p>A rural living environment in areas of agricultural production, rugged terrain, and/or environmentally constrained lands that are the most remote from urban development. This designation is typified by large lot single-family homes.</p>	<ul style="list-style-type: none"> ■ Large residential lots with low building coverage ■ Maintains the natural and open space character of the parcel ■ Agricultural properties ■ Informal streets with rustic character
<p style="text-align: center;">Rural II</p> 	<p>Maximum densities allowed on the following slope categories: 0-25% - 1 du/2 ac; 25-35% - 1 du/4 ac; and 35%+ - 1 du/20 ac; Min lot size: 2 ac Building Height: 1-2 stories Zoning: Residential Agriculture (R-A)</p>	<p>A rural living environment in areas of agricultural production or rugged terrain that is remote from urban development. This designation is typified by large lot single-family homes.</p>	<ul style="list-style-type: none"> ■ Large residential lots with low building coverage ■ Maintains the natural and open space character of the parcel ■ Agricultural properties ■ Informal streets with rustic character
Estate			
This designation accommodates detached single-family homes on large lots. This designation applies to areas that are on the edge of urban development or in areas that are already characterized by an estate development pattern. Development clustering is permitted pursuant to General Plan Land Use Policies			
<p style="text-align: center;">Estate I</p> 	<p>Maximum densities allowed on the following slope categories: 0-15% - 1 du/1 ac; 15-25% - 1 du/2 ac; 25-35% - 1 du/4 ac; and 35%+ - 1 du/20 ac. Min lot size: 40,000 sf Building Height: 1-2 stories Zoning: Residential Estate (R-E)</p>	<p>Large-lot, spaced single family development in areas bordering land designated as Rural.</p>	<ul style="list-style-type: none"> ■ Large residential lots with low building coverage ■ Units set back from the street with extensive on-site landscaping ■ Could include agricultural properties ■ Informal streets with rustic character
<p style="text-align: center;">Estate II</p> 	<p>Maximum densities allowed on the following slope categories: 0-25% - 2 du/1 ac; 25-35% - 1 du/1 ac; and 35%+ - 1 du/20 ac. Min lot size: 20,000 sf Building Height: 1-2 stories Zoning: Residential Estate (R-E)</p>	<p>Spaced single family development on relatively large lots and properties that transition between more intensive suburban development and Estate I areas.</p>	<ul style="list-style-type: none"> ■ Large residential lots with low building coverage ■ Units set back from the street with extensive on-site landscaping ■ Semi-formal streets

Figure II-6

General Plan Land Use Designations

Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
----------------------	--	-----------------------------	--

Single Family Residential

Suburban

This designation applies to areas that generally surround the urbanized core of the community and accommodates single family detached homes on relatively large lots. Development clustering is permitted pursuant to General Plan Land Use Policies

<p>Suburban</p> 	<p>Maximum densities allowed on the following slope categories: 0-25% - 3.3 du/ac; 25-35% - 1.5 du/ac; and 35%+ - 1 du/20 ac. Min lot size: 10,000 sf Building Height: 1-2 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning: R-1-10 or higher</p>	<p>Single family homes with a traditional residential neighborhood character.</p> 	<ul style="list-style-type: none"> ▪ Interconnected curvilinear street system facilitating traffic flow ▪ Community services and neighborhood parks within walking distance of local residents, where feasible ▪ Established street tree canopy providing shade and enhanced neighborhood character
---	--	--	--

Urban I

This designation applies to many residential areas of the main Escondido “valley floor” and accommodates single family detached homes on smaller urban lots. Development clustering is permitted pursuant to General Plan Land Use Policies


<p>Urban I</p> 	<p>Maximum densities allowed: 5.5 du/ac; Min lot size: 6,000 sf Building Height: 1-3 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning: R-1-9 or lower</p>	<p>Single family homes in a more urban, medium-density living environment, characteristic of much of Escondido. Mobile homes, patio homes, and zero-lot-line developments are also permitted.</p>	<ul style="list-style-type: none"> ▪ Highly interconnected linear street system facilitating traffic flow ▪ Community services and neighborhood parks within walking distance of local residents, where feasible ▪ Established street tree canopy providing shade and enhanced neighborhood character ▪ Range of housing types and design consistent with existing forms and patterns where appropriate ▪ Streets in older neighborhoods maintain limited curb cuts with rear, alley, and side garage access
---	--	---	---

Figure II-6

General Plan Land Use Designations

Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
----------------------	--	-----------------------------	--

Medium Density Multi-Family Residential

Urban II and Urban III
 These designations accommodate a wide range of housing types and generally applies to transitional areas that between single family neighborhoods and higher density residential and commercial areas.

<p>Urban II</p> 	<p>Maximum densities allowed: 12 du/ac Building Height: 1-3 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning: R-2-12</p>	<p>Single family, multi-family units and mobile homes. Development at the lower end of the density range would be appropriate adjacent to existing single family residential areas and characterized primarily by detached housing units, patio homes, and zero-lot-line projects. Higher densities are more appropriate adjacent to parks and open space, along transit routes and major and secondary thoroughfares, and near recreational activity centers, libraries, shopping centers, and entertainment areas. Higher densities would also be appropriate adjacent to existing and planned higher density development (e.g., mixed-use districts) to include semidetached or attached units, with duplexes, triplexes, and fourplexes.</p>	<ul style="list-style-type: none"> ▪ Highly interconnected linear street system facilitating traffic flow ▪ Community services and neighborhood parks within walking distance of local residents, where feasible ▪ Range of housing types and design consistent with existing forms and patterns, where appropriate ▪ Established street tree canopy providing shade and enhanced neighborhood character ▪ Streets in older neighborhoods maintain limited curb cuts with rear, alley, and side garage access ▪ Larger parcels may incorporate multiple buildings with a coordinated vehicular and pedestrian circulation plan ▪ Multi-family development includes common open space and recreational amenities
<p>Urban III</p> 	<p>Maximum densities allowed: 18 du/ac Minimum densities allowed: 12.6 du/ac Building Height: 2-4 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning: R-3-18</p>	<p>Multi-family residential units, town homes and apartments, flats and condominiums. This designation is appropriate in proximity to major community facilities and employment opportunities, and along major thoroughfares.</p>	

Figure II-6

General Plan Land Use Designations

Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
----------------------	--	-----------------------------	--

High Density Multi-Family Residential

Urban IV and Urban V
 These designations accommodate higher densities for urban multifamily housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services.

<p>Urban IV</p> 	<p>Maximum densities allowed: 24 du/ac Minimum densities allowed: 16.8 du/ac Building Height: 2-5 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning: R-4-24</p> 	<p>Multi-family residential units, town homes and apartments, flats and condominiums. This designation is appropriate along major thorough-fares in close proximity to transit stops, shopping centers, entertainment, community facilities and employment opportunities to provide residents the opportunity to live near work and amenities.</p>	<ul style="list-style-type: none"> ■ Highly interconnected linear street system facilitating traffic flow ■ Community services and neighborhood parks within walking distance of local residents, where feasible ■ Range of housing types and design consistent with existing forms and patterns, where appropriate ■ Established street tree canopy providing shade and enhanced neighborhood character ■ Buildings located and designed to orient to primary street frontages, with either individual entries for each unit, or a common lobby entrance to access individual units ■ Larger parcels may incorporate multiple buildings with a coordinated vehicular and pedestrian circulation plan
<p>Urban V</p> 	<p>Maximum densities allowed: 45 du/ac Minimum densities allowed: 31.5 du/ac Building Height: 3-6 stories Street designs support pedestrian and bicycle use along with vehicular circulation Zoning R-5-45</p> 	<p>Higher density multi-family residential units, town homes and apartments, flats and condominiums. This designation is appropriate near the downtown core, transit stations, along major thorough-fares in close proximity to shopping centers, entertainment, community facilities and employment opportunities to provide residents the opportunity to live near work and amenities.</p>	<ul style="list-style-type: none"> ■ Multi-family development includes common open space and recreational amenities ■ Off-street parking is integrated into the building or in separate parking structures ■ Direct access to transit may be incorporated into the development ■ Streets in older neighborhoods maintain limited curb cuts with rear, alley, and side garage access

Figure 11-6

General Plan Land Use Designations

Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
Commercial			
<p>Neighborhood Commercial This designation accommodates very small scale neighborhood-oriented limited retail and office activities designed to serve residents in the immediate vicinity.</p>			
<p>Neighborhood Commercial</p>	<p>Maximum Intensity: 0.35 FAR Building Height: 1 story Maximum Lot Size: 5 ac Location: Minimum One (1) mile from any other commercial center or commercial zone, and fronting on Major or Prime Arterial roadway. Design: Details of location, intensity, height, scale, circulation, signage architecture, and lighting to be provided upon application. Appropriate landscaped buffer adjacent to residential. Pedestrian- and bicycle-friendly with convenient non-vehicular access provided. Dispensing motor fuel prohibited. Zoning: Commercial Neighborhood (C-N)</p>	<p>Small scale limited service uses permitted in every land use category including large Specific Planning Areas (SPAs) but may not be an appropriate land use in many residential or industrial areas. Businesses are intended to serve the immediate neighborhood and may include child care facilities.</p>	<ul style="list-style-type: none"> ▪ Low scale, low intensity, low impact design ▪ Signage, lighting, landscaping, businesses and hours of operation compatible with the surrounding residential densities and intensities ▪ Parking areas heavily landscaped to reduce radiant heat effects
<p>General Commercial This designation accommodates a wide variety of retail and service activities intended to serve a broad customer base.</p>			
<p>General Commercial</p>	<p>Maximum Intensity: 0.5 FAR Building Height: 1-3 stories Buildings taller than 3 stories may be appropriate for tourist-serving facilities or in mixed use overlay areas Maximum Lot Size: None Location: Along major thoroughfares and in higher intensity urban nodes. Design: Details of location, scale, intensity, height, signage, lighting, circulation, and architecture shall be provided during application. Zoning: Commercial General (C-G)</p>	<p>A broad range of retail and service activities, including local-serving commercial, community shopping/ office complexes, automobile sales and service, eating and drinking establishments, entertainment facilities.</p>	<ul style="list-style-type: none"> ▪ Designed to promote pedestrian activity characterized by “store front” window displays and extensive landscaping ▪ Located and designed to be compatible and transition with adjacent uses in scale, bulk, height ▪ Buildings designed to orient to primary street frontages, with individual building entries ▪ Parking areas heavily landscaped to reduce radiant heat effects ▪ Internal vehicular access between sites is coordinated to facilitate parking and minimize curb cuts where feasible

Figure II-6

General Plan Land Use Designations

Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
----------------------	--	-----------------------------	--

Commercial

Planned Commercial
This designation accommodates a variety of commercial activities within a self-contained comprehensively planned development.


