

Council Meeting Agenda

August 22, 2012

CITY COUNCIL CHAMBERS

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

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

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

**August 22, 2012
3:30 p.m. Meeting**

Escondido City Council

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

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

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

Property: 207 N. Pennsylvania Avenue
City Negotiator: Debra Lundy, Real Property Negotiator
Negotiating parties: Lee Publications
Under negotiation: Price and Terms of Payment

ADJOURNMENT



Council Meeting Agenda

**August 22, 2012
4:30 p.m. Meeting**

**Escondido City Council
Mobile Home Rent Review Board**

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE:

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

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

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

4. **ESTABLISHING THE PROPERTY TAX RATE AND FIXED CHARGE ASSESSMENTS FOR GENERAL OBLIGATION BONDED INDEBTEDNESS** – Request Council approve establishing the property tax rate and fixed charge assessments for bonded indebtedness for fiscal year 2012-13.

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

RESOLUTION NO. 2012-112

5. **TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2012** – Request Council receive and file the Quarterly Investment Report.

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

6. **LINDLEY RESERVOIR REPLACEMENT DESIGN CONSULTING AGREEMENT** – Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with MWH Corporation for the Lindley Reservoir Replacement Design in the amount of \$561,623.

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

RESOLUTION NO. 2012-143

7. **FIRST AMENDMENT TO LEASE AGREEMENT WITH HAIRCUTS PLUS AT 2255 EAST VALLEY PARKWAY** – Request Council authorize the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Haircuts Plus at 2255 East Valley Parkway.

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

RESOLUTION NO. 2012-145

8. **LEASE AGREEMENT WITH 4 SEASONS NAIL & SPA AT 2257 EAST VALLEY PARKWAY** – Request Council authorize the Real Property Manager and City Clerk to execute a Lease Agreement with 4 Seasons Nail & Spa at 2257 East Valley Parkway.

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

RESOLUTION NO. 2012-146

CONSENT CALENDAR CONTINUED

9. **FIREFIGHTERS' ASSOCIATION (SAFETY UNIT) MEMORANDUM OF UNDERSTANDING** – Request Council amend the Firefighters' Association (Safety Unit) Memorandum of Understanding.

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

RESOLUTION NO. 2012-148

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/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 HEARING

10. **APPEAL OF PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT FOR A RESIDENTIAL CARE FACILITY (PHG 11-0033)** – Request Council approve the applicant's appeal; and authorize the proposed Conditional Use Permit for a two-story, approximately 75,913 SF residential-care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of residentially-zoned land, addressed as 2323 Felicita Road (APN 238-101-38).

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

RESOLUTION NO. 2012-144

11. **SHORT-FORM RENT INCREASE APPLICATION FOR GREEN TREE MOBILE ESTATES** – Request Council consider the short-form rent increase application submitted for Green Tree Mobile Home Estates and if approved, grant an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 2.989% (an average of \$15.07) for the period December 31, 2009, through December 31, 2011.

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

RESOLUTION RRB NO. 2012-08

CURRENT BUSINESS

12. **KEYS TO HOUSING: ENDING FAMILY HOMELESSNESS INITIATIVE PRESENTATION** – Request Council endorse the Keys to Housing, Housing Tool Box, which is a compilation of strategies from which stakeholders can identify action items that can be incorporated into their own plans.

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

RESOLUTION NO. 2012-140

13. **AMENDMENT TO CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) CONTRACT TO PROVIDE SECTION 20475 (DIFFERENT LEVEL OF BENEFITS), SECTION 21362 (2% AT AGE 50) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION) FOR LOCAL POLICE SAFETY EMPLOYEES** – Request Council approve amending the CalPERS contract to provide a second-tier level of benefits for employees hired after the adoption of the 2% at 50 retirement benefit calculation and a three-year final compensation calculation for local Police Safety employees. (APPROVED WITH A VOTE OF 5/0 on July 25, 2012)

ORDINANCE NO. 2012-16R (Adoption and Second Reading)

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
August 29	-	-	No Meeting	-
September 5	-	-	No Meeting	-
September 12	Wednesday	3:30 & 4:30pm	Council Meeting	Council Chambers
September 19	Wednesday	4:30pm	Town Hall Meeting	Council Chambers

TO ADDRESS THE COUNCIL

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

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

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

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

- Online at www.escondido.org/meeting-agendas.aspx
- 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 clicking the "Live Streaming – City Council Meeting now in progress" button on the home page.

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 Successor Agency to the CDC, Escondido Joint Powers Financing Authority and the Mobilehome Rent Review Board.

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



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

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No. 4
Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance

SUBJECT: Establishing the Property Tax Rate and Fixed Charge Assessments for General Obligation Bonded Indebtedness

RECOMMENDATION:

It is recommended that the Council approve Resolution 2012-112 to establish the property tax rate and fixed charge assessments for bonded indebtedness for fiscal year 2012-13.

FISCAL ANALYSIS:

A total of \$5,230,545 will be needed for the annual debt service payments for the General Obligation Bond. This represents \$1,765,273 due in March, 2013 for fiscal year 2012-13 and \$3,465,272 due in September 2013 for fiscal year 2013-14.

PREVIOUS ACTION:

The City Council certified the results of the November 2, 2004 election approving Proposition P on December 1, 2004. On July 12, 2006, Council authorized the issuance and sale of the General Obligation bonds. The bonds were sold on August 1, 2006. The bonds provided financing for the construction of three new fire stations, a replacement of Fire Station 1, and a combined police and fire headquarters facility.

BACKGROUND:

General Obligation Bonds are secured by the legal obligation to levy an ad valorem property tax upon taxable property within the City in an amount sufficient to pay the yearly debt service (principal and interest) payment. The debt service payment for March 2013 (this fiscal year) is \$1,765,273 and the debt service payment for September 2013 (next fiscal year) is \$3,465,272. The City is required to set a tax rate to meet these financial obligations. The assessed value for property in Escondido is used as the basis for applying the levy to taxable properties.

Property Tax Rate for
 General Obligation Bonds
 Page 2

The starting point for calculating the property tax levy is the current year taxable assessed value. To this assessed value amount, a delinquency factor is applied. As a result of the downturn in the residential real estate market, the City had increased the taxable secured property delinquency factor to 5% for the fiscal year 2009-10 tax year calculation. The delinquency factor was reduced to 4% for the fiscal year 2010-11 tax rate calculation, and reduced to 3.5% in 2011-12. For fiscal year 2012-13, the City has used a 3.0% delinquency factor in calculating the property tax rate for both secured and unsecured property. This rate allows for a conservative provision for delinquencies and also considers the annual trend of declining delinquency rates. The City's fiscal year 2011-12 actual delinquency rates for secured and unsecured property were 1.4% and 2.1% respectively, and the 4 year average delinquency rates were 2.33% and 2.30%.

The County of San Diego has provided information regarding the City's fiscal year 2012-13 taxable assessed valuations. A two year comparison of the total secured and unsecured assessed City valuations, as adjusted by the applicable annual delinquency factor, is shown below. The net assessed valuations increased by approximately .82%. This increase in net assessed value will cause a decrease in the calculated property tax rate for fiscal year 2012-13.

<u>Assessed Values:</u>	<u>2011-12</u>	<u>2012-13</u>	<u>% Increase (Decrease)</u>
SECURED			
Secured Assessed Valuation	\$11,550,136,823	\$11,577,015,184	
Less delinquency factor	<u>(404,254,789)</u>	<u>(347,310,456)</u>	
Net Collectible Secured	<u>\$11,145,882,034</u>	<u>\$11,229,704,728</u>	0.75%
UNSECURED			
Unsecured Assessed Valuation	\$443,202,400	\$452,613,302	
Less delinquency factor	<u>(15,512,084)</u>	<u>(13,578,399)</u>	
Net Collectible Unsecured	<u>\$427,690,316</u>	<u>\$439,034,903</u>	2.65%
TOTAL ALL NET COLLECTIBLE	<u>\$11,573,572,350</u>	<u>\$11,668,739,631</u>	0.82%

The property tax rate calculation is adjusted to reflect accrued interest received, fund balance, penalties and interest received for property tax delinquency payments, and other miscellaneous taxable revenue. During fiscal year 2011-12, \$366,094 of remaining amounts on deposit in the Acquisition and Construction Fund were transferred into the Debt Service Fund to be used, for each of the next three tax years, to reduce the amount of tax levy needed for payment of the annual debt service for the General Obligation Bond. The property tax calculation for fiscal year 2012-13 includes the use of \$121,909, or one-third of the total \$366,094 transfer.