<p>Planned Commercial</p> 	<p>Maximum Intensity: 1.5 FAR Building Height: 1-3 stories Maximum Lot Size: None Location: At city gateways, along major thoroughfares, at major roadway intersections and in higher intensity urban nodes served by transit. Design: Details regarding businesses, location of all buildings, height, architecture and building materials, landscaping, development features, scale, intensity, orientation for light and air, circulation and parking patterns, signage, lighting, land uses, buffers, open space, market analysis shall be provided during application. Zoning: Planned Development (P-D)</p>	<p>A variety of commercial activities within a unified planned commercial center. Appropriate uses may include general and professional offices, tourist serving facilities, specialty and automobile retail, and similar retail/service businesses.</p> <p>Refer to Planned Commercial Section of this Element for details on specific properties designated Planned Commercial.</p>	<ul style="list-style-type: none"> ▪ Designed to integrate multiple buildings and uses to be identifiable as a distinct place ▪ Unified framework of pedestrian walkways, public plazas, open spaces, courtyards, and other elements are developed ▪ Designed to promote pedestrian activity characterized by “store front” window displays and extensive landscaping ▪ Public and internal right-of-ways developed with landscaping, street trees, and amenities to enhance character and identity ▪ Site specific improvements may be required to preserve unique qualities and ensure compatibility with surrounding areas ▪ Parking areas heavily landscaped to reduce radiant heat effects
--	---	---	---

Figure 11-6

General Plan Land Use Designations

Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
Office			
General Office, Planned Office			
This designation accommodates a variety of activities in an office environment and in Mixed Use Overlay areas and is intended to prevent the proliferation of individual isolated offices.			
<p style="text-align: center;">General Office</p> 	<p>Maximum Intensity: 2.0 FAR Building Height: 2-6 stories Maximum Lot Size: None Location: Along major thoroughfares, at roadway intersections and in higher intensity urban nodes served by transit. Zoning: Commercial Professional(C-P) Hospital Professional (H-P)</p>	<p>Administrative and professional offices; business support services; financial, insurance, and real estate services; supportive commercial uses such as restaurants. Medical offices and health care services, short-term convalescent and long-term care facilities, re-search labs, medical supply, and similar uses.</p>	<ul style="list-style-type: none"> ■ Compatible intensity with adjacent uses to maintain the character in scale, bulk, and height ■ Buildings oriented to the street frontage and designed to promote pedestrian interest through architectural articulation, attractive landscaping, and similar techniques ■ Parking located behind or within buildings, or accommodated in separate parking structures ■ Public and semi-public outdoor spaces are encouraged such as plazas and courtyards ■ Sidewalks incorporate landscaping, street furniture, lighting, public art, and similar amenities to establish an attractive place for walking and community activity ■ Parking areas heavily landscaped to reduce radiant heat effects
<p style="text-align: center;">Planned Office</p> 	<p>Maximum Intensity: 2.0 FAR Building Height: 1-3 stories Maximum Lot Size: None Location: City gateways, next to freeways and interchanges, along major thoroughfares, at major roadway intersections and in higher intensity urban nodes served by transit. Design: Details of building height location, architecture and landscaping, scale, intensity, light and air orientation, circulation and parking patterns, signage, lighting, land uses, buffers, open space, market analysis shall be provided during application Zoning: Planned Development (P-D)</p>	<p>Bio-technology, research and development, corporate office and related support office uses in a campus-like setting. Limited Support retail and service uses, such as restaurants, dry cleaners, gym / fitness centers, markets, and office services (e.g., printing / copying / shipping) as well as compatible public uses are also appropriate if integrated into larger facilities. Refer to Office Land Use Policies and Target Area Land Use Policies of this Land Use Element for details on specific properties designated Planned Office.</p>	<ul style="list-style-type: none"> ■ Designed to integrate multiple buildings into a master planned development with coordinated architecture, lighting, signage, landscaping, etc. and a unifying theme that is identifiable as a distinct place ■ Buildings located and designed to promote pedestrian activity along their frontages ■ Parking located behind or within buildings, or accommodated in separate parking structures ■ Public and semi-public outdoor spaces are encouraged such as plazas and courtyards ■ Parking areas heavily landscaped to reduce radiant heat effects

Figure 11-6

General Plan Land Use Designations

Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
Industrial			
<p>Industrial Office This designation accommodates a variety of activities in an industrial environment adjacent to downtown near the transit station.</p>			
<p>Industrial Office</p>	<p>Maximum Intensity: 2.0 FAR Building Height: 1-4 stories Maximum Lot Size: None Location: Southwest of the Downtown Specific Planning Area between Centre City Parkway and Redwood Street north of Sixth Avenue. Land Uses: Manufacturing, warehouse / distribution, assembling, wholesaling, and support type uses on sites which are zoned M-2 & M-1 zones). This land use designation accommodates the widest range of Industrial activities which conform to environmental laws and industry standards. It will also provide for Industrial Office land uses, as specified in the zoning code, on properties which transition from the existing M-2 or M-1 zones, to the I-O zone. Provisions: Properties may not "up-zone" from M-1 to M-2, but may "down-zone" from M-2 to M-1, or from M-1 and M-2 to I-O. While the I-O zone will contain stricter standards than the M-1 and M-2 zone (i.e. no outdoor storage), a wider range of permitted land uses will provide incentive to re-zone to I-O which will allow this industrial area to recycle to less intensive uses without creating non-conforming use restrictions on existing M-2 & M-1 zoned properties. Zoning: Industrial Office (I-O) Light Industrial (M-1) General Industrial (M-2)</p>	<p>Office uses transitioning from older manufacturing uses adjacent to downtown and in a more urban setting with nearby residential uses and convenient access to transit.</p>	<ul style="list-style-type: none"> ▪ Generally buildings with ceiling heights to accommodate production and storage ▪ Develop pedestrian connections to nearby transit ▪ More articulation, detailing, and fenestration on facades visible from major thoroughfares and freeways ▪ Landscaping and wall treatments incorporated to buffer adjacent sensitive uses

Figure II-6

General Plan Land Use Designations


Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
Industrial			
Light Industrial, General Industrial			
These designations accommodate a variety of activities in an industrial environment.			
<p style="text-align: center;">Light Industrial</p> 	<p>Maximum Intensity: 1.0 FAR Building Height: 1-4 stories Maximum Lot Size: None Location: Generally south side of Highway 78, west of Centre City Parkway and north of Escondido Creek. Land Uses: Manufacturing, warehousing, distributing, assembling, and wholesaling in a setting more restrictive than the General Industrial land use designation. This includes sites for lighter Industrial and office uses which can comply with the stricter development requirements of the Light Industrial (M-1) and Industrial Park (I-P) zones. Zoning: Light Industrial (M-1) Industrial Park (I-P)</p>	<p>Light manufacturing, warehouse, distribution, assembly, and wholesale uses in a more restrictive setting than the General Industrial designation. Lighter industrial and office type uses are intended as well as industries that generate moderate daytime and minimum nighttime noise levels, and require limited or no outside storage. Uses that provide supporting products or services for the primary businesses are also allowed.</p>	<ul style="list-style-type: none"> ▪ Generally buildings with ceiling heights to accommodate production and storage ▪ Develop pedestrian connections to nearby transit ▪ More articulation, detailing, and fenestration on facades visible from major thoroughfares and freeways ▪ Landscaping and wall treatments incorporated to buffer adjacent sensitive uses
<p style="text-align: center;">General Industrial</p>	<p>Maximum Intensity: 1.0 FAR Building Height: 1-2 stories Maximum Lot Size: None Location: Generally south side of Highway 78, west of Centre City Parkway and north of Escondido Creek. Land Uses: Manufacturing, warehouse, distribution, assembling, and wholesaling accommodating a wide range of heavier industrial activities which conform to environmental laws and Industry standards. Also included are sites for companies which provide supporting products or services for the primary businesses of the zone. Zoning: General Industrial (M-2)</p>	<p>Intense manufacturing, warehouse and distribution, assembly, and wholesale industrial opportunities and allows outside storage. Uses that provide supporting products or services for the primary businesses are also allowed. This designation should generally not be located in proximity to residential uses.</p>	

Figure 11-6

General Plan Land Use Designations


Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
Mixed Use Residential Overlay			
Vertical Mixed Use Overlay, Horizontal Mixed Use Overlay			
These overlay designations accommodate a combination of commercial and/or office activities that include a residential component within a self-contained comprehensively planned development in specified General Plan locations.			
<p>Vertical Mixed Use</p> 	<p>Minimum: 1.5 FAR Maximum 3.0 FAR Percentage non-residential: Minimum: 20% FAR Maximum: 35% FAR Location: At specified General Plan locations. Zoning: Mixed Use Overlay (M-U)</p> 	<p>Mixed-use structures that vertically integrate housing above ground floor commercial, office, other pedestrian-active uses. For mixed use structures, commercial uses characterized by noise, vibration, odors, or other activities that would adversely impact on-site residential units are prohibited. Details regarding businesses, location, intensity, height, scale, circulation, signage architecture, materials, and lighting shall be provided during application.</p>	<ul style="list-style-type: none"> ▪ Buildings located along and oriented toward street frontages, whose cumulative mass, establishes an “urban” or “village” character ▪ Buildings designed to promote pedestrian interest through architectural articulation, attractive landscaping, and similar techniques ▪ Parking located behind or within buildings, or accommodated in separate parking structures ▪ Encourage pedestrian-oriented uses such as outdoor cafes in the ground floor of buildings ▪ Internal and external sidewalks and walkways improved to establish an attractive place for walking and community activity including such elements as landscaping, street furniture, lighting, public art, and similar amenities
<p>Horizontal Mixed Use</p>	<p>Mixed use development with combined exclusively residential and nonresidential buildings: Intensity of Exclusively Non Residential Buildings Minimum: 0.5 FAR Maximum: 1.0 FAR Density of Exclusively Residential Buildings: Minimum: 45 units/acre Maximum: 80 units/acre Mixed-Use Buildings: Minimum: 1.5 FAR Maximum 2.0 FAR Percentage non-residential: Minimum: 20% FAR Maximum: 35% FAR Location: At specified General Plan locations Zoning: Mixed Use Overlay (MU-O)</p>	<p>A Mixed use development that horizontally distributes a mix of land uses, which may include residential, commercial, office, and/or buildings that may include vertically integrated land uses. For mixed use structures, commercial uses characterized by noise, vibration, odors, or other activities that would adversely impact on-site residential units are prohibited. Details regarding businesses, location, intensity, height, scale, circulation, signage architecture, materials, and lighting shall be provided during application.</p>	<ul style="list-style-type: none"> ▪ Develop pedestrian connections to nearby transit stations ▪ Public and semi-public outdoor spaces such as plazas and courtyards are encouraged ▪ Separate secured entrances and parking for residential and non-residential land uses ▪ Adequate provisions to ensure compatibility with issues related to service deliveries, odors, trash, etc.

Figure 11-6

General Plan Land Use Designations


Land Use Designation	Required Standards: <i>Density and Design</i> <i>Minimum Lot Size</i> <i>Maximum Building Height</i> <i>(Also refer to policies)</i>	General Description of Uses	Recommended Urban Form Characteristics
----------------------	--	-----------------------------	--

Other Land Uses


Specific Planning Areas.

<p>Specific Planning Areas</p>	<p>Development shall comply with adopted Planned Development or Specific Plan or standards which shall be provided during application processing as prescribed in this General Plan. Refer to General Plan Map and text for development application requirements</p> <p>Zoning: Specific Plan (S-P)</p>	<p>Accommodates areas which require submittal of Planned Development or Specific Plans prior to development as described in this General Plan. Refer to Specific Plan land use policies for details on specific properties designated Specific Planning Area.</p>	<ul style="list-style-type: none"> ▪ Applications should demonstrate community benefit and furthering the community's interests
---------------------------------------	---	---	--

Public Facility Overlay.

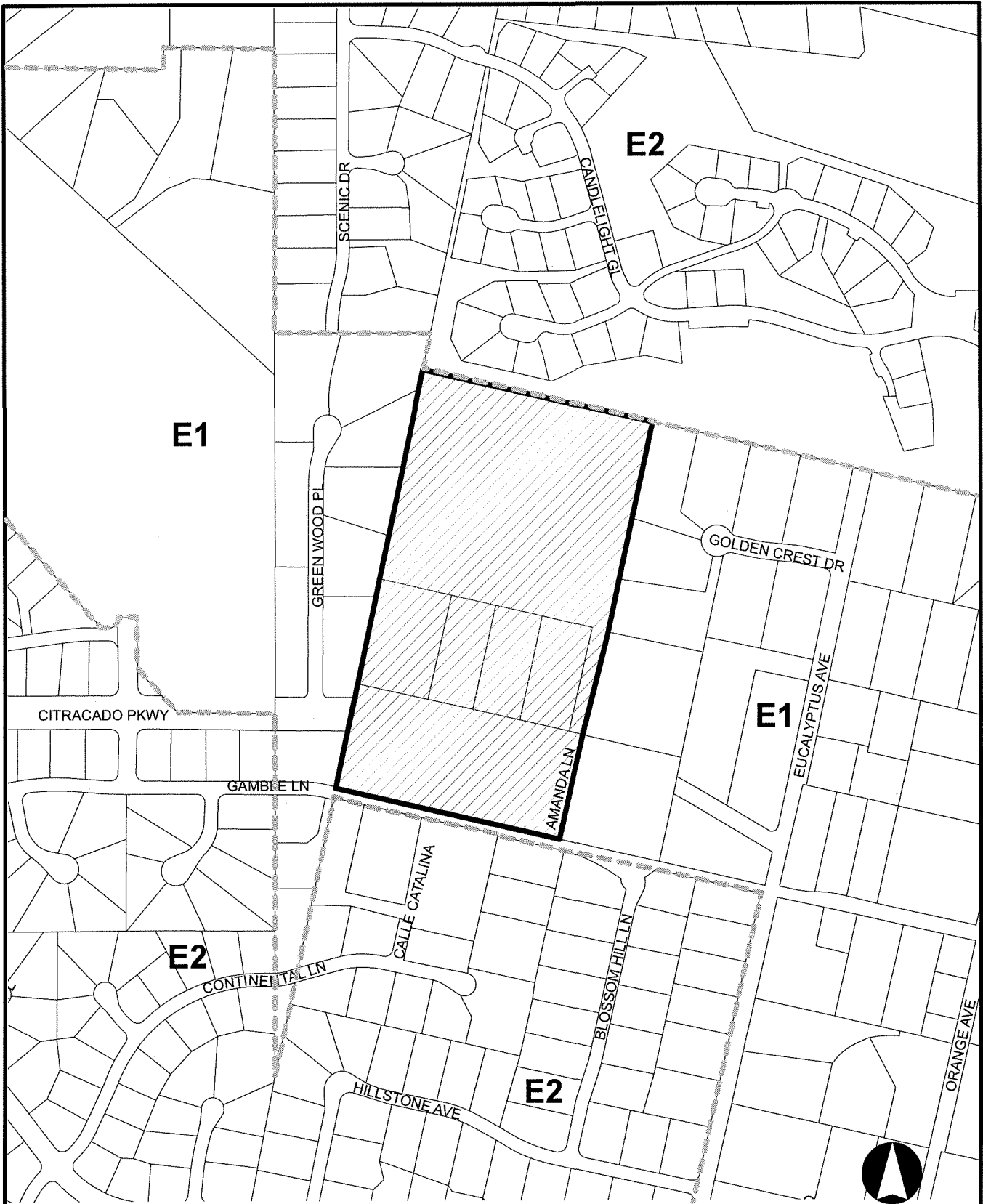
<p>Public Facilities</p> 	<p>Public facility design details shall be provided during application processing</p> <p>Zoning: Public Facility Overlay (PF-O) applies single-use facilities, underlying General Plan designation applies if land use is eliminated.</p>	<p>Overlay accommodates public facilities including, government facilities, libraries, community centers, and schools.</p>	<ul style="list-style-type: none"> ▪ Public buildings designed to promote pedestrian interest through architectural articulation, attractive landscaping, and similar techniques ▪ Pedestrian- and bicycle-friendly with convenient non-vehicular access provided as appropriate ▪ Parking areas heavily landscaped to reduce radiant heat effects
---	---	--	---

Parks and Open Space.

<p>Parks and open space</p> 	<p>Parks and open space design details shall be provided during application processing</p> <p>Zoning: Open Space-Park (OS-P)</p>	<p>Accommodates land for public recreational activity and habitat preservation. Permitted uses include active and passive parks as well as land to protect, maintain, and enhance the community's natural resources and include detention basins and creek corridors.</p>	<ul style="list-style-type: none"> ▪ Buildings with public parks designed to promote pedestrian interest through architectural articulation, attractive landscaping, and similar techniques ▪ Pedestrian- and bicycle-friendly with convenient non-vehicular access provided ▪ Parking areas heavily landscaped to reduce radiant heat effects
---	--	---	---

Native American Tribal Lands.

<p>Tribal Lands</p>		<p>Accommodates lands that are federally recognized reservations or Indian Villages. The city has no land use authority over Tribal Lands.</p>	
----------------------------	--	--	--



Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

**PROPOSED PROJECT
PHG 09-0020**



GENERAL PLAN

Date: June 23, 2011
To: City of Escondido
From: Gil Miltenberger, Applicant
Re: Include approximately 22 acres in the City's General Plan Update
Properties: APN 235-202-20, 35, 55 – 58 (Primary property 2115 Amanda Lane)

Details of request and substantiation:

I am requesting the City of Escondido to include the subject properties, approximately 22 acres, in the City's General Plan Update scheduled for city-wide vote November 2012. More particularly I am requesting the General Plan designation be changed from its current "Estate 1" to Estate 2".

Currently the properties are in the County of San Diego, but within the sphere of influence of the City. The City borders the properties on both the north and west property lines.

The primary property within the 22 acres is an eleven (11) acre property that has one single-family home that was build in the 1960s. This is the largest "infill" piece of property within this general area other than the future Citracado High School property located just to the west. Over the years the surrounding area has been developed into half-acre and one-acre lots taken on a "semi-rural" character. The 22 acres is only approximately 7/10th of a mile west of Interstate 15, making it a prime candidate for development since it has all the infrastructure, roadways, schools, and services close by. The future Citracado extension to I-15 is a City CIP project which aligns with today's Gamble Lane. This extension of Citracado abuts the southern portion of the 22 acres.

The request to change the General Plan designation from Estate 1 to Estate 2 would be consistent with the surrounding area, and stays within the "Estate Land-Use Category". Also the change to Estate 2 (half-acre lots) would be consistent with the Estate 2 designation that primarily surrounds the property within a one-mile radius. With this in mind changing these properties to Estate 2 would fulfill the City's goals to provide new housing next to existing infrastructure while being congruent with the character and makeup of the area.

General Plan Update

Approximately 22 acres included in the General Plan Update to Estate 2 (half-acre lots)



Map center: 33° 51' 50.58" #034; N, 117° 5' 59.28" #034; W



This product may contain information which has been replicated with the permission granted by Thomas Brothers Maps.

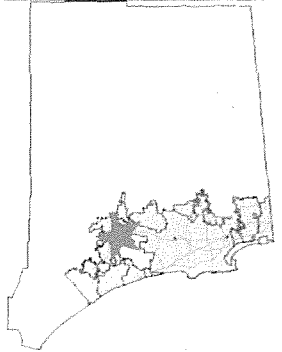
THIS MAP/DATA IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. This product may contain information from the SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG.

Legend

- Parcels
- ▬ Highways
- ▬ Freeways
- ▬ Streets
- ▬ Water Bodies
- ▬ Water Bodies
- ▬ Discretionary Permit Labels
- ▬ Discretionary Applications
- Done
- Open
- Cancelled/Expired/Void
- Unknown
- Other
- ▬ Topography - 40' Contour Interval
- Sponsor Groups
- Sponsor Groups
- Other
- Community Planning Area
- Community Planning Areas
- Incorporated Areas
- S.D. COUNTY
- Other



Scale: 1:3,882



APN 235-202-35
11.25 ac

APN 235-202-56
1.07 ac

APN 235-202-55
1.8 ac

APN 235-202-57
1.07 ac

APN 235-202-58
1.14 ac

APN 235-202-20
5.44 ac



June 25, 2011

PETITION OPPOSING GPA REQUEST

To: Escondido City Mayor
Escondido City Council
City Planner Jay Petrek

Re: Homeowners Opposition to Developer Miltenberger Request for Change in City's
General Plan Designation from Estate 1 to Estate 2
APN 235-202, 35, 55-58

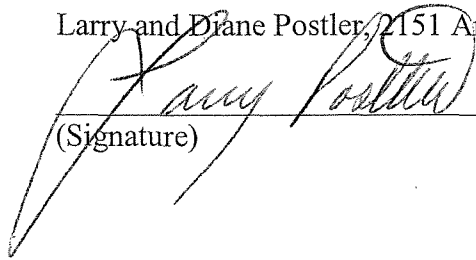
In response to Mr. Miltenberger's intent to seek annexation approval from the City of Escondido and the City Planner for designation of ½ acre parcels from the current 1 acre zoning on the General Plan, the following homeowners who either live immediate adjacent or within the 22 acre parcel of land in question, notice our ***unified opposition to the land use designation change request.***

The homeowners who signed this opposition document have lived in their current homes ranging from 7 to 35 years. The majority of the homeowners have lived in their current residences over 25 years. As homeowners, we purposely chose to live in our semi-rural acre parcels to raise our families in a more peaceful and certainly less congestion environment. Any consideration to endorse an annexation request and change to the General Plan would have an immediate and permanent adverse impact on our current lifestyle and enjoyments. Not only would the construction of twenty homes (verses 10 homes) create excessive construction and new homeowner traffic in the short-term, the long-term increase in traffic on both Gamble Ave. and Amanda Lane would quadruple from current levels and create significant adverse congestion for everyone in the area.

While we understand and accept that the developer has the right to build homes in compliance with current zoning and building regulations, we don't accept that a developer can unilaterally choose to change land use designations simply to support their profit objectives. We understand that there is protocol already established that requires any change in the General Plan to go before the voters. We also understand that any consideration by the City to place this matter on the upcoming general election would only take place if the City and City Planner believe the designation change would not have any adverse impact on the homeowners within or adjacent designated area. Please accept this document as evidence of our unified opposition to the developer's annexation Proposal and increasing the land intensification from 1 acre parcels to ½ acre parcels.

Thank you for your consideration of our opposition statement.

Larry and Diane Postler, 2151 Amanda Lane, Escondido, CA 92029 (APN 235-202-58)

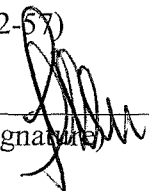


(Signature)

6/25/11

(Date)

Mr. and Mrs. Felipe Martinez, 2153 Amanda Lane, Escondido, CA 92029 (APN 235-202-57)



(Signature)

6-30-11

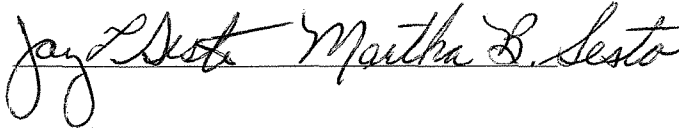
(Date)

Mr. and Mrs. Don Portis, 1660 Gamble Lane, Escondido, CA 92029 (APN 235-202-20)

(Signature)

(Date)

Jay and Martha Sesto, 2155 Amanda Lane, Escondido, CA 92029 (APN 235-202-55)

 Martha S. Sesto 6-30-2011

(Signature)

(Date)

Ken and Twila Sanford, 2180 Amanda Lane, Escondido, CA 92029



(Signature)

6-25-2011

(Date)

Tom and Patsy Hamlin, 2148 Amanda Lane, Escondido, CA 92029

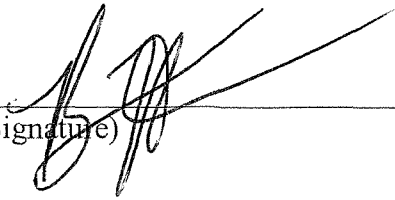


(Signature)

6/26/2011

(Date)

Bruce and Maureen Hoppal, 1562 Golden Crest Dr., Escondido, CA 92029



(Signature)

6/25/11

(Date)

Gloria and Paul Hendren, 1563 Golden Crest Dr., Escondido, CA 92029

(Signature)

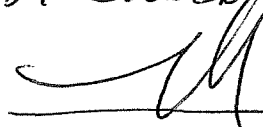
(Date)

Paul and Sarah Decker, 1588 Golden Crest Drive, Escondido, CA 92029

(Signature)

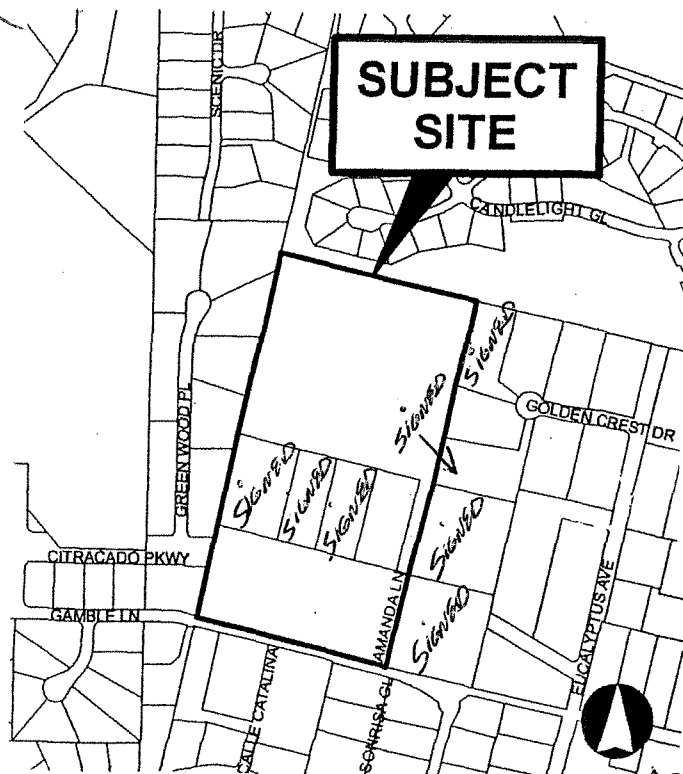
(Date)

1587 GOLDEN CREST DRIVE ESCONDIDO, CA. 92029

x 

MICKEY WALKER

DATE 6/27/11



||
SIGNED
OPPOSITED
TO LAND USE
DESIGNATED CHANGE

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 18

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

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

SUBJECT: Notice of Completion for Juniper Senior Village – 215 E Washington Ave.