Property Tax Rate for
General Obligation Bonds
Page 3

In order to collect the required debt service, the property tax rate will be set at 0.03923 per \$100 of assessed value. This represents \$39.23 per \$100,000 of assessed value, resulting in a decrease of \$1.44 when compared to last year's property tax rate of \$40.67.

Based on current and updated information, we estimate that the average annual tax rate over the life of the bonds will be \$35.82 per \$100,000. This estimate assumes a future annual growth in secured assessed valuation of 2% to 3%, and allows for estimated delinquencies of 4-5%. During the November 2, 2004 election, the ballot measure provided to the citizens of Escondido, estimated that the average annual tax rate over the life of the bonds would be \$34.75 for \$100,000 of assessed valuation for single family homes, based on a 3% annual growth rate in secured assessed valuations.

Respectfully submitted,



Gilbert Rojas
Director of Finance

RESOLUTION NO. 2012-112

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ESTABLISHING THE PROPERTY TAX RATE
AND FIXED CHARGE ASSESSMENTS FOR
BONDED INDEBTEDNESS FOR FISCAL
YEAR 2012-13

WHEREAS, the City Council of the City of Escondido desires to establish the rate of property tax required to generate an amount of revenue from the tax base to provide sufficient moneys to pay debt service on the voter approved bonded indebtedness payable during the fiscal year ending June 30, 2013; and

WHEREAS, the total net taxable secured assessed valuation of the City of Escondido is now estimated at \$11,577,015,184 full value; and

WHEREAS, the total net taxable unsecured assessed valuation of the City of Escondido is now estimated at \$452,613,302 full value; and

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

1. That the above recitations are true.
2. That the property tax rate within the City for the City of Escondido General Obligation Bond, Election of 2004, Series A (Fire, Police, and Emergency Response Measure) for the fiscal year ending June 30, 2013, be and hereby is established at \$0.03923 per \$100 assessed value.
3. That the City Manager and the Director of Finance are each hereby

directed and authorized to take any and all actions necessary to ensure that such property tax rate is enrolled with the County of San Diego Auditor & Controller, including, but not limited to, filing the Tax Amount Rate Certificate attached hereto as Exhibit "A" and is incorporated by this reference.

\$84,350,000
CITY OF ESCONDIDO
San Diego County, California
General Obligation Bonds, Election of 2004, Series A
(Fire, Police and Emergency Response Measure)

I, Gilbert Rojas, hereby certify that I am the Director of Finance of the City of Escondido (the "City"), and as such I am authorized to execute this certificate on behalf of the City.

I hereby further certify that in connection with the City's \$84,350,000 General Obligation Bonds, Election of 2004, Series A (Fire, Police and Emergency Response Measure) the City Council has adopted the attached Resolution No. 2012-112 establishing the tax rate and fixed charge assessments for bonded indebtedness for 2012-13 and attached herewith is the summary for the calculation of the property tax rate for 2012-13.

IN WITNESS WHEREOF, I hereunto set my hand this 22nd day of August, 2012.

CITY OF ESCONDIDO

By: _____
Gilbert Rojas, Director of Finance

**City of Escondido
 General Obligation Bond, Election of 2004, Series A
 Calculation for 2012-13 Debt Service Requirements**

Resources Required:

2012-13 Semi-Annual Debt Service Requirements:

March 2013	\$	1,765,272.50
September 2013		3,465,272.50
Total Required		<u>5,230,545.00</u>

Resources Available:

As of June 30, 2012

Cash	\$	3,847,228.21
September, 2012 Debt Service Payment		(3,427,872.50)
Payment of Trustee Fees		<u>(400.00)</u>
Remaining Revenue after next debt service:	\$	418,955.71

Remaining FY 11-12 revenues not yet recorded in G/L:

property tax apportionment #11	53,553.31
property tax apportionment #12	23,319.98
property tax apportionment #13	28,987.98
1/3 use of remaining acquisition fund deposits	<u>121,909.42</u>
Total Available	<u>646,726.40</u>

Net 2012-13 Tax Revenues needed for Debt Service Requirement **\$ 4,583,818.60**

Unsecured Calculation

2012-13 Taxable Unsecured Assessed Valuation for the City- w/o

Homeowners exemptions:		\$	452,613,302.00
Delinquency Factor	0.03		<u>(13,578,399.06)</u>

Estimated Net Collectible Unsecured Assessed Valuation \$ 439,034,902.94

2011-12 Tax Rate Per \$100 of Net Assessed Value: 0.04067

Total Unsecured times tax rate divided by \$100 178,555.50

Net 2012-13 Debt Service Coverage Requirement \$ 4,583,818.60

Minus Unsecured Levy to be assessed for FY 2012-13 (178,555.50)

Total Remaining 2012-13 Debt Service Coverage Requirement \$ 4,405,263.11

Secured Calculation

2012-13 Taxable Secured Assessed Valuation for the City- w/o Homeowners exemptions:

		\$	11,577,015,184.00
Delinquency Factor	0.03		<u>(347,310,455.52)</u>

Estimated Net Collectible Secured Assessed Valuation \$ 11,229,704,728.48

Net collectible taxable Secured Assessed Valuation divided by \$100 112,297,047.28

Total Remaining 2012-13 Debt Service Requirement to be levied against secured property \$ 4,405,263.11

2012-13 Tax Rate Per \$100 of Net Assessed Value **0.03923**



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Kenneth C. Hugins, City Treasurer

SUBJECT: Treasurer's Investment Report for the Quarter Ended June 30, 2012

RECOMMENDATION:

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

PREVIOUS ACTION:

The Investment Report for the quarter ended March 31, 2012, was filed with the City Clerk's Office on May 15, 2012, and presented to the City Council on May 23, 2012.

BACKGROUND:

From April 1, 2012, to June 30, 2012, the City's investment portfolio increased from \$128.9 million to \$143.5 million. The adjusted average yield decreased from 1.56% to 1.43%. An excess of cash receipt inflows over cash payment outflows for the quarter resulted in an increase of \$14.6 million in the book value of the investment portfolio. Major components of the net \$14.6 million increase are:

	<u>IN MILLIONS</u>
County Property Tax Allocation	\$ 4.4
County Redevelopment Trust Allocations	5.2
County Property Tax In Lieu Payments	8.3
Sales Tax Allocations	5.4
State Highway Users Tax	1.0
Franchise Fee Receipts	.8
Construction Project Reimbursements	.7
County Water Authority Payments	(4.5)
CALPERS Contributions	(4.0)
Emergency Services Payments (Spill at Water Treatment Plant)	(1.1)
Net Increase in Operational Account	<u>(1.6)</u>
 Net Increase to Investment Portfolio	 \$ <u>14.6</u>

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

- Summary of Investment Allocation Graph as of June 30, 2012
- Summary of General Obligation Bond Proceeds Balance as of June 30, 2012
- Summary of Investment Portfolio Yield for the last 12 months
- Summary and Detailed Reports of Investment Portfolio – April 2012 through June 2012
- Schedule of Investments Matured and Sold – April 2012 through June 2012
- Schedule of Funds Managed by Outside Parties as of June 30, 2012

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

There are adequate funds to meet the next six month's expected expenditures. The Bank of New York Mellon Trust's monthly statement is the source for the market valuation. Investment transactions are executed in compliance with the City of Escondido's Investment Policy. Investment purchases have been made in accordance with the City's prioritized Investment Policy objectives of safety of principal, sufficiency of liquidity and maximization of yield. The City's investment portfolio has therefore historically been comprised of United States Treasury Notes, obligations issued by United States Government Agencies, Money Market funds and investments in the Local Agency Investment fund (LAIF) established by the State Treasurer. Over the past four years, a greater than 50% decline in the City's investment portfolio yield has been realized, decreasing from 3.7% at December, 2008 to 1.4% at June 2012. This decline is representative of the continuous decline in investment interest rates and the portfolio's maturing, higher yielding investments being replaced with newer, lower yielding investments.