RECOMMENDATION:

It is requested that Council approve and accept the Juniper Senior Village senior housing complex and associated public improvements, and authorize staff to file a Notice of Completion for the project located at 215 E Washington Ave.

FISCAL ANALYSIS:

The City of Escondido receives annual formula allocations of CDBG and HOME funding from the U.S. Department of Housing and Urban Development (HUD). All expenses outlined in this report are paid for with grant funds and do not impact the City's general fund.

PREVIOUS ACTION:

On December 14, 2005, City Council adopted Resolution No. 2005-302 and the CDC adopted CDC Resolution No. 2005-08, approving "National CORE" as the recipient of a loan from the "HOME" program for acquisition, relocation and redevelopment of the property located at 215 E Washington Ave.

On October 28, 2009, City Council approved a third amendment to the FY 2007-2008 One-Year Action plan for CDBG to transfer \$65,000 from CDBG Grants to Blocks Project to the Escondido Creek Improvement Project

On March 24, 2010, City Council approved a fifth amendment to the FY 2008-2009 One-Year Action Plan to transfer \$41,250 in unused CDBG funds from Elm to Hickory Streetlight Design Project to the Escondido Creek Improvement Project and a third amendment to the FY 2009-2010 One-Year Action Plan to transfer an additional \$51,250 in unprogrammed CDBG funds to the Escondido Creek Improvement Project.

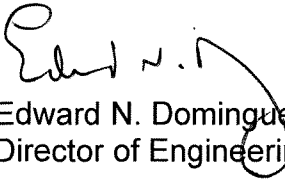
BACKGROUND:

Juniper Senior Village is a 61 unit, affordable senior housing complex located at 215 E Washington Avenue, constructed by Allgire General Contracting. The public improvements associated with this project include repairs to an existing cul-de-sac and a new waterline.

In addition to these improvements, \$71,824 in CDBG funds were used through an agreement with the construction company to build a keystone retaining wall along the southern edge of the property adjacent to the Escondido Creek Trail. A "pocket park" with space for seating and landscaping was built in conjunction with the wall, providing safe, easy access to the Escondido Creek Trail for the senior residents. Additionally, El Plantio Nursery provided potted plants and other landscaping features for the Juniper Senior Village grand opening earlier this year.

This initial project along the Escondido Creek Trail is the first of several planned future improvement projects to revitalize the trail and make it a safe, attractive destination.

Respectfully submitted,



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

Signing for:

Jerry Van Leeuwen
Director of Community Services

Rich Buquet
Neighborhood Services Manager

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 19

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: Approval and Authorization for Release Request for Proposals for Affordable Housing Purposes

RECOMMENDATION:

It is requested that the City Council authorize Housing Division staff to release a Request for Proposals (RFP) for the provision of first-time homebuyer or long-term affordable rental housing opportunities through the redevelopment of six vacant parcels in two mobile home parks. The RFP will include a total of up to \$763,087 in Neighborhood Stabilization Program (NSP) funds.

FISCAL ANALYSIS:

There will be no impact on the General Fund. Neighborhood Stabilization Program (NSP) funds are reserved for the development of affordable housing.

BACKGROUND:

In April of 2009 the State of California released a Notice of Funding Availability for Neighborhood Stabilization Program (NSP) activities.

On June 10, 2009, in a public hearing, Council adopted Resolution No. 2009-81 authorizing submittal of an application for funding from the State of California NSP program. The City's application outlined three specific activities of the program as follows:

- 1) Financing Mechanisms: Establishing financing mechanisms by offering a Homebuyer Down Payment Assistance Program for potential homebuyers whose income is at or below 120% of the area median income; and
- 2) Redevelopment: Acquiring vacant or demolished single-family homes for the purpose of demolishing those homes determined to be blighted structures. After demolition, the sites would be made available for future redevelopment of dwellings for potential renters/homebuyers whose income is at or below 120% of the area median income; and

- 3) Demolition: Demolition of acquired blighted structures that pose a threat to human health, safety and public welfare.

On November 12, 2009, the State notified the City that its planned activities were approved through execution of a Standard Agreement, contingent upon submittal of additional documentation for each site identified for acquisition and/or demolition.

On April 14, 2010, in a public hearing, Council adopted Resolution No. 2010-54 authorizing the first amendment to the State contract to expand the categories of land uses and properties approved for acquisition, to include any previously-improved vacant properties or parcels of land that are suitable for redevelopment. Additional land use categories include, but are not limited to, those properties zoned for single-family or multi-family residential, mixed-use (combined commercial and residential projects), or planned developments, within the approved NSP Target Areas.

On May 5, 2010, the State notified the City that its planned activities were approved through execution of an amendment to the Standard Agreement.

On June 22, 2011, in a public hearing, Council adopted Resolution No 2011-79 and 2011-80 authorizing a one-year extension of the NSP grant and the second amendment to the State contract to expand the permitted uses to allow funds to be used for new construction on eligible properties within the approved NSP Target Areas. These actions have been initiated.

NSP funds will be offered in the RFP to potential for-profit and non-profit developers for the provision of new, affordable residential units in order to sell or rent the units to potential homebuyers/renters whose incomes are at or below 120% of area median income. These funds are to be used in conjunction with properties acquired with Housing Set-Aside Funds and purchased by the developer at Market Value from the City of Escondido's Community Development Commission. The grant of NSP funds will be in exchange for affordability restrictions. The final structure of the agreement(s) will be in a form approved by the City Attorney's office.

Property acquired with Housing Set-Aside Funds:

In 1991, the residents of Mountain Shadows and Escondido Views Mobile Home Parks who wished to convert their rental mobile home parks to resident ownership urged the City to purchase the Parks and to help them with the conversion. The City financed the purchase of the Parks through a bond issue that was structured so that the lot sales would reduce the overall bond amount. The City applied for and received \$1,000,000 of State funds to help with the individual take-out loans for lower-income Park residents. The City matched the State commitment with Housing Set-Aside funds. The City allocated additional Set-Aside funds for moderate-income families that required loan funds in addition to their conventional financing in order to purchase their lots. The bond has been paid in full.

The Parks were converted to air space condominiums and sales began in the fall of 1991. It soon became apparent that many of the residents who had originally expressed support of the conversion were either unable or no longer interested in purchasing their lots. Although a majority of the lots were sold initially, the City has continued to hold the remaining unsold spaces as rental properties. Mountain Shadows is the larger of the two Parks, consisting of 209 lots; the City still owns 31 lots. Escondido Views contains 152 lots with 8 yet unsold. The City continues to act as landlord for tenants who occupied the park when it was converted. Units are predominantly tenant owned. As tenants leave, the lots are cleared and are made available for purchase.

The City owns 6 vacant mobile home lots which are currently listed for sale. Due to difficulty in financing park lots without units pre-installed, it has not been possible to sell the lots for a number of years. This RFP will enable the City to sell the lots to an interested developer and provide sufficient grant funding to develop new manufactured units on permanent foundations in order to sell a complete property to households earning up to 120% AMI.

Mountain Shadows Mobile Home Park, 1750 W Citracado Parkway, Escondido, CA

Lot Number	Size	APN	Market Value
Space #58	54.36' x 78.36'	235-163-1358	\$64,000
Space #64	40.87' x 88.94'	235-163-1364	\$62,000

Escondido Views Mobile Home Park, 2400 W Valley Parkway, Escondido, CA

Lot Number	Size	APN	Market Value
Space #72	front: 23.34' back: 54.70' sides: 54.54' and 65.66'	235-161-2241	\$59,000
Space #80	46.20' x 69.23'	235-161-2249	\$60,000
Space #92	43.91' x 68.34'	235-161-2261	\$60,000
Space #141	front: 60.99' back: 40.94' sides: 73.87' and 73.96'	235-161-2162	\$71,000

Draft RFP:

Staff has prepared the draft RFP (included as Attachment A) for the use of the available NSP funds in conjunction with a sale of vacant parcels in exchange for affordability restrictions. The RFP solicits proposals from for-profit and non-profit housing developers that will provide long-term affordable first-time homebuyer or rental housing opportunities through redevelopment of these vacant parcels. Projects would be required to serve residents earning less than 120% of area median income.

Release of Request for Proposals (Housing)

July 13, 2011

Page 4

Upon authorization of the City Council, staff will distribute the RFP to prospective applicants immediately. After staff review of the applications received, it is anticipated that recommendations to City Council for award of projects would occur in mid-September.

Respectfully submitted,


Jerry VanLeeuwen
Director of Community Services



Attachment A: Draft Request for Proposals



CITY OF ESCONDIDO
HOUSING DIVISION

**REQUEST FOR PROPOSALS
FROM:**

For-Profit and Non-Profit Corporations seeking to provide first-time homebuyer or long-term affordable rental housing opportunities through development of vacant properties.

RELEASE DATE:

July 14, 2011

SUBMITTAL DEADLINE:

August 18, 2011; 5:30 pm

City of Escondido
Housing Division
201 N. Broadway
Escondido, CA
(760) 839-4356

REQUEST FOR PROPOSALS (RFP)

1. INTRODUCTION

The Housing Division of the City of Escondido is pleased to request proposals to provide affordable long-term ownership or rental housing through redevelopment of vacant properties suitable for redevelopment. The City's Housing Division has up to a total of \$763,087 available in federal Neighborhood Stabilization Program (NSP) funds for two redevelopment projects: (1) two vacant lots in Mountain Shadows Mobile Home Park and (2) four vacant lots in Escondido Views Mobile Home Park.

For-Profit and Non-Profit Organizations are encouraged to submit proposals for either or both projects. In releasing this RFP, the Housing Division's goal is to provide quality, affordable first-time homebuyer opportunities or rental housing for Escondido's low- and moderate-income families through redevelopment of these vacant parcels of land.

Program targeting restrictions for NSP assisted homeownership units: 100 percent (100%) of HOME funds must be used to assist families with incomes at or below 120 percent (120%) of the area median income. Consideration will be given for proposals which include a percentage of units for families that have an annual income of 80 percent (80%) or less of area median.

2010 MAXIMUM INCOME LEVELS (Effective June 26, 2010) Based on HUD FY 2010 Median Family Income			
Household Size	50%	80%	120%
1	27,500	44,000	63,400
2	31,400	50,250	72,500
3	35,350	56,550	81,550
4	39,250	62,800	90,600
5	42,400	67,850	97,850
6	45,550	72,850	105,100
7	48,700	77,900	112,350
8	51,850	82,900	119,600

* HUD published income limits for San Diego County for NSP (accessed through State of California HCD's website) found at http://www.hcd.ca.gov/fa/home/2010_IncomeLimitsEffective_June26.pdf.

Enforceable regulatory agreements acceptable to the City and allowable under the NSP program regulations will be imposed upon all units assisted through this program.

Interested and qualified For-Profit and Non-Profit Corporations are encouraged to submit proposals. Questions regarding submittal packages should be asked in writing to Karen Youel, Management Analyst, at kyouel@escondido.org by Thursday, August 11, 2011 at 5:30 p.m. Responses will be posted to the City website by Monday, August 15, 2011 at <http://www.escondido.org/housing-division.aspx>.

Sealed submittals marked "City of Escondido Housing Division: Proposal for Delivery of Affordable Housing" will be accepted until Thursday, August 18, 2011 at 5:30 p.m. at the Housing Division office. No late proposals will be accepted. Respondents must include one (1) unbound original and two (2) bound copies.

No additional information, whether written or oral, of any type (unless requested by the City) will be accepted or considered after this deadline. It is the applicant's responsibility to ensure that submitted proposals are complete, accurate and clearly understandable in all respects. Evaluation factors used in ranking proposals are identified in the "Evaluation Criteria" section of this RFP.