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

Respectfully submitted,



Kenneth C. Hugins
City Treasurer

**City of Escondido
Summary of Investment Allocation
as of June 30, 2012**

Investment Type	Book Value	Market Value	Percent of Portfolio at Market
Federal Farm Credit Bank Notes	\$ 7,508,849.77	\$ 7,696,994.00	5.28%
Federal Home Loan Bank Notes	42,347,209.48	43,081,549.90	29.57%
Federal Home Loan Mortgage Corp. Notes (FreddieMac)	31,848,836.73	32,626,925.00	22.39%
Federal National Mortgage Assoc. Notes (FannieMae)	30,257,175.71	30,693,610.50	21.07%
US Treasury Notes	1,579,168.84	1,628,086.78	1.12%
Local Agency Investment Fund (LAIF)	27,090,202.10	27,090,202.10	18.59%
Negotiable Certificates of Deposit	1,205,000.00	1,203,279.72	0.83%
Money Market	1,679,634.10	1,679,634.10	1.15%
Total Investment Portfolio - June 2012	\$143,516,076.73	\$145,700,282.10	100%

2004 Election General Obligation Bond Proceeds held separately in LAIF	\$ 50,000.00	\$ 50,000.00
---	--------------	--------------

Reported Total Investments- June 2012	\$143,566,076.73	\$145,750,282.10
--	-------------------------	-------------------------

Total Investment Portfolio - March 2012	\$128,501,463.24	\$130,565,809.03
2004 Election General Obligation LAIF- December 2011	\$ 415,703.58	\$ 415,703.58

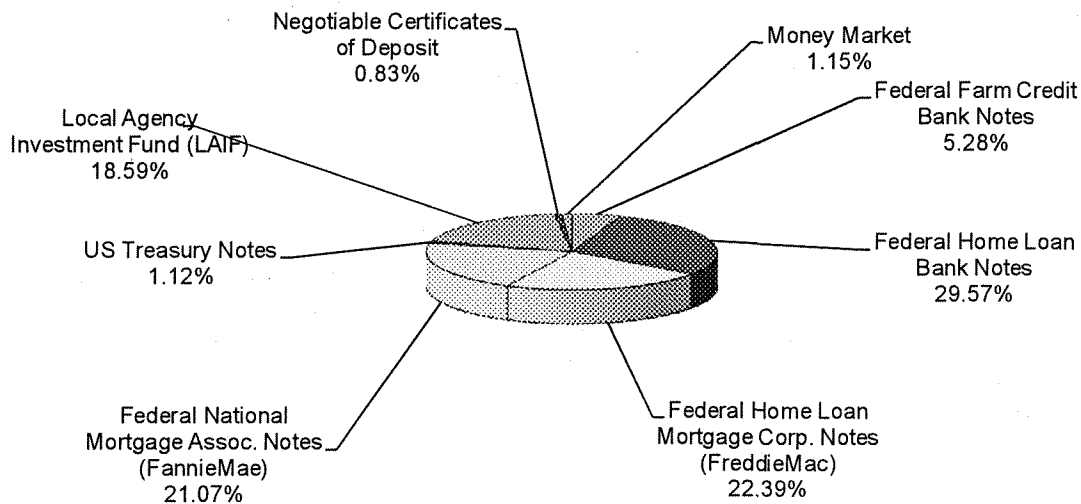
Reported Total Investments- December 2011	\$128,917,166.82	\$130,981,512.61
--	-------------------------	-------------------------

Change from Prior Quarter	\$ 14,648,909.91	\$ 14,768,769.49
----------------------------------	-------------------------	-------------------------

Portfolio Effective Duration	1.990
-------------------------------------	--------------

Portfolio Effective Duration - (Excluding LAIF and Money Market)	2.500
---	--------------

**Summary of Investment Allocation as of June 30, 2012
(Excluding General Obligation Bond Proceeds)**



City of Escondido
General Obligation Bonds, Election of 2004, Series A
Public Safety Facilities Project
Calculation of Bond Proceeds Balance
As of June 30, 2012

Description	other Interest Earnings	(*) LAIF Interest Earnings	Project Cost Reimbursement to the City	Balance
Par Value				\$ 84,350,000.00
Add:				
Original Issue Bond Premium				914,861.55
Less:				
Underwriter's Discount				(292,829.00)
Cost of Issuance Expense				(220,000.00)
Credit Enhancement				(275,000.00)
Net Bond Proceeds				84,477,032.55
Monthly Activities:				
August to September 2006	\$ 48.33	\$ -	\$ (3,190,032.55)	81,287,000.00
September 2006 - Interest withdrawn	(48.33)	-		
October to December 2006		445,726.90	(3,300,000.00)	78,432,726.90
January to March 2007		1,033,671.72	(1,880,000.00)	77,586,398.62
April to June 2007		996,045.58	(200,000.00)	78,382,444.20
July to September 2007		1,022,452.03	(1,670,000.00)	77,734,896.23
October to December 2007		1,033,456.91	(1,980,000.00)	76,788,353.14
January to March 2008		970,394.61	(6,250,000.00)	71,508,747.75
April to June 2008		774,021.46	(8,300,000.00)	63,982,769.21
June 2008 - Interest Drawdown		(1,513,000.00)		62,469,769.21
July - September 2008		530,295.74	(14,000,000.00)	49,000,064.95
October to December 2008		386,163.16	(10,700,000.00)	38,686,228.11
January to March 2009		284,700.95	(7,500,000.00)	31,470,929.06
April to June 2009		169,983.58	(10,533,000.00)	21,107,912.64
July to September 2009		101,934.35	(7,300,000.00)	13,909,846.99
October to December 2009		42,769.87	(6,600,000.00)	7,352,616.86
January to March 2010		17,670.57	(1,074,000.00)	6,296,287.43
Feb 2010 - Interest Drawdown		(626,000.00)		5,670,287.43
April to June 2010		9,059.54		5,679,346.97
April 2010 - Interest Drawdown		(1,300,000.00)		4,379,346.97
June 2010 - Interest Drawdown		(1,825,000.00)		2,554,346.97
July to September 2010		6,114.18		2,560,461.15
August 2010 - Interest Drawdown		(1,300,000.00)		1,260,461.15
October 2010		2,484.95		1,262,946.10
November 2010 - Interest Drawdown		(850,000.00)		412,946.10
October to December 2010		951.61		413,897.71
January to March 2011		517.72		414,415.43
April to June 2011		491.83		414,907.26
July to September 2011		397.80		415,305.06
October to December 2011		398.52		415,703.58
January to March 2012		390.76		416,094.34
June 2012- Transfer to Debt Service FD 320		(366,094.34)		50,000.00
Ending Balance, 6/30/2012	\$ -	\$ 50,000.00	\$ (84,477,032.55)	\$ 50,000.00

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

**CITY OF ESCONDIDO
SUMMARY OF INVESTMENT PORTFOLIO YIELDS
FOR THE LAST 12 MONTHS
As of June 30, 2012**

Date	Book Value	Yield
Jun-12	143,566,076.73	1.4307%
May-12	140,387,155.23	1.4718%
Apr-12	132,615,056.91	1.5009%
Mar-12	128,917,166.82	1.5666%
Feb-12	131,994,350.32	1.6294%
Jan-12	\$137,622,704.02	1.5780%
Dec-11	\$125,907,865.80	1.6850%
Nov-11	\$117,689,596.45	1.8520%
Oct-11	\$115,251,419.20	1.9420%
Sep-11	\$118,389,894.47	1.9810%
Aug-11	\$121,316,911.31	2.0010%
Jul-11	\$134,853,312.17	2.0280%

Average Annual Investment Portfolio Yield 1.7222%

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class, Summary
 Report Format: By Totals
 Group By: Asset Class
 Average By: Face Amount / Shares
 Portfolio / Report Group: All Portfolios
 As of 4/30/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund	23,090,202.10	23,090,202.10	23,090,202.10	23,090,202.10	1	0.367
Federal Agency Coupon Securities	94,441,000.00	98,259,678.19	98,846,475.08	96,627,666.23	902	1.91092
LAIF - Public Safety Facility Bonds	416,094.34	416,094.34	416,094.34	416,094.34	1	0.367
Money Market Account	10,676,500.72	10,676,500.72	10,676,500.72	10,676,500.72	1	0.2
Negotiable Certificate of Deposit	225,000.00	225,000.00	224,004.17	225,000.00	472	0.55
Treasury Coupon Securities	1,575,000.00	1,587,459.96	1,635,390.63	1,579,593.52	760	2.79115
Total / Average	130,423,797.16	134,254,935.31	134,888,667.04	132,615,056.91	663	1.50089