The City reserves the right to negotiate and award contracts to multiple respondents, to reject any or all submittals, to waive any irregularities in the submittals, and/or to cancel, in whole or part, this RFP if it is in the best interest of the City to do so.

Funding allocations available through this RFP are made contingent upon sufficient funding availability. Extension of City of Escondido NSP Contract may affect the amount of NSP funds made available from the California Department of Housing and Community Development. Should such funds not be available to the City, the City reserves the right to cancel any contract. All agreements for NSP funds will be conditional in nature until the environmental review process is satisfactorily completed. Such an agreement will provide that the agreement to provide funds to the project is conditioned on the City's determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review (24 CFR Part 58).

1.1. Anticipated Timeline

Staff will evaluate submitted proposals and anticipates presenting recommendations to the Escondido City Council on **Wednesday, September 14, 2011 at 4:30 pm**. Staff's recommendation will not be made public prior to that date. Following the City Council's decision, the City will finalize a contract with the selected applicant(s). Funding for the selected applicant(s) will proceed following the completion of the Environmental Review and/or other mandatory requirements including contracts and documents, as directed by funding source. **Please note that this is a tentative schedule subject to change.**

It is recommended that the individuals identified in the proposal as responsible for the proposed activities be present at the **September 14, 2011** City Council meeting. Access to the staff report and Council Agenda will be available 72 hours prior to the meeting on the City website: www.ci.escondido.ca.us/government/agendas/PublishedMeetings.htm

PLEASE NOTE: NSP-ASSISTED PROJECTS MUST BE COMPLETED, AND OCCUPANCY BY HOUSEHOLDS AND BENEFICIARIES ACHIEVED, BY FEBRUARY 28, 2013.

2. **ELIGIBLE APPLICANT(S)**

2.1. For-Profit

For-Profit applicant(s) must have been incorporated or established as a partnership for one or more years.

2.2. Non-Profit

Non-Profit applicant(s) must have achieved IRC 501(c)(3) non-profit status and must have been in existence as an IRC 501(c)(3) for one or more years.

2.3. Requirements For All Applicant(s)

2.3.1. Land Purchase

This RFP is for two redevelopment projects. Specifically, the redevelopment of four (4) vacant lots in Escondido Views Mobile Home Park and two (2) vacant lots in Mountain Shadows Mobile Home Park. Lot details can be found in Attachment I. The Developer will purchase the lots from the Community Development Commission of the City of Escondido at Market Value (\$ 126,000 for the two lots in Mountain Shadows, \$250,000 for the four lots in Escondido Views). **NSP funds can not be used for the purchase of the lots.** Developers must be able to exhibit the capacity to close on the lots by December 30, 2011. City of Escondido will use Chicago Title Escrow for the sale of the lots.

2.3.2. Construction Type

Escondido Views MHP is zoned RT. Mountain Shadows MHP is zoned PD-R 6.14 (details of planned development requirements in TR776 and 91-26-PD/CZ are available at the Planning Department). Developer must develop manufactured homes on permanent foundations in compliance with California Code of Regulations, Title 25, Division 1, Chapter 2, Section 18551 and record HCD Form 433A aka INSTALLATION OF A MANUFACTURED HOME ON A FOUNDATION SYSTEM. Units developed shall be mid-grade homes or better. Preference will be given for unit quality and length of warranties.

2.4. Requirements for Approved Applicant(s)

2.4.1. Environmental Review

Prior to the formal commitment of any assistance, all NSP assisted projects must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and the California Environmental Quality Act (CEQA). All NEPA and CEQA assessments will be prepared by the City of Escondido and submitted to the State of California Department of Housing and Community Development (HCD) for review and approval. **Please note that HUD Notice CPD 01-11 and**

24 CFR Part 58 prohibit an individual or agency from incurring costs related to a project or activity once that individual or agency begins pursuit of federal assistance for that project or activity. Costs cannot be incurred until after the environmental review has been completed and HUD has issued a Release of Funds. If you incur costs for your project prior to the Release of Funds, you will not be reimbursed for those costs and your application may be disqualified.

2.4.2. Insurance

Approved applicant(s) will be required to obtain comprehensive general liability insurance in the amount of \$3 million, with the City of Escondido named as an additional insured. The City of Escondido will also require property insurance in the amount equal to 100 percent of the replacement cost of the structure, with a lender's loss payable endorsement in favor of the City of Escondido. The general contractor for the project must obtain comprehensive general liability insurance in the amount of \$3 million, with the City of Escondido named as an additional insured.

2.4.3. E-Verify Participation

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

2.4.4. Nondiscrimination

Approved applicant(s) must agree not to discriminate against any person on the basis of any protected classification, including but not limited to, race, religion, color, national origin, ancestry, physical or mental disability, medical condition, familial status, veteran status, age, or sex, or any other arbitrary basis.

2.4.5. Affirmative Marketing

Approved applicant(s) are required to market all units in assisted projects in accordance with the City of Escondido's Affirmative Fair Marketing Procedures and all State and Federal Fair Housing Laws.

2.4.6. State and/or Federal Labor Standards/Prevailing Wages

Assisted projects will be required to comply with all federal and state regulations pertaining to labor standards, including the prevailing wage requirements as determined pursuant to the Davis-Bacon Act (40 U.S.C. 276a-5) and State Labor Code (Section 1720, *et seq*). State prevailing wage provisions apply for any construction and construction-related tasks done under contract and paid for in whole, or in part, with public funds. Federal Davis-Bacon Act provisions apply if federal HOME, CDBG or NSP funds are used for **any** project costs, including construction and non-construction costs, of housing with 8 or more NSP-assisted units.

2.4.7. Contractors

Approved applicant(s) must certify that neither they nor their principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the covered transaction. In addition, contractors and subcontractors must hold a valid contractor's license from the State of California and must obtain a business license from the City of Escondido Community Development Department.

2.4.8. Removal of Physical Barriers/Section 504 of the Rehabilitation Act of 1973

Section 504 applies when NSP funds are used on a new construction housing or public facility project. Qualified housing projects are required to have a certain percentage of the units designed and made accessible to persons with mobility and sensory impairments. For new construction or rehabilitation of multifamily rental properties, five percent (5%) of the units (at least 1 unit) in the project must be accessible to individuals with mobility impairments, and an additional two percent (2%) of the units (at least 1 unit) must be accessible to individuals with sensory impairments. Any public facilities or housing project site being developed with NSP funds must also, to the greatest degree possible, be made accessible to disabled persons. Any housing units newly constructed or rehabilitated for purchase or single family (including semi-attached and attached) units shall be made accessible upon request of the prospective buyer if the nature of the handicap of an expected occupant so requires.

2.4.9. Minority and Women Business Enterprise Participation

The City encourages the use of minority and women business enterprises (MIWBE). Approved applicant(s) will be required to use their best efforts to carry out the City's Minority/Women Business Enterprise Policy.

2.4.10. Lead-based Paint Evaluation and Control

Approved applicant(s) will be required to utilize a consultant to ensure that lead-based paint hazard evaluation and control measures are correctly carried out. Lead based paint evaluation and abatement costs will be charged to the project and must be included in the project development budget.

2.4.11. Procurement Requirements

All goods and services procured in connection with an assisted project shall be procured in a manner that provides full and open competition and in the absence of conflicts of interest. In general, proposals should not include certain pre-selected members of the development team (such as the general contractor, management company, architectural firm, etc.), unless they have been selected through a competitive process that can be documented.

2.4.12 Section 3 Requirements

Section 3 of the HUD Act of 1968 applies to all recipients of HUD funds (including their contractors and subcontractors). All applicants must certify that they will follow Section 3 requirements, which are outlined in brief at <http://www.hud.gov/offices/fheo/progdesc/emp-lowr.cfm>.

3. ELIGIBLE PROJECTS

The City of Escondido invests its housing funds consistent with three major policy documents: the Housing Element of the General Plan, the Consolidated Plan, and the Redevelopment Project Area Implementation Plan. These documents address the affordable housing needs of the City of Escondido.

The City of Escondido has a number of established housing policies that guide the City's decision-making with regard to City-assisted housing programs and projects. Current housing policies for the City were established in the most recently adopted Housing Element and identified in the City's Five-year Strategic Plan (within the Consolidated Plan FY 2010 through FY 2015). These Housing Element goals include:

- Expand the stock of affordable housing while preserving the health, safety, and welfare of residents and promoting the fiscal stability of the City.
- Accommodate the regional share of housing for all income groups and the affordable housing goal for lower-income households that require assistance.
- Maintain the existing housing stock as a continuing source of low- and moderate-cost housing and as a conservation measure.
- Increase homeownership in the City through education, accessibility and affordability.

- Ensure a proper balance of rental and ownership housing units.
- Permit residential growth only within limits which allow the concurrent provision of services and facilities, including schools, parks, street improvements, fire and police protection.
- Encourage a compact, efficient urban form which conserves land and other natural and environmental resources and which respects natural topography, drainage patterns and community character.
- Seek ways to eliminate all forms of discrimination based on race, ancestry, national origin or color, religion, sex, familial or marital status, disability, age, sexual orientation, or source of income in obtaining housing.
- Encourage creative residential developments and partnerships that result in desirable amenities and contribute to infrastructure needs.
- Expand the stock of housing for moderate- and above moderate-income households by providing development incentives in single-family and multi-family zones and in the urban core.
- Seek ways to eliminate substandard housing through continued enforcement of the Health and Safety Code and the provision of programs that facilitate the maintenance and rehabilitation of housing.
- Pursue the proper balance of jobs to housing as recommended by the Department of Finance.

The primary purpose of this RFP is to provide low-moderate-income families with long-term affordable housing through redevelopment of suitable vacant properties. Sales prices must reflect this affordability. Actual rents, example utility allowance and affordable HOME rents, are identified by number of bedrooms in Attachment II.

3.1 Eligible Project Locations

There are two separate sites available under this RFP. A Developer may submit a proposal for either, or both, locations. Additional lot information can be found in Attachment I. The properties are:

3.1.1 Mountain Shadows Mobile Home Park, 1750 W Citracado Parkway, Escondido, CA, Space #58 & 64.

3.1.2 Escondido Views Mobile Home Park, 2400 W Valley Parkway, Escondido, CA, Space #72, 80, 92 & 141.

4. ELIGIBLE COSTS

The following is a list of eligible costs under NSP Program regulations:

1. Development hard costs, such as site preparation, demolition, construction, major housing systems replacement, lead-based paint and asbestos abatement and utility connections.
2. Development soft costs, such as architectural, engineering or related professional services, impact fees, and costs to provide information on fair housing and affirmative marketing to prospective tenants or homeowners.

Costs must be necessary and must be consistent with the lowest reasonable cost, taking into consideration a project's scope and area.

The maximum amount of NSP funds invested in a project shall be capped and shall not exceed the per unit dollar limits established by HUD for the HOME program as follows:

<u>No. Of Bedrooms</u>	<u>221(d)(3) Maximum Subsidy -Elevator- Type Projects</u>
0 Bedrooms	\$125,928
1 Bedrooms	\$144,355
2 Bedrooms	\$175,536
3 Bedrooms	\$227,086
4 Bedrooms	\$249,271

These are statutory maximums pursuant to HUD Information e-Bulletin CPD-2010-06. The City will give priority to projects which propose a subsidy amount less than the allowable maximum.

5. PROHIBITED COSTS

The following is a list of ineligible costs:

1. Project reserve accounts or operating subsidies.
2. Costs of acquiring real property; pay-off or reduction of debt on real property.

6. PROPOSAL REQUIREMENTS

Proposal requirements are outlined in the attached application.

7. EVALUATION CRITERIA

- 7.1. Threshold Criteria for All Applicants

See paragraphs 2.1, 2.2 and 2.3 under Eligible Applicants.

7.2. Criteria for Proposal Evaluation

- The applicant's ability to perform the administrative, managerial, and operational functions and to oversee the services necessary for the successful completion of the proposed project.
- The effectiveness of the proposed project in contributing to neighborhood improvement and stability.
- The effectiveness of the financing plan developed by the applicant for long-term affordability to the home owner/the long-term operation of the project.
- The effectiveness of the marketing plan developed by the applicant.
- The number of residents to be served as well as project cost on a per-bedroom basis.
- The move-in readiness of the project with auxiliary structures which may include storage sheds, awnings, carports, porches, permanent stairs, cabanas, ramadas, etc. Developer is responsible for compliance with all HOA and Building Department restrictions (see Attachment III for Mobilehome Installations and Accessory Structures guidelines)
- Reasonableness of the applicant's proposed timeline for project completion and achievement of full occupancy, and demonstrated ability to meet the required timeline. **PLEASE NOTE: NSP-ASSISTED PROJECTS MUST BE COMPLETED, AND OCCUPANCY BY HOUSEHOLDS AND BENEFICIARIES ACHIEVED, BY FEBRUARY 28, 2013.**
- The effectiveness of the proposed project in addressing identified housing priorities and in addressing the demonstrated needs of target residents.