7/31/12

Kenneth C. Huggins
 Kenneth C. Huggins, City Treasurer

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund								
LAIIF LGIP	LGIP7282	LAIIF	5/31/2011	23,090,202.10	23,090,202.10	23,090,202.10	1	0.367
Sub Total / Average				23,090,202.10	23,090,202.10	23,090,202.10	1	0.367
Federal Agency Coupon Securities								
FFCB 2.4 3/15/2016	31331KEK2	FFCB	3/24/2011	1,000,000.00	1,054,800.00	1,004,914.36	1415	2.26504
FFCB 4.25 7/8/2013	31331Y2Q2	FFCB	3/23/2010	2,000,000.00	2,093,420.00	2,055,269.16	434	1.84031
FFCB 4.55 3/4/2015	31331SNP4	FFCB	6/18/2010	1,000,000.00	1,111,360.00	1,061,417.01	1038	2.25989
FFCB 4.75 9/30/2015	31331GCR8	FFCB	9/30/2010	1,000,000.00	1,136,500.00	1,105,895.47	1248	1.52021
FFCB 5.2 3/20/2013	31331VTY2	FFCB	5/14/2008	1,000,000.00	1,043,420.00	1,010,654.86	324	3.87026
FHLB 1.25 8/27/2012	3133XYF91	FHLB	5/10/2010	2,000,000.00	2,007,400.00	1,999,934.83	119	1.26042
FHLB 1.35 8/28/2012	3133XX4Z7	FHLB	3/23/2010	2,000,000.00	2,007,800.00	2,000,318.56	120	1.30311
FHLB 1.375 10/26/2012	3133XXLX3	FHLB	3/23/2010	2,000,000.00	2,011,460.00	1,999,512.85	179	1.42605
FHLB 1.375 12/11/2015	313371NW2	FHLB	12/29/2010	1,000,000.00	1,019,960.00	966,569.25	1320	2.3602
FHLB 1.625 12/11/2015	313371VFO	FHLB	12/29/2010	1,000,000.00	1,040,468.75	975,220.80	1320	2.35492
FHLB 1.625 12/9/2016	313371PV2	FHLB	12/29/2011	1,500,000.00	1,543,320.00	1,531,143.75	1684	1.16001
FHLB 1.625 9/28/2015	3133716Z4	FHLB	9/30/2010	1,000,000.00	1,033,880.00	1,002,746.12	1246	1.54109
FHLB 1.63 8/20/2015	313370NE4	FHLB	3/24/2011	1,000,000.00	1,035,860.00	989,909.18	1207	1.95019
FHLB 1.75 12/14/2012	3133XVNT4	FHLB	3/24/2010	1,000,000.00	1,009,062.50	1,001,254.46	228	1.54314
FHLB 1.75 9/11/2015	313370IB5	FHLB	9/30/2010	1,000,000.00	1,034,560.00	1,007,257.02	1229	1.52461
FHLB 1.875 8/30/2013	3133XXL21	FHLB	3/23/2010	3,000,000.00	3,063,240.00	2,999,034.53	487	1.9002
FHLB 2 10/28/2013	3133XYDK8	FHLB	5/7/2010	1,000,000.00	1,025,290.00	1,001,655.20	546	1.88512
FHLB 2 7/13/2012	3133XTHE9	FHLB	8/5/2009	1,000,000.00	1,003,700.00	1,000,127.59	74	1.93476
FHLB 2 9/14/2012	3133XUK93	FHLB	5/5/2010	3,000,000.00	3,020,490.00	3,007,157.97	137	1.35008
FHLB 2.3 12/8/2016	313371ZU3	FHLB	12/29/2011	500,000.00	535,195.00	524,288.88	1683	1.21006

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class, Detail
Report Format: By Transaction
Group By: Asset Class
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 4/30/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	5/5/2010	1,050,000.00	1,083,421.50	1,060,615.32	501	1.86009
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	3/24/2010	3,000,000.00	3,095,490.00	3,026,909.50	501	1.94456
FHLB 3.125 3/11/2016	3133XXP43	FHLB	3/24/2011	3,000,000.00	3,251,220.00	3,090,820.48	1411	2.29093
FHLB 3.125 3/8/2013	3133XPBB9	FHLB	6/17/2009	1,535,000.00	1,572,561.45	1,543,659.30	312	2.42989
FHLB 3.25 9/12/2014	3133XUIMR1	FHLB	6/18/2010	1,000,000.00	1,066,400.00	1,026,839.04	865	2.0597
FHLB 4 6/16/2015	3133XTYD2	FHLB	9/30/2010	1,000,000.00	1,106,730.00	1,075,690.70	1142	1.48519
FHLB 4.625 10/10/2012	3133XML66	FHLB	10/29/2008	2,000,000.00	2,039,880.00	2,003,865.88	163	4.15029
FHLB 4.875 12/13/2013	3133XHW57	FHLB	3/24/2010	1,350,000.00	1,449,252.00	1,407,856.79	592	2.10804
FHLB 4.875 6/8/2012	3133XKSK2	FHLB	5/14/2008	1,000,000.00	1,004,440.00	1,001,143.49	39	3.71021
FHLMC 1.75 6/15/2012	3137EACC1	FHLMC	5/28/2009	2,000,000.00	2,003,960.00	1,999,876.12	46	1.80054
FHLMC 2 8/25/2016	3137EACW7	FHLMC	8/31/2011	3,000,000.00	3,143,820.00	3,100,692.26	1578	1.19702
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	5,000,000.00	5,337,350.00	5,085,547.92	1488	2.05495
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	3,000,000.00	3,202,410.00	3,051,473.90	1488	2.0538
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	6/1/2011	2,500,000.00	2,668,675.00	2,557,978.51	1488	1.90005
FHLMC 3 7/28/2014	3137EACD9	FHLMC	6/18/2010	5,000,000.00	5,286,500.00	5,120,285.51	819	1.88017
FHLMC 5 2/16/2017	3137EAAM1	FHLMC	2/16/2012	5,000,000.00	5,936,000.00	5,921,222.13	1753	1.04801
FHLMC 5.5 8/20/2012	3137EAAV1	FHLMC	5/28/2009	3,000,000.00	3,048,660.00	3,032,315.80	112	1.86004
FNMA 1.25 1/30/2017	3135G0G3	FNMA	1/24/2012	3,000,000.00	3,036,660.00	3,004,489.17	1736	1.21711
FNMA 1.25 9/28/2016	3135G0CM3	FNMA	9/29/2011	5,000,000.00	5,059,375.00	4,990,417.16	1612	1.29503
FNMA 1.375 11/15/2016	3135G0ES8	FNMA	12/29/2011	2,000,000.00	2,041,840.00	2,015,827.26	1660	1.19502
FNMA 2.375 7/28/2015	31398AU34	FNMA	9/30/2010	1,000,000.00	1,057,140.00	1,027,913.37	1184	1.48004
FNMA 2.375 7/28/2015	31398AU34	FNMA	3/24/2011	2,000,000.00	2,114,280.00	2,026,212.13	1184	1.95104
FNMA 4.375 7/17/2013	31359MSL8	FNMA	5/5/2010	1,000,000.00	1,049,080.00	1,030,816.73	443	1.75013
FNMA 4.625 10/15/2014	31359MWJ8	FNMA	6/18/2010	1,000,000.00	1,102,812.50	1,062,209.80	898	1.97173

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class, Detail
Report Format: By Transaction
Group By: Asset Class
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 4/30/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FNMA 4.75 2/21/2013	31359MQV8	FNMA	4/25/2008	2,000,000.00	2,071,920.00	2,013,800.48	297	3.81096
FNMA 4.75 2/21/2013	31359MQV8	FNMA	7/23/2009	2,000,000.00	2,071,920.00	2,041,970.25	297	2.05495
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/22/2008	2,000,000.00	2,024,560.00	2,006,322.00	94	3.66001
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/25/2008	1,000,000.00	1,012,280.00	1,003,064.04	94	3.70002
FNMA 5.38 10/2/2013	31364GBF5	FNMA	5/5/2010	1,006,000.00	1,076,651.38	1,053,549.34	520	1.92976
Sub Total / Average				94,441,000.00	98,846,475.08	96,627,666.23	902	1.91092
LAIF - Public Safety Facility Bonds								
LAIF LGIP	LGIP7018	LAIF	6/30/2011	416,094.34	416,094.34	416,094.34	1	0.367
Sub Total / Average				416,094.34	416,094.34	416,094.34	1	0.367
Money Market Account								
Bank of America MM	MM0555	Bank of America	5/31/2011	10,676,500.72	10,676,500.72	10,676,500.72	1	0.2
Sub Total / Average				10,676,500.72	10,676,500.72	10,676,500.72	1	0.2
Negotiable Certificate of Deposit								
GoldmanSachs 0.55 8/15/2013	38143AIY2	GoldmanSachs	2/15/2012	225,000.00	224,004.17	225,000.00	472	0.55
Sub Total / Average				225,000.00	224,004.17	225,000.00	472	0.55
Treasury Coupon Securities								
T-Note 2.125 5/31/2015	912828NF3	Treasury	6/18/2010	1,000,000.00	1,052,187.50	1,004,281.66	1126	1.97833
T-Note 4.25 9/30/2012	912828HE3	Treasury	10/5/2007	300,000.00	305,109.38	300,053.14	153	4.20254
T-Note 4.625 7/31/2012	912828GZ7	Treasury	10/5/2007	275,000.00	278,093.75	275,258.72	92	4.20714
Sub Total / Average				1,575,000.00	1,635,390.63	1,579,593.52	760	2.79115
Total / Average				130,423,797.16	134,888,667.04	132,615,056.91	663	1.50089

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class, Summary
 Report Format: By Totals
 Group By: Asset Class
 Average By: Face Amount / Shares
 Portfolio / Report Group: All Portfolios
 As of 5/31/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund	23,090,202.10	23,090,202.10	23,090,202.10	23,090,202.10	1	0.363
Federal Agency Coupon Securities	101,521,000.00	105,617,522.99	106,089,608.94	103,908,191.16	936	1.84854
LAIF - Public Safety Facility Bonds	416,094.34	416,094.34	416,094.34	416,094.34	1	0.363
Money Market Account	10,678,289.93	10,678,289.93	10,678,289.93	10,678,289.93	1	0.2
Negotiable Certificate of Deposit	715,000.00	715,000.00	714,011.87	715,000.00	502	0.51573
Treasury Coupon Securities	1,575,000.00	1,587,459.96	1,633,004.50	1,579,377.70	729	2.79115
Total / Average	137,995,586.37	142,104,569.32	142,621,211.68	140,387,155.23	700	1.47178


 Kenneth C. Huggins, City Treasurer
 7/31/12

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
Report Format: By Transaction
Group By: Asset Class
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 5/31/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund								
LAIF LGIP	LGIP7282	LAIF	5/31/2011	23,090,202.10	23,090,202.10	23,090,202.10	1	0.363
Sub Total / Average				23,090,202.10	23,090,202.10	23,090,202.10	1	0.363
Federal Agency Coupon Securities								
FFCB 2.4 3/15/2016	31331KEK2	FFCB	3/24/2011	1,000,000.00	1,054,470.00	1,004,806.70	1384	2.26504
FFCB 4.25 7/8/2013	31331Y2Q2	FFCB	3/23/2010	2,000,000.00	2,087,700.00	2,051,321.36	403	1.84031
FFCB 4.55 3/4/2015	31331SNP4	FFCB	6/18/2010	1,000,000.00	1,108,000.00	1,059,582.78	1007	2.25989
FFCB 4.75 9/30/2015	31331GCR8	FFCB	9/30/2010	1,000,000.00	1,133,690.00	1,103,265.05	1217	1.52021
FFCB 5.1 4/25/2017	31331XWK4	FFCB	5/31/2012	1,080,000.00	1,293,667.20	1,293,040.80	1790	0.96815
FFCB 5.2 3/20/2013	31331VTY2	FFCB	5/14/2008	1,000,000.00	1,039,870.00	1,009,635.42	293	3.87026
FHLB 1.25 8/27/2012	3133XYF91	FHLB	5/10/2010	2,000,000.00	2,005,500.00	1,999,951.81	88	1.26042
FHLB 1.35 8/28/2012	3133XX4Z7	FHLB	3/23/2010	2,000,000.00	2,005,800.00	2,000,236.27	89	1.30311
FHLB 1.375 10/26/2012	3133XXLX3	FHLB	3/23/2010	2,000,000.00	2,009,860.00	1,999,597.22	148	1.42605
FHLB 1.375 12/11/2015	313371NW2	FHLB	12/29/2010	1,000,000.00	1,019,430.00	967,354.36	1289	2.3602
FHLB 1.625 12/11/2015	313371VFO	FHLB	12/29/2010	1,000,000.00	1,029,160.00	975,802.73	1289	2.35492
FHLB 1.625 12/9/2016	313371PV2	FHLB	12/29/2011	1,500,000.00	1,543,380.00	1,530,570.44	1653	1.16001
FHLB 1.625 9/28/2015	3133716Z4	FHLB	9/30/2010	1,000,000.00	1,032,960.00	1,002,677.80	1215	1.54109
FHLB 1.63 8/20/2015	313370NE4	FHLB	3/24/2011	1,000,000.00	1,034,790.00	990,168.35	1176	1.95019
FHLB 1.75 12/14/2012	3133XVNT4	FHLB	3/24/2010	1,000,000.00	1,008,125.00	1,001,083.90	197	1.54314
FHLB 1.75 9/11/2015	313370IB5	FHLB	9/30/2010	1,000,000.00	1,033,580.00	1,007,073.97	1198	1.52461
FHLB 1.875 8/30/2013	3133XXL21	FHLB	3/23/2010	3,000,000.00	3,059,910.00	2,999,095.99	456	1.9002
FHLB 2 10/28/2013	3133XYDK8	FHLB	5/7/2010	1,000,000.00	1,024,030.00	1,001,561.22	515	1.88512
FHLB 2 7/13/2012	3133XTHE9	FHLB	8/5/2009	1,000,000.00	1,002,160.00	1,000,074.14	43	1.93476
FHLB 2 9/14/2012	3133XUK93	FHLB	5/5/2010	3,000,000.00	3,015,870.00	3,005,538.28	106	1.35008
FHLB 2.3 12/8/2016	313371ZU3	FHLB	12/29/2011	500,000.00	529,805.00	523,841.49	1652	1.21006