8. **SELECTION PROCESS**

All submittals will be reviewed by Housing Division staff to determine responsiveness to the submittal requirements. Proposals deemed to be responsive will then be reviewed by Staff and ranked in accordance with the evaluation criteria. Staff will prepare recommendations for the City Council and finalists may be invited to make a presentation to the City Council.

The Housing Division reserves the right to request additional information on proposals submitted and may reject any and all proposals at its discretion.

9. **TIMELINE FOR LOAN CLOSING AND DISBURSEMENT OF FUNDS**

Proposals which receive favorable staff review and are recommended for funding will be presented to the City Council for conceptual approval. Upon approval by the City

Council, the City of Escondido will require that agreement(s) for the use of NSP funds be executed on or before **December 30, 2011**.

NSP Funds will be formally committed once all preconditions have been met. These conditions may include submittal to the City of Escondido of the following items:

1. Phase I Environmental Assessment;
2. NEPA and CEQA Environmental Clearance;
3. Evidence of commitments for other financing for the project including a description of the terms and conditions of such financing;
4. Final plans and specifications.

The City reserves the right to cancel funding commitments, if projects are not proceeding satisfactorily towards commencement of the proposed activity.

Recipients will be required to execute a loan agreement, promissory note, deed of trust, regulatory agreement and related loan and construction documents. No funds will be disbursed until the loan has been closed. Following loan closing, funds will be disbursed only for work completed, and only upon presentation of payment requests in a form prescribed by the City, with supporting documentation attached. 10% of grant funds will be retained until close of final homeowner loan/occupancy by beneficiary.

The Housing Division will monitor and certify compliance with the provisions of contracts resulting from this RFP.

10. TIMELINE FOR COMPLETION OF WORK

PLEASE NOTE: NSP-ASSISTED PROJECTS MUST BE COMPLETED, AND OCCUPANCY BY HOUSEHOLDS AND BENEFICIARIES ACHIEVED, BY FEBRUARY 28, 2013.

If the project is not completed and occupancy is not achieved by February 28, 2013, the City of Escondido will hold an option to purchase the lot (with improvements) back from the Developer for 50% of the price the Developer paid for the lot.

11. CLARIFICATIONS AND ADDENDA

Requests for clarifications regarding this Request for Proposals should be directed to Karen Youel at (760) 839-4518 or by email at kyouel@escondido.org. Substantive changes in the submittal requirements, if any, will be made and issued in the form of an addendum that will be posted electronically on the Housing Division's website, located at <http://www.ci.escondido.ca.us/depts/cs/housing/index.html>. **Applicants are encouraged to check this website frequently as this will be the only manner in which Addendums (if any) will be released; no further Notices will be provided.**

12. CONDITIONS

By the act of submitting a proposal, respondent acknowledges and agrees to the terms and conditions of this RFP. All proposals become the property of the Housing Division.

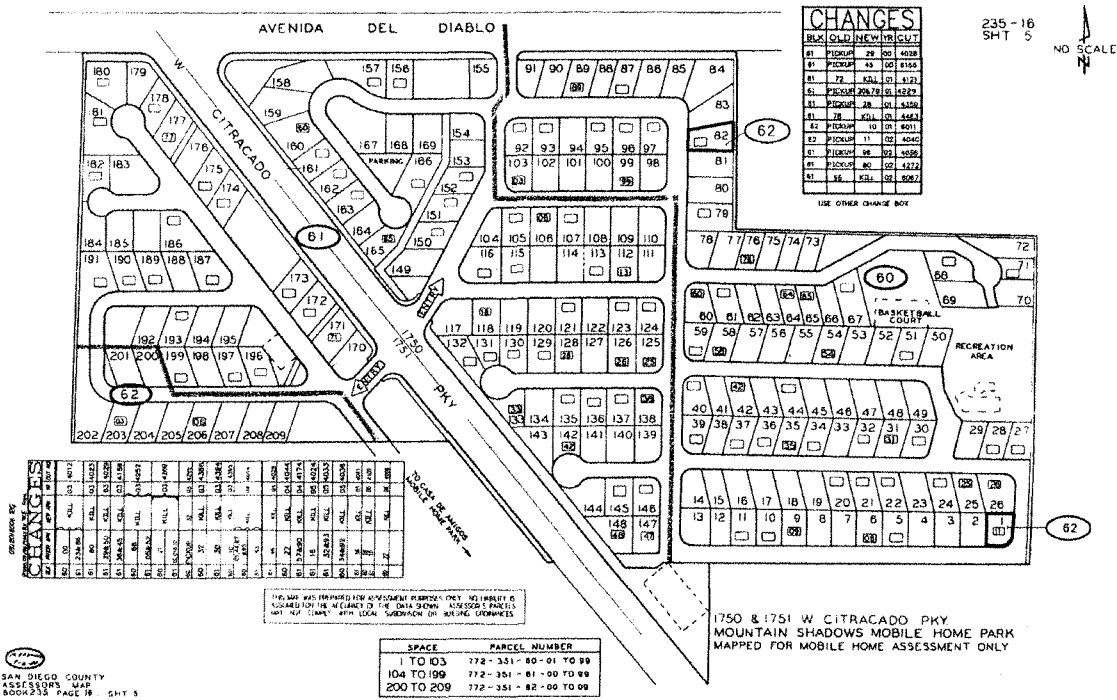
ATTACHMENT I

**Mountain Shadows Mobile Home Park
Escondido Views Mobile Home Park**

In 1991, the City financed the purchase of the Mountain Shadows and Escondido Views Mobile Home Parks through a bond issue in order to assist the parks to convert to resident ownership. The Parks were converted to air space condominiums and sales began in the fall of 1991. Although a majority of the lots have been sold to residents, the City has continued to hold the remaining unsold spaces as rental properties. Mountain Shadows is the larger of the two Parks, consisting of 209 lots; 31 of which the City's Community Development Commission still owns. Escondido Views contains 152 lots with 8 yet unsold. The City Community Development Commission currently holds 4 vacant spaces in Escondido Views and 2 vacant spaces in Mountain Shadows which it wishes to redevelop through this RFP.

The Housing Department has copies of both park's use restrictions and design guidelines. Please contact Karen Youel, Management Analyst, at kyouel@escondido.org, for a copy.

Mountain Shadows Mobile Home Park, 1750 W Citracado Parkway, Escondido, CA



Lot Number	Size	APN	Market Value
Space #58	54.36' x 78.36'	235-163-1358	\$64,000
Space #64	40.87' x 88.94'	235-163-1364	\$62,000

Escondido Views Mobile Home Park, 2400 W Valley Parkway, Escondido, CA

04
⊕

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S OFFICES MAY NOT CORRELATE WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

4-24-32 ✓ ✓

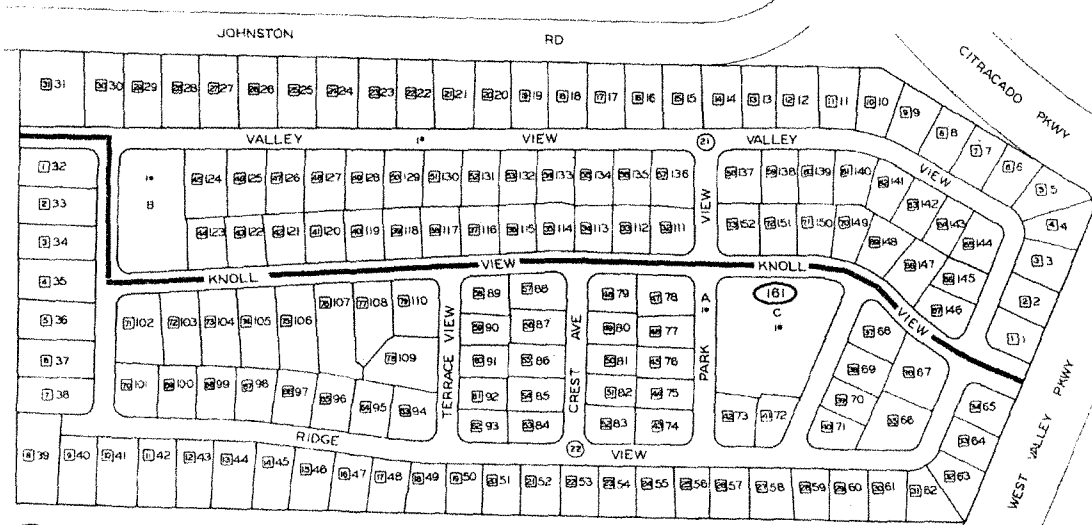
235-16
SHT 7

ASSESSMENT PAR NO
235-161-21 SUB ID 01 - 73

ASSESSMENT PAR NO
235-161-22 SUB ID 01 - 72
SEE 760-169-50 (POSSESSORY INTEREST)

18 COMMON PROPERTY WITH
NON-EXCLUSIVE USE

NO SCALE
⊕



⊕
SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 235 PAGE 16 SHIT 7

NOTE EACH SUB ID INCLUDES AN UND INT
IN ITS RESPECTIVE COMMON AREA

THE VIEWS
DOC# 422551
CONDOMINIUM
MAP 12852 - ESCONDIDO TCT NO 773 - LOTS 1 THRU 9
AUG 12 1999
⊕

Lot Number	Size	APN	Market Value
Space #72	front: 23.34' back: 54.70' sides: 54.54' and 65.66'	235-161-2241	\$59,000
Space #80	46.20' x 69.23'	235-161-2249	\$60,000
Space #92	43.91' x 68.34'	235-161-2261	\$60,000
Space #141	front: 60.99' back: 40.94' sides: 73.87' and 73.96'	235-161-2162	\$71,000

ATTACHMENT II

HOME PROGRAM RENTS

No. Of Bedrooms	Actual Rent	Utility Allowance**	Affordable Rent (Low HOME Rent)
Studio	686	36	722
1	699	45	774
2	872	56	928
3	1,008	65	1,073
4	1,118	79	1,197

No. Bedrooms	Actual Rent	Utility Allowance**	Affordable Rent (High HOME Rent)
Studio	884	36	920
1	942	45	987
2	1,131	56	1,187
3	1,297	65	1,362
4	1,421	79	1,500

**The utility allowance for your project proposal may differ from those included in this example. The utility allowance varies by the type of housing provided (e.g. apartment, townhouse, duplex, etc.), the appliances provided in the dwelling unit, and the utilities included in rent payments. The utility allowance provided here is for apartment dwellings that are provided with an electric heating system, electric stove, gas water heating and refrigerator.

**Allowances for
Tenant-Furnished Utilities
and Other Services**

**U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing**

OMB Approval No. 2577-0169
(exp. 9/30/2011)
HUD-52667 (12-97)
ref. Handbook 7420.8

Department of Housing and Community Development 3989 Ruffin Rd., San Diego CA 92123-1890 Serving as the Housing Authority of the County of San Diego		Unit Type				Date (mm/dd/yyyy)		
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Payment Standards (10-01-2010) for new contracts, recerts effective 03-2011		904	1035	1266	1800	2223	2557	2890
Payment Standard for (12-01-06) Last used for Recert-Interim		957	1092	1325	1932	2329	2678	3028
Payment Standards (03-01-2010) for new contracts, effective 3-20-10- 9-30-2010		851	974	1192	1695	2094	2407	2721
Fair Market Rent (10-1-2010)		1004	1149	1406	1999	2470	2841	3211
Utility Or Service (7-1-2011)		Monthly Dollar Allowances						
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Heating	a. Gas/Other	3	4	6	7	9	10	12
	b. Oil /Electric	4	6	8	10	12	14	16
Cooking	a. Gas/Other	2	3	3	4	5	6	7
	b. Oil/Electric	2	3	4	5	7	8	9
Basic Electricity		14	19	25	30	38	44	50
Air Conditioning		1	1	1	1	2	2	2
Water Heating	a. Gas/Other	7	9	12	15	19	21	24
	b. Oil / Electric	9	13	16	20	25	29	33
Water		37	52	67	82	104	119	135
Sewer		20	27	35	43	55	63	71
Trash Collection		24	24	24	24	24	24	24
Range/Microwave		3	3	3	3	3	3	3
Refrigerator		7	7	7	7	7	7	7
Flat Rate Water (any flat rate parks, apartments)		20	20	20	20	20	20	20
Flat Rate Sewer (any flat rate parks, apartments)		20	20	20	20	20	20	20
Flat Rate Trash (any flat rate parks, apartments)		15	15	15	15	15	15	15

Mobilehome Owner: PS = \$751 (12-1-06); FMR = \$736 (10-1-08)

Actual Family Allowances To be used by the family to compute allowance. Complete below for the actual unit rented.	Utility or Service	Per month cost
Name of Family	Heating	
Address of Unit	Cooking	
	Other Electric	
Number of Bedrooms	Water Heating	
	Water	
	Sewer	
	Trash Collection	
	Range/Microwave	
	Refrigerator	
	Air Conditioning	
	Other	
	Total	\$

Instructions: Circle actual bedroom size. Circle the appropriate payment standard (the lower of: size of unit, or number of bedrooms on Housing Choice Voucher). Circle appropriate allowances for all tenant paid-provided utilities, services and appliances (use allowances for actual unit size, rather than the utility allowances for the HCV bedroom size). Complete and total utility costs in the right hand bottom section. Mobilehomes flat rate apartments have different utility allowances for water, sewer and trash.

Fair Market Rents effective: 10-01-2010	Payment Standards Effective: 10-01-2010	Utilities Effective: 07-01-2011
---	---	---------------------------------

Note: The FMRs for unit sizes larger than 4BRs are calculated by adding 15% to the 4BR FMR for each extra bedroom. For example: the FMR for a 5BR unit is 1.15 times the size of the 4BR FMR, and the FMR for a 6BR unit is 1.30 times the 4BR FMR. Imputed Interest Rate: 2% effective 08/2004.

ATTACHMENT III

MOBILEHOME INSTALLATIONS AND ACCESSORY STRUCTURES



Code Enforcement Division

201 N. Broadway, Escondido, C.A. 92025. Ph: (760) 839-6381 / (760) 839-6375

MOBILEHOME INSTALLATIONS AND ACCESSORY STRUCTURES

The following plot plan and permit application checklist has been provided for your convenience. Plot plans will not be approved until all items have been addressed. Although comprehensive to most projects, this list of items is not all-inclusive. Additional information may be required before a permit can be issued.

- ___ Permit information complete.
- ___ Information on the lower half of plot plan completed.
- ___ Park manager and coach owner original signatures (in blue ink) on plot plan.
- ___ Plot plan. (See example attached).
- ___ All lot corners shall be permanently marked and identified prior to plan check approval and setup inspection.
- ___ Actual lot shape shown and fully dimensioned.
- ___ Mobilehome location (including eaves) shown and dimensioned.
- ___ Accessory structure locations shown and fully dimensioned. (This includes storage sheds, awnings, carports, porches, cabanas, ramadas, etc.).
- ___ Setback dimensions shown (distances from all structures to property lines).
- ___ Park street and lot driveway shown.
- ___ Show lot utilities (water, sewer, gas, and electrical), existing and new locations as applicable.
- ___ Show any slopes and indicate any retaining walls.
- ___ Greenbelt/common areas shown and dimensioned.
- ___ Show all adjacent lots, or areas, with all structures and distance from lot line.
- ___ The minimum required clear size of a carport is 8'6" W X 36' L. With 8'6" being the minimum clear width from porch/stairways to the awning support posts and 36' as the minimum clear (unobstructed by structures or utilities) length required to house two automobiles.
- ___ Show size, location and direction of swing for all doors, and the size, location and stair orientation (i.e. direction of travel) of all porches.
- ___ Lot coverage calculations must be accurate. (In addition to the mobilehomes and carport or patio awnings, include eaves on the mobilehome, storage sheds, porches and other structures not under awnings).
- ___ Submit four (4) complete sets of the application and plans.
- ___ All drawings must be neat, clean and legible and all required information shall be complete.
- ___ Attach manufacturer's installation booklet to the application.

Revised 5/2005

Sam Abed, Mayor

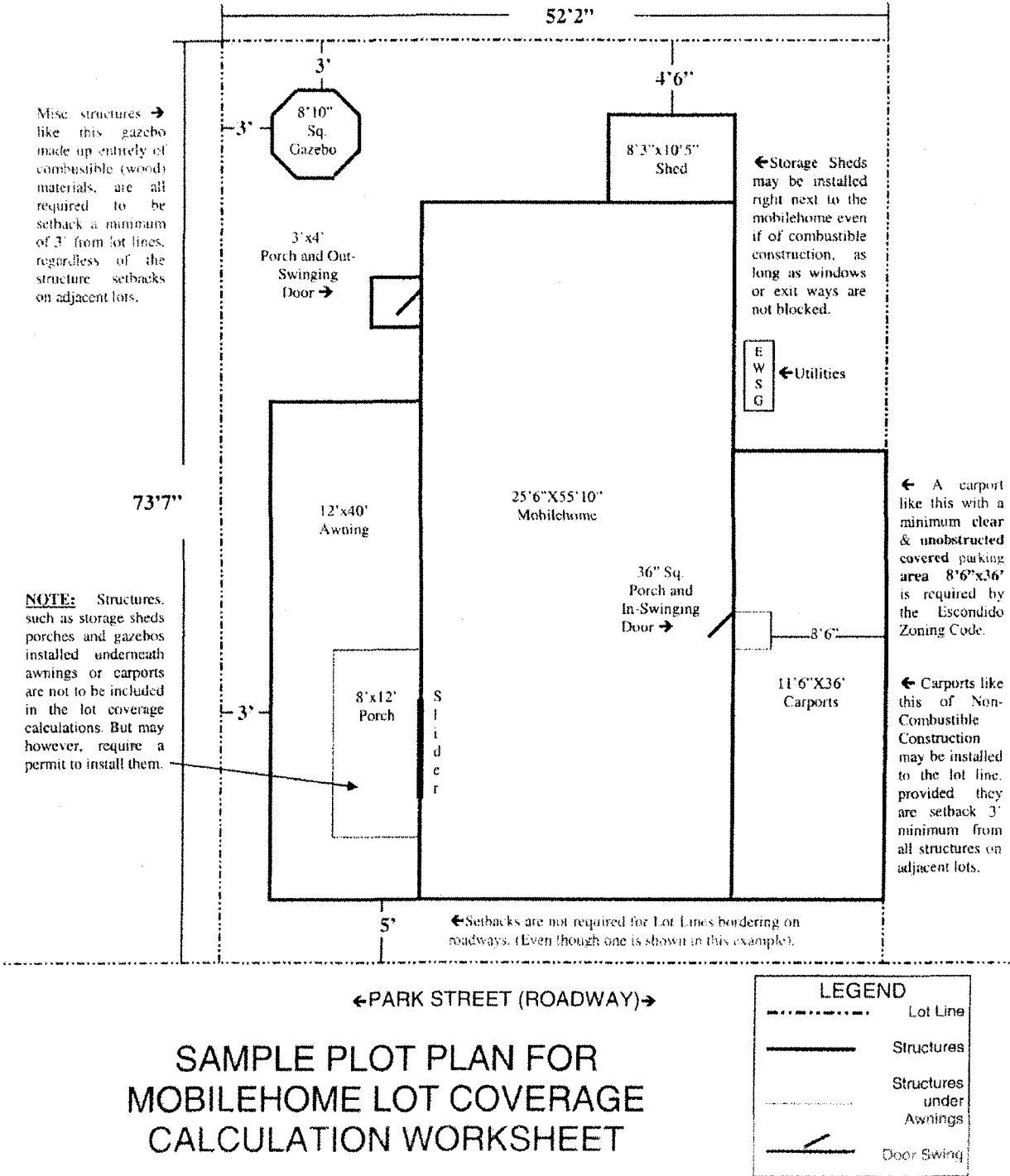
Marie Waldron, Mayor Pro Tem

Olga Diaz

Ed Gallo

Michael Morasco

PLOT PLAN FOR MOBILEHOMES AND/OR ACCESSORIES			
MOBILEHOME PARK: _____		SPACE OR LOT NUMBER: _____	
PARK ADDRESS: _____			
SCOPE OF WORK — CHECK ALL APPLICABLE		USE ATTACHED WORKSHEET	
<input type="checkbox"/> M/H INSTALLATION	<input type="checkbox"/> AWNING	<input type="checkbox"/> CARPORT	LOT COVERAGE CALCULATION - LOT: X =
<input type="checkbox"/> AWNING ENCLOSURE (e.g., California Rooms or Screen Rooms)			MH X = (include eave overhang)
<input type="checkbox"/> CABANA (i.e., Habitable Room Additions)		<input type="checkbox"/> PORCH	CARPORT X = AWNING X =
<input type="checkbox"/> OTHER (Describe): _____		OTHERS (not under awnings) X =	
		TOTAL STRUCTURES	+ TOTAL LOT = 4
<p>Setbacks: The minimum setback from any lot line not bordering on a roadway for mobilehomes and accessory structures constructed of combustible materials shall be three (3) feet. Accessory structures constructed of non-combustible materials may be installed to the lot line, provided they are a minimum of three (3) feet from all structures on adjacent lots. Separation of mobilehomes from permanent buildings shall be a minimum of ten (10) feet and from other mobilehomes, a minimum of ten (10) feet side to side, eight feet from side to front or rear, and six feet from rear to rear, front to front, or front to rear. <u>Parks built prior to September 15, 1961:</u> Mobilehomes shall not be located closer than six (6) feet to any mobilehome or permanent building.</p> <p style="text-align: center;">All lot corners shall be permanently marked and identified prior to plan check approval and setup inspection.</p>			
MANAGER'S CERTIFICATION: <i>(Wet Ink Signature)</i>		APPLICANT'S SIGNATURE: <i>(Wet Ink Signature)</i>	
COACH INSIGNIA NUMBER:		GAS SUPPLY INLET SIZE:	
COACH SERIAL NUMBER:		WATER SUPPLY INLET SIZE:	
COACH MANUFACTURER:	YEAR:	DESIGNED WIND LOAD OF COACH:	
AMPERE RATING OF EXISTING LOT PEDESTAL:		WIND ZONE:	
AMPERE RATING OF COACH FEEDER:			



**MOBILEHOME AND ACCESSORY STRUCTURE INSTALLATIONS
COVERAGE CALCULATION WORKSHEET**

(Please transfer all information from this worksheet to your Plot Plan)

Mobilehome		x		=		Sq. ft.
Eaves		x		=		Sq. ft.
Carport		x		=		Sq. ft.
Awning/s		x		=		Sq. ft.
Porch/s		x		=		Sq. ft.
Storage Shed/s		x		=		Sq. ft.
Cabana		x		=		Sq. ft.
Ramada		x		=		Sq. ft.
Miscellaneous		x		=		Sq. ft.
Total Area of all Structures						Sq. ft.
Lot Size		x		=		Sq. ft.
Structures divided by Lot		÷		=		%

(Maximum allowable lot coverage = 75%)

☺ Approved _____% < 75%

☹ Unapproved _____% > 75%

Inches	to	Decimals
1"	=	.08
2"	=	.17
3"	=	.25
4"	=	.33
5"	=	.42
6"	=	.50
7"	=	.58
8"	=	.67
9"	=	.75
10"	=	.83
11"	=	.92
12"	=	1.00

Description	Inches	to	Decimals	=	Square Feet
Lot Size	52' 2" x 73' 7"	to	52.17 x 73.58	=	3838.7 (3839)
Mobilehome	25' 6" x 55' 10"	to	25.50 x 55.83	=	1423.7 (1424)
Carport	11' 6" x 36'	to	11.50 x 36	=	(414)
Awning	12' x 40'	to	12 x 40	=	(480)
Porch	3' x 4'	to	3 x 4	=	(12)
Shed	8' 3" x 10' 5"	to	8.25 x 10.42	=	85.96 (86)
Misc. (Gazebo)	8' 10" x 8' 10"	to	8.83 x 8.83	=	77.96 (78)
Total area of Structures ÷ Total area of Lot = Percentage of Lot Covered					
2494 sq. ft.		÷	3839 sq. ft.	=	64.96 (65%)
Total % of Lot to be Covered by Structures < or > 75% Max. allowed = Approval Status by 25 CCR 1430 < ☺ Yes or > ☹ No					
65%		<	75%	=	☺ Approved

City of Escondido
Code Enforcement Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4650 / Fax (760) 739-7075

SITE PREPARATION

CAUTION: WHERE YOU LOCATE YOUR HOME IS EXTREMELY IMPORTANT. CAREFULLY REVIEW THE FOLLOWING ITEMS BEFORE CHOOSING A LOCATION.