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
Report Format: By Transaction
Group By: Asset Class
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 5/31/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	3/24/2010	3,000,000.00	3,090,270.00	3,025,244.44	470	1.94456
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	5/5/2010	1,050,000.00	1,081,594.50	1,059,958.48	470	1.86009
FHLB 3.125 3/11/2016	3133XXP43	FHLB	3/24/2011	3,000,000.00	3,246,180.00	3,088,825.14	1380	2.29093
FHLB 3.125 3/8/2013	3133XPBB9	FHLB	6/17/2009	1,535,000.00	1,569,230.50	1,542,798.92	281	2.42989
FHLB 3.25 9/12/2014	3133XUMR1	FHLB	6/18/2010	1,000,000.00	1,063,970.00	1,025,877.18	834	2.0597
FHLB 4 6/16/2015	3133XTYD2	FHLB	9/30/2010	1,000,000.00	1,103,630.00	1,073,636.05	1111	1.48519
FHLB 4.625 10/10/2012	3133XML66	FHLB	10/29/2008	2,000,000.00	2,032,480.00	2,003,130.65	132	4.15029
FHLB 4.875 12/13/2013	3133XHW57	FHLB	3/24/2010	1,350,000.00	1,444,324.50	1,404,827.13	561	2.10804
FHLB 4.875 6/8/2012	3133XSK2	FHLB	5/14/2008	1,000,000.00	1,000,840.00	1,000,234.56	8	3.71021
FHLMC 1.25 5/12/2017	3137EADF3	FHLMC	5/31/2012	4,000,000.00	4,052,560.00	4,050,664.00	1807	0.98703
FHLMC 1.75 6/15/2012	3137EACC1	FHLMC	5/28/2009	2,000,000.00	2,001,250.00	1,999,959.60	15	1.80054
FHLMC 2 8/25/2016	3137EACW7	FHLMC	8/31/2011	3,000,000.00	3,146,160.00	3,098,714.15	1547	1.19702
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	3,000,000.00	3,203,700.00	3,050,401.53	1457	2.0538
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	6/1/2011	2,500,000.00	2,669,750.00	2,556,770.62	1457	1.90005
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	5,000,000.00	5,339,500.00	5,083,765.67	1457	2.05495
FHLMC 3 7/28/2014	3137EACD9	FHLMC	6/18/2010	5,000,000.00	5,273,750.00	5,115,732.58	788	1.88017
FHLMC 5 2/16/2017	3137EAAM1	FHLMC	2/16/2012	5,000,000.00	5,947,600.00	5,904,931.26	1722	1.04801
FHLMC 5.5 8/20/2012	3137EAAV1	FHLMC	5/28/2009	3,000,000.00	3,035,190.00	3,023,371.25	81	1.86004
FNMA 1.25 1/30/2017	3135GOGY3	FNMA	1/24/2012	3,000,000.00	3,047,343.60	3,004,409.00	1705	1.21711
FNMA 1.25 4/27/2017	3135G0JA2	FNMA	5/31/2012	2,000,000.00	2,013,040.00	2,014,140.00	1792	1.10152
FNMA 1.25 9/28/2016	3135G0CM3	FNMA	9/29/2011	5,000,000.00	5,077,150.00	4,990,601.45	1581	1.29503
FNMA 1.375 11/15/2016	3135G0E58	FNMA	12/29/2011	2,000,000.00	2,040,880.00	2,015,531.69	1629	1.19502
FNMA 2.375 7/28/2015	31398AU34	FNMA	3/24/2011	2,000,000.00	2,111,250.00	2,025,525.84	1153	1.95104
FNMA 2.375 7/28/2015	31398AU34	FNMA	9/30/2010	1,000,000.00	1,055,625.00	1,027,182.53	1153	1.48004
FNMA 4.375 7/17/2013	31359MSL8	FNMA	5/5/2010	1,000,000.00	1,045,810.00	1,028,660.26	412	1.75013

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FNMA 4.625 10/15/2014	31359MWJ8	FNMA	6/18/2010	1,000,000.00	1,098,906.20	1,060,062.25	867	1.97173
FNMA 4.75 2/21/2013	31359MQV8	FNMA	4/25/2008	2,000,000.00	2,064,300.00	2,012,360.02	266	3.81096
FNMA 4.75 2/21/2013	31359MQV8	FNMA	7/23/2009	2,000,000.00	2,064,300.00	2,037,589.52	266	2.05495
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/22/2008	2,000,000.00	2,016,420.00	2,004,237.08	63	3.66001
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/25/2008	1,000,000.00	1,008,210.00	1,002,053.56	63	3.70002
FNMA 5.38 10/2/2013	31364GBF5	FNMA	5/5/2010	1,006,000.00	1,072,637.44	1,050,714.67	489	1.92976
Sub Total / Average				101,521,000.00	106,089,608.94	103,908,191.16	936	1.84854
LAIF - Public Safety Facility Bonds								
LAIF LGIP	LGIP7018	LAIF	6/30/2011	416,094.34	416,094.34	416,094.34	1	0.363
Sub Total / Average				416,094.34	416,094.34	416,094.34	1	0.363
Money Market Account								
Bank of America MM	MM0555	Bank of America	5/31/2011	10,678,289.93	10,678,289.93	10,678,289.93	1	0.2
Sub Total / Average				10,678,289.93	10,678,289.93	10,678,289.93	1	0.2
Negotiable Certificate of Deposit								
Ally Bank 0.5 11/12/2013	02005QE66	Ally Bank	5/9/2012	245,000.00	245,000.00	245,000.00	530	0.5
Discover Bank 0.5 11/12/2013	25467IAP5	Discover Bank	5/9/2012	245,000.00	245,000.00	245,000.00	530	0.5
GoldmanSachs 0.55 8/15/2013	38143AJY2	GoldmanSachs	2/15/2012	225,000.00	224,011.87	225,000.00	441	0.55
Sub Total / Average				715,000.00	714,011.87	715,000.00	502	0.51573
Treasury Coupon Securities								
T-Note 2.125 5/31/2015	912828NF3	Treasury	6/18/2010	1,000,000.00	1,051,875.00	1,004,163.79	1095	1.97833
T-Note 4.25 9/30/2012	912828HE3	Treasury	10/5/2007	300,000.00	304,089.00	300,042.37	122	4.20254
T-Note 4.625 7/31/2012	912828GZ7	Treasury	10/5/2007	275,000.00	277,040.50	275,171.54	61	4.20714
Sub Total / Average				1,575,000.00	1,633,004.50	1,579,377.70	729	2.79115
Total / Average				137,995,586.37	142,621,211.68	140,387,155.23	700	1.47178

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class, Summary
 Report Format: By Totals
 Group By: Asset Class
 Average By: Face Amount / Shares
 Portfolio / Report Group: All Portfolios
 As of 6/30/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund	27,090,202.10	27,090,202.10	27,090,202.10	27,090,202.10	1	0.358
Federal Agency Coupon Securities	109,521,000.00	113,713,692.99	114,099,079.40	111,962,071.69	957	1.70551
LAIF - Public Safety Facility Bonds	50,000.00	50,000.00	50,000.00	50,000.00	1	0.358
Money Market Account	1,679,634.10	1,679,634.10	1,679,634.10	1,679,634.10	1	0.2
Negotiable Certificate of Deposit	1,205,000.00	1,205,000.00	1,203,279.72	1,205,000.00	459	0.55
Treasury Coupon Securities	1,575,000.00	1,587,459.96	1,628,086.78	1,579,168.84	699	2.79115
Total / Average	141,120,836.20	145,325,989.15	145,750,282.10	143,566,076.73	755	1.43069


 Kenneth C. Hugins, City Treasurer
 7/31/12

Tracker
 City of Escondido
 Portfolio Holdings
 Investment Portfolio - by Asset Class
 Report Format: By Transaction
 Group By: Asset Class
 Average By: Face Amount / Shares
 Portfolio / Report Group: All Portfolios
 As of 6/30/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund								
LAIF LGIP	LGIP7282	LAIF	5/31/2011	27,090,202.10	27,090,202.10	27,090,202.10	1	0.358
Sub Total / Average				27,090,202.10	27,090,202.10	27,090,202.10	1	0.358
Federal Agency Coupon Securities								
FFCB 2.4 3/15/2016	31331KEK2	FFCB	3/24/2011	1,000,000.00	1,054,110.00	1,004,702.51	1354	2.26504
FFCB 4.25 7/8/2013	31331V2Q2	FFCB	3/23/2010	2,000,000.00	2,079,700.00	2,047,500.91	373	1.84031
FFCB 4.55 3/4/2015	31331SNP4	FFCB	6/18/2010	1,000,000.00	1,107,310.00	1,057,807.73	977	2.25989
FFCB 4.75 9/30/2015	31331GCR8	FFCB	9/30/2010	1,000,000.00	1,132,770.00	1,100,719.49	1187	1.52021
FFCB 5.1 4/25/2017	31331XWK4	FFCB	5/31/2012	1,080,000.00	1,287,954.00	1,289,470.28	1760	0.96815
FFCB 5.2 3/20/2013	31331VTY2	FFCB	5/14/2008	1,000,000.00	1,035,150.00	1,008,648.85	263	3.87026
FHLB 1 6/9/2017	313379FW4	FHLB	6/29/2012	3,000,000.00	3,001,830.00	3,007,795.68	1805	0.94597
FHLB 1.25 8/27/2012	3133XYF91	FHLB	5/10/2010	2,000,000.00	2,003,520.00	1,999,968.24	58	1.26042
FHLB 1.35 8/28/2012	3133XX4Z7	FHLB	3/23/2010	2,000,000.00	2,003,720.00	2,000,156.63	59	1.30311
FHLB 1.375 10/26/2012	3133XXLX3	FHLB	3/23/2010	2,000,000.00	2,007,760.00	1,999,678.86	118	1.42605
FHLB 1.375 12/11/2015	313371NW2	FHLB	12/29/2010	1,000,000.00	1,026,020.00	968,114.15	1259	2.3602
FHLB 1.625 12/11/2015	313371VF0	FHLB	12/29/2010	1,000,000.00	1,029,330.00	976,365.90	1259	2.35492
FHLB 1.625 12/9/2016	313371PV2	FHLB	12/29/2011	1,500,000.00	1,542,375.00	1,530,015.62	1623	1.16001
FHLB 1.625 9/28/2015	3133716Z4	FHLB	9/30/2010	1,000,000.00	1,032,840.00	1,002,611.68	1185	1.54109
FHLB 1.63 8/20/2015	313370NE4	FHLB	3/24/2011	1,000,000.00	1,034,510.00	990,419.16	1146	1.95019
FHLB 1.75 12/14/2012	3133XVNT4	FHLB	3/24/2010	1,000,000.00	1,006,830.00	1,000,918.84	167	1.54314