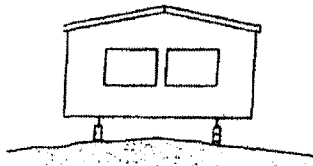
WATER DRAINAGE AND SITE GRADING

Make sure the home site is properly graded and sloped to prevent water and moisture from collecting under the home. Rain and irrigation water must not be allowed to flow under the home. If the home is set in a pit, provide water drainage away from the underside of the home. Locate the home an adequate distance from streams and rivers.

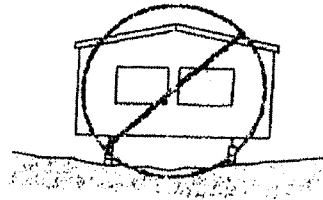
Controlling the water and moisture under your home will greatly improve the stability of the footings and piers that support the home.

CAUTION: CONTINUOUS STANDING WATER UNDER THE HOME CAN RESULT IN CONDENSATION PROBLEMS. EXCESSIVE WATER IN THE SOIL UNDER THE HOME WILL ALSO AFFECT THE COMFORT LEVEL IN YOUR HOME AND CAUSE DETERIORATION.

DO crown and grade site to slope away from the home.

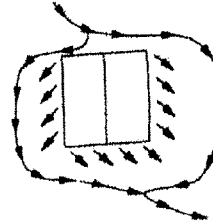
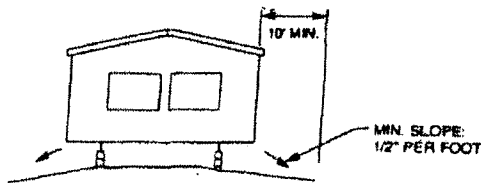


DO NOT grade site or set the home so that water collects beneath the home.



GROUND MOISTURE BARRIER

Ground moisture-vapor retarder should not be used to correct poor drainage from under the home. Retarder, if used, should only be used in addition to proper grading and drainage describe above.



Home sites shall be prepared so that there will be no depressions in which surface water shall accumulate beneath the home. The area of the site covered by the manufactured home shall be graded, sloped or mechanically designed so as to provide drainage from beneath the home.

Natural drainage should be diverted around the home.

ELEVATION

PLAN VIEW

Revised - 5/2005

APPLICATION FORM

Name of Organization/Corporation: _____

Contact Person: _____

Title: _____

Address: _____

Phone number: _____

Email Address: _____

FAX number: _____

President, Board of Directors: _____

OR General Partner: _____

Number of Years Organization/Corporation in Existence: _____

COMPLETED PROPOSALS MUST INCLUDE ALL OF THE FOLLOWING THAT APPLY:

- Project Proposal
- Development Budget (Sources and Uses)
- Resale Price Schedule or Operating Budget (Year 1 through 15)
- Most recent financial audit of year-end financial statement
- Copy of tax exemption ruling

Nonprofit Applicants:

I hereby certify that I have been authorized by action of the Board of Directors to submit an application to the Housing Division of the City of Escondido in response to the Request for Proposals released by the City of Escondido, Housing Division, to provide long-term affordable rental housing or first-time homebuyer opportunities through redevelopment of suitable vacant properties.

I hereby certify that this organization achieved 501(c)(3) status at least one year ago.

Executive Director

Date

For-Profit Applicants:

I hereby certify that I have been authorized by action of the Board of Directors to submit an application to the Housing Division of the City of Escondido in response to the Request for Proposals released by the City of Escondido, Housing Division, to provide long-term affordable rental housing or first-time homebuyer opportunities through development, redevelopment, and/or rehabilitation of deteriorated housing

I hereby certify that this organization received its status as a corporation/partnership at least one year ago.

President

Date

PROJECT SUMMARY:

Name of Organization _____

Mountain Shadows MHP #58: # of Bedrooms _____ # of Bathrooms _____
#64: # of Bedrooms _____ # of Bathrooms _____

Amount of NSP Funds Requested \$ _____

Total Project Cost \$ _____

Escondido Views MHP #72: # of Bedrooms _____ # of Bathrooms _____
#80: # of Bedrooms _____ # of Bathrooms _____
#92: # of Bedrooms _____ # of Bathrooms _____
#141: # of Bedrooms _____ # of Bathrooms _____

Amount of NSP Funds Requested \$ _____

Total Project Cost \$ _____

Expected Date of: Acquisition _____
Redevelopment _____
Occupancy _____

Total Per Unit Cost \$ _____

Total Per Bedroom Cost 1 Bedroom _____
2 Bedrooms _____
3 Bedrooms _____
4 Bedrooms _____
Other (specify) _____

Total Per Unit NSP Subsidy \$ _____

Total Per Bedroom NSP Subsidy \$ _____

Percentage of Households Served: Under 120%AMI _____
Under 80% AMI _____
Total _____

Expected Sales Price Per Unit For: 1 Bedroom _____ Estimated Sq. Ft. _____
2 Bedrooms _____ Estimated Sq. Ft. _____
3 Bedrooms _____ Estimated Sq. Ft. _____
4 Bedrooms _____ Estimated Sq. Ft. _____
Other (specify) _____

1. ORGANIZATION:

- a. State your organization's/corporation's mission.
- b. Describe the past activities/experience of your organization/corporation.
- c. Describe how the activities you are proposing under this program fit with your organization's/corporation's current and planned future activities.
- d. Describe the administrative structure of your organization/corporation.
- e. List the names and phone numbers of 3 persons that can provide references regarding your organization's/corporation's past activities.

2. TECHNICAL CAPACITY:

- a. Describe the experience of the development team in real estate development, redevelopment and/or rehabilitation, especially detail experience with manufactured housing. Attach resumes of staff and consultants specifically assigned to this project.

3. PROJECT FINANCING:

- a. Provide a development budget (sources and uses statement assuming prevailing wage requirement) which includes all proposed sources of funds (both private and public) and the dollar amounts for each respective source, and all uses of funds associated with the project. Please be specific about your source of funds and whether they are committed or uncommitted. If committed, attach evidence of commitments, including a description of the terms and conditions. Provide the name and phone number of a *contact* person to confirm committed sources of funds.
- b. Provide a sales schedule for the project.
- c. Detail funding that will be used for the initial acquisition of the properties.
- d. State whether your project would be feasible with a lower amount of City funding than requested in this proposal.
- e. State the number of units by bedroom size that will be NSP-assisted. Estimate the amount of NSP subsidy per NSP-assisted unit.

4. MARKETING AND MANAGEMENT:

- a. Describe how the units will be marketed to low-income home buyers.
- b. Describe fair housing activities you will pursue.
- c. Describe how you will qualify/finance potential home buyers.

5. PROJECT TIMELINE:

PLEASE NOTE: NSP-ASSISTED PROJECTS MUST BE COMPLETED, AND OCCUPANCY BY HOUSEHOLDS AND BENEFICIARIES ACHIEVED, BY FEBRUARY 28, 2013.

- a. Attach a chart showing the anticipated timeline for the following activities: site acquisition, obtaining required planning approvals, funding availability from all sources, start and finish of redevelopment activities, marketing, sale, full occupancy, and any other important activities associated with your project.

Please note: Proof of ownership of the manufactured homes must be presented to the Buildings Department before permits will be issued.

6. OTHER:

- a. State anything else you would like us to know about the proposed project or your organization/corporation that is pertinent to this application. Please limit comments to this page.

NOTE: IF YOU PLAN TO RETYPE THIS APPLICATION, PLEASE TYPE QUESTIONS IN BOLD PRINT AND MAINTAIN SECTIONS IN THEIR ORIGINAL ORDER. YOU MAY ADD ADDITIONAL PAGES AS NEEDED. IF YOU WOULD LIKE AN ELECTRONIC VERSION OF THIS DOCUMENT, CONTACT THE HOUSING DIVISION AT 760.839.4841.

Following is the rating sheet that the review panel will use to evaluate proposals.

**RATING SHEET
CRITERIA**

Name of Applicant: _____

Project Site Address: _____

Applicant meets threshold? ___ yes ___ no

THRESHOLD	YES	NO
Applicant in existence for at least one year		
Mountain Shadows Mobile Home Park		
Escondido Views Mobile Home Park		
Manufactured Housing on Permanent Foundations		
EVALUATION CRITERIA	MAXIMUM POINTS	THIS APPLICATION
The applicant's ability to perform the administrative, managerial, and operational functions, and to oversee the services necessary for the successful completion of the proposed project.	20	
The effectiveness of the proposed project in contributing to neighborhood improvement and stability.	15	
The applicant's proposed timeline for acquiring sites and beginning AND completion of construction. NOTE: All work must completed & beneficiaries in place by February 28, 2013 for NSP-funded projects.	15	
The effectiveness of the financing plan developed by the applicant for the long-term operation of the project.	15	
The effectiveness of the marketing plan developed by the applicant.	15	
The number of units to be rehabilitated or constructed and rented or sold to low-moderate-income households as well as per bedroom cost.	20	
SUB-TOTAL	100	
Bonus Section	MAXIMUM POINTS	SCORE
Non-profit sponsor	10	
Sale		
51% or more of 3 or more bedrooms per unit	5	
Warranty on manufactured home longer than 2 years	5	
High-grade home	5	
SUB-TOTAL	25	
TOTAL	125	
Percentage of units to be occupied by households with an annual income at 80% or less of the area median income.		_____ %

Reviewer: _____

RESOURCES

City of Escondido

<http://www.escondido.org/>

Consolidated Annual Performance and Evaluation Report For Fiscal Year 2009-2010

<http://www.escondido.org/Data/Sites/1/pdfs/Neighborhood/CAPERReportFY0910.pdf>

Escondido General Plan

Adopted by the Escondido City Council on June 6, 1990

<http://www.escondido.org/depts/cd/planning/genplan>

HOUSING ELEMENT (within the General Plan)

<http://www.escondido.org/Data/Sites/1/pdfs/Planning/GP/Section2.pdf>

Home Investment Partnerships (HOME) Program Program Regulations: Final Rule 24CFR Part 92

<http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm>

Section 504

http://www.hudnspHELP.info/media/resources/CrosscuttingRegs_Section504.pdf

San Diego Association of Governments (SANDAG)

<http://www.sandag.co.gov>

Additional links may be found on the City of Escondido's website

<http://www.ci.escondido.ca.us/depts/cs/housing/index.html>

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 20

Date: July 13, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Marsha Whalen, City Clerk

SUBJECT: Designation of Voting Delegate – League of California Cities Conference

RECOMMENDATION:

It is requested that Council designate a voting delegate, and up to two alternates, to represent the City of Escondido at the business meeting to be held during the League of California Cities Annual Conference September 21-23, 2011 in San Francisco.

FISCAL ANALYSIS:

Costs to attend the conference are included in the City Council's Training/Meeting budget.

BACKGROUND:

At the League of California Cities annual conference, the membership considers and takes action on resolutions that establish League policy. Each member city has a right to cast one vote on matters pertaining to the League's policies if their Council has taken action to designate a voting delegate prior to August 26, 2011. Should the designated delegate be unable to serve, we may also appoint up to two alternate voting delegates.

Respectfully submitted,



Marsha Whalen
City Clerk



FUTURE CITY COUNCIL AGENDA ITEMS
July 7, 2011

*AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE. CHECK
WITH THE CITY CLERK'S OFFICE AT 839-4617*

Green Sheet Due by Noon on WEDNESDAY, 6/29/11 (Due to 7/4 holiday)
Staff Reports/Resos due by Noon on Tuesday 7/12/11

July 20, 2011 – NO MEETING
Break

Green Sheet Due by Noon on Monday, 7/11/11
Staff Reports/Resos due by Noon on Tuesday 7/19/11

JULY 27, 2011 – NO MEETING
Break