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
Report Format: By Transaction
Group By: Asset Class
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 6/30/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLB 1.75 9/11/2015	313370JB5	FHLB	9/30/2010	1,000,000.00	1,033,400.00	1,006,896.82	1168	1.52461
FHLB 1.875 8/30/2013	3133XXL21	FHLB	3/23/2010	3,000,000.00	3,054,930.00	2,999,155.46	426	1.9002
FHLB 2 10/28/2013	3133XYDK8	FHLB	5/7/2010	1,000,000.00	1,022,200.00	1,001,470.28	485	1.88512
FHLB 2 7/13/2012	3133XTHE9	FHLB	8/5/2009	1,000,000.00	1,000,560.00	1,000,022.41	13	1.93476
FHLB 2 9/14/2012	3133XUK93	FHLB	5/5/2010	3,000,000.00	3,011,100.00	3,003,970.85	76	1.35008
FHLB 2.3 12/8/2016	313371ZU3	FHLB	12/29/2011	500,000.00	529,190.00	523,408.53	1622	1.21006
FHLB 2.5 6/13/2014	3133XWE70	FHLB	6/7/2012	3,000,000.00	3,122,400.00	3,123,515.62	713	0.38226
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	5/5/2010	1,050,000.00	1,079,158.50	1,059,322.84	440	1.86009
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	3/24/2010	3,000,000.00	3,083,310.00	3,023,633.10	440	1.94456
FHLB 3.125 3/11/2016	3133XXP43	FHLB	3/24/2011	3,000,000.00	3,265,830.00	3,086,894.16	1350	2.29093
FHLB 3.125 3/8/2013	3133XPB89	FHLB	6/17/2009	1,535,000.00	1,564,993.90	1,541,966.29	251	2.42989
FHLB 3.25 9/12/2014	3133XUMR1	FHLB	6/18/2010	1,000,000.00	1,061,460.00	1,024,946.35	804	2.0597
FHLB 4 6/16/2015	3133XTYD2	FHLB	9/30/2010	1,000,000.00	1,101,170.00	1,071,647.67	1081	1.48519
FHLB 4.625 10/10/2012	3133XML66	FHLB	10/29/2008	2,000,000.00	2,024,687.50	2,002,419.14	102	4.15029
FHLB 4.875 12/13/2013	3133XHW57	FHLB	3/24/2010	1,350,000.00	1,438,425.00	1,401,895.20	531	2.10804
FHLMC 1.25 5/12/2017	3137EADF3	FHLMC	5/31/2012	4,000,000.00	4,052,880.00	4,049,822.87	1777	0.98703
FHLMC 2 8/25/2016	3137EACW7	FHLMC	8/31/2011	3,000,000.00	3,152,280.00	3,096,799.84	1517	1.19702
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	6/1/2011	2,500,000.00	2,667,125.00	2,555,601.70	1427	1.90005
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	3,000,000.00	3,200,550.00	3,049,363.75	1427	2.0538
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	5,000,000.00	5,334,250.00	5,082,040.91	1427	2.05495

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
Report Format: By Transaction
Group By: Asset Class
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 6/30/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLMC 3 7/28/2014	3137EACD9	FHLMC	6/18/2010	5,000,000.00	5,262,400.00	5,111,326.52	758	1.88017
FHLMC 5 2/16/2017	3137EAAM1	FHLMC	2/16/2012	5,000,000.00	5,936,050.00	5,889,165.91	1692	1.04801
FHLMC 5 5 8/20/2012	3137EAAV1	FHLMC	5/28/2009	3,000,000.00	3,021,390.00	3,014,715.23	51	1.86004
FNMA 0.5 5/27/2015	3135GOKM4	FNMA	6/29/2012	5,000,000.00	4,996,350.00	5,001,438.64	1061	0.49005
FNMA 1.25 1/30/2017	3135GOGY3	FNMA	1/24/2012	3,000,000.00	3,047,280.00	3,004,331.42	1675	1.21711
FNMA 1.25 4/27/2017	3135GOJA2	FNMA	5/31/2012	2,000,000.00	2,018,780.00	2,013,903.28	1762	1.10152
FNMA 1.25 9/28/2016	3135GOCM3	FNMA	9/29/2011	5,000,000.00	5,087,300.00	4,990,779.79	1551	1.29503
FNMA 1.375 11/15/2016	3135G0ES8	FNMA	12/29/2011	2,000,000.00	2,047,000.00	2,015,245.65	1599	1.19502
FNMA 2.375 7/28/2015	31398AU34	FNMA	3/24/2011	2,000,000.00	2,110,400.00	2,024,861.68	1123	1.95104
FNMA 2.375 7/28/2015	31398AU34	FNMA	9/30/2010	1,000,000.00	1,055,200.00	1,026,475.27	1123	1.48004
FNMA 4.375 7/17/2013	31359MSL8	FNMA	5/5/2010	1,000,000.00	1,042,180.00	1,026,573.34	382	1.75013
FNMA 4.625 10/15/2014	31359MWJ8	FNMA	6/18/2010	1,000,000.00	1,095,880.00	1,057,983.97	837	1.97173
FNMA 4.75 2/21/2013	31359MQV8	FNMA	4/25/2008	2,000,000.00	2,056,500.00	2,010,966.04	236	3.81096
FNMA 4.75 2/21/2013	31359MQV8	FNMA	7/23/2009	2,000,000.00	2,056,500.00	2,033,350.10	236	2.05495
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/22/2008	2,000,000.00	2,008,080.00	2,002,219.42	33	3.66001
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/25/2008	1,000,000.00	1,004,040.00	1,001,075.67	33	3.70002
FNMA 5.38 10/2/2013	31364GBF5	FNMA	5/5/2010	1,006,000.00	1,068,120.50	1,047,971.44	459	1.92976
Sub Total / Average				109,521,000.00	114,099,079.40	111,962,071.69	957	1.70551

Tracker
City of Escondido
Portfolio Holdings
Investment Portfolio - by Asset Class
Report Format: By Transaction
Group By: Asset Class
Average By: Face Amount / Shares
Portfolio / Report Group: All Portfolios
As of 6/30/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
LAIF - Public Safety Facility Bonds								
LAIF LGIP	LGIP7018	LAIF	6/30/2011	50,000.00	50,000.00	50,000.00	1	0.358
Sub Total / Average				50,000.00	50,000.00	50,000.00	1	0.358
Money Market Account								
Bank of America MM	MM0555	Bank of America	5/31/2011	1,679,634.10	1,679,634.10	1,679,634.10	1	0.2
Sub Total / Average				1,679,634.10	1,679,634.10	1,679,634.10	1	0.2
Negotiable Certificate of Deposit								
Ally Bank 0.5 11/12/2013	02005QE66	Ally Bank	5/9/2012	245,000.00	245,000.00	245,000.00	500	0.5
Beal Bank USA 0.6 6/12/2013	07370VAG3	Beal Bank USA	6/13/2012	245,000.00	244,154.63	245,000.00	347	0.6
Discover Bank 0.5 11/12/2013	254671AP5	Discover Bank	5/9/2012	245,000.00	245,000.00	245,000.00	500	0.5
GoldmanSachs 0.55 8/15/2013	38143AJY2	GoldmanSachs	2/15/2012	225,000.00	224,125.09	225,000.00	411	0.55
Huntington Nat 0.6 12/16/2013	446438QU0	Huntington Nat	6/15/2012	245,000.00	245,000.00	245,000.00	534	0.6
Sub Total / Average				1,205,000.00	1,203,279.72	1,205,000.00	459	0.55
Treasury Coupon Securities								
T-Note 2.125 5/31/2015	912828NF3	Treasury	6/18/2010	1,000,000.00	1,049,062.50	1,004,049.71	1065	1.97833
T-Note 4.25 9/30/2012	912828HE3	Treasury	10/5/2007	300,000.00	303,036.00	300,031.95	92	4.20254
T-Note 4.625 7/31/2012	912828GZ7	Treasury	10/5/2007	275,000.00	275,988.28	275,087.18	31	4.20714
Sub Total / Average				1,575,000.00	1,628,086.78	1,579,168.84	699	2.79115
Total / Average				141,120,836.20	145,750,282.10	143,566,076.73	755	1.43069

Tracker
 City of Escondido
 Transactions Summary
 Transaction Summary Report - by Action
 Group By: Matured Investments
 Portfolio / Report Group: All Portfolios
 From 4/1/2012 To 6/30/2012

Description	CUSIP/Ticker	Settlement Date	Face Amount/Shares	Principal	Total
FFCB 2.25 4/24/2012	31331GNQ8	4/24/2012	2,000,000.00	2,000,000.00	2,000,000.00
FHLB 4.875 6/8/2012	3133XKSK2	6/8/2012	1,000,000.00	1,000,000.00	1,000,000.00
FHLMC 1.75 6/15/2012	3137EACC1	6/15/2012	2,000,000.00	2,000,000.00	2,000,000.00
Total			5,000,000.00	5,000,000.00	5,000,000.00

CITY OF ESCONDIDO
FUNDS MANAGED BY OUTSIDE PARTIES
June 30, 2012

Type of Funds / Institution	Market Value	Interest Rate	Reserve Fund		Maturity Date
				Type of Investment	
<u>BOND FUNDS</u>					
BANK OF NEW YORK:					
1993 Vineyard Golf Course Certificates of Participation	\$ 703,595.43	0.169%		Money Market/ FHLB Discount Note	
2001 Reidy Creek Golf Course Lease Revenue Bonds (issued April 2001)	543,892.66	0.169%		Money Market/ FHLB Discount Note	
1992 Community Development Commission Revenue Bond	348,123.73	0.144%		Money Market/ FHLB Discount Note	
2000A COP - Water Project (Certificates issued March 2000)	145,828.14	0.010%		Money Market/ FNMA Discount Note	
2007 COP - Water Project (Certificates issued September 2007)	11,371,009.91	0.010%		Money Market	
2004A Wastewater Bond (1996 Wastewater Refunding)	2,026,493.49	0.170%		Money Market/ FHLB Discount Note	
2004B Wastewater Bond - Brine Project	3,586,941.83	0.050%		Money Market/ FHLB Discount Note	
2001 Community Facility District (Hidden Trails)	230,684.67	0.499%		Money Market/ Certificate of Deposit	
2006 Community Facility District (Eureka Ranch)	1,925,907.07	0.111%		Money Market/ FHLB Discount Note	
1986-1R/98 Auto Parkway Assessment District	331,980.34	0.170%		Money Market/ FHLB Discount Note	
1998-1 Rancho San Pasqual Assessment District	342,537.12	0.167%		Money Market/ FHLB Discount Note	
2012 JPFA Revenue Bonds (Water System Financing)	20,004,674.51	0.010%		Money Market/ FHLB Discount Note	
2012 JPFA Revenue Bonds (Wastewater System Financing)	25,006,188.35	0.010%		Money Market	
TOTAL FUNDS MANAGED BY OUTSIDE PARTIES					
					\$ 66,567,857.25

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Christopher W. McKinney, Director of Utilities
SUBJECT: Lindley Reservoir Replacement Design Consulting Agreement

RECOMMENDATION:

The Utilities Department requests that the City Council:

1. Adopt Resolution No. 2012-143 authorizing the Mayor and City Clerk to execute a Consulting Agreement with MWH Corporation for the Lindley Reservoir Replacement Design in the amount of \$561,623.

FISCAL ANALYSIS:

The Lindley Reservoir Project CIP (704201) currently has \$1,749,915 available.

PREVIOUS ACTION:

In January 2012 City Council authorized a budget adjustment to fund the Evaluation of Alternatives for the Replacement of the Lindley Reservoir.

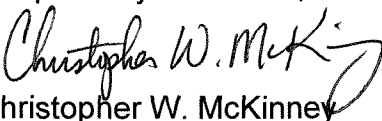
BACKGROUND:

Over the last few years the City has had several investigations and studies performed on the condition of the Lindley Reservoir, a 2 million gallon steel reservoir built in 1950. Due to the observed deterioration and the age of the reservoir, it has been determined that replacement is necessary.

This contract to MWH Corporation includes not only full design drawings and specifications, but also all required environmental studies and documentation as well as acquisition of all required permits.

This design contract is the initial element to the effort required to replace the Lindley Reservoir. In the near future the Utilities Department will also be bidding and awarding a construction contract for the construction of the two 1.5 million gallon reservoirs necessary to replace the existing Lindley Reservoir.

Respectfully submitted,


Christopher W. McKinney

Director of Utilities

RESOLUTION NO. 2012-143

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
MWH CORPORATION FOR THE LINDLEY
RESERVOIR REPLACEMENT DESIGN

WHEREAS, the City desires to improve the reliability and quality of water storage at Lindley Reservoir; and

WHEREAS, the current condition of the Lindley Reservoir requires a replacement reservoir; and

WHEREAS, a selection panel has selected MWH Corporation as being the most qualified proposer; and

WHEREAS, the Director of Utilities recommends that the Consulting Agreement ("Agreement") with MWH Corporation be approved; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest, to approve said Agreement with MWH 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 Clerk are hereby authorized to execute, on behalf of the City, an Agreement with MWH Corporation. A copy of the Agreement is attached as Exhibit "1" and is incorporated by this reference.



CITY OF ESCONDIDO
CONSULTING AGREEMENT FOR DESIGN PROFESSIONALS

(ONLY for licensed architects, landscape architects, professional engineers, and professional land surveyors who are performing design services for the City)

This Agreement is made this _____ day of _____, 20__.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Craig Whittemore
760-839-4038
("CITY")

And: MWH
9444 Farnham Street, Suite 300
San Diego, California, 92123
Christine Waters
858-751-1200
("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 provide design and specifications for the construction of two 1.5 million gallon reservoirs; 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 the sum of \$561,623. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT has not corrected the breach after CITY provides notice and a reasonable time to correct it.
- 3. Scope of Compensation. The CONSULTANT will be compensated for performance of tasks specified in "Attachment A" only. No compensation will be provided for any other tasks without specific prior written consent from the CITY.

4. Duties. CONSULTANT will be responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports and other services furnished by the CONSULTANT under this Agreement, except that the CONSULTANT will not be responsible for the accuracy of information supplied by the CITY.
5. Personnel. The performance of services under this Agreement by certain professionals is significant to the CITY. CONSULTANT will assign the persons listed on "Attachment B," 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. 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 costs, 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 Automotive Liability policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The endorsement must be ISO Form CG2010 11/85 edition or its equivalent for General Liability endorsements and CA 20-01 for Automobile Liability endorsements.
 - (4) The General Liability policy must include coverage for bodily injury and property damage arising from CONSULTANT's work including its ongoing operations and products-completed operations hazard.
 - (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.
- d. In executing this Agreement, 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, pertaining to, or relating to the negligence, recklessness, or willful misconduct of CONSULTANT in the performance of this Agreement, excepting only those claims resulting from the sole negligence, active negligence or intentional misconduct of CITY, its employees, officials, or agents, not including CONSULTANT;
 - 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.
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.

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

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Diane Halverson
City Clerk

Date: _____

(Contractor signature)

Title

(The above signature must be notarized)

APPROVED AS TO FORM:

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

By: _____

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

Lindley Tank Replacement Design Scope of Services

MWH scope of services for providing final design drawings and specifications for the Lindley Tank Replacement project is based on the design of two each 1.5 million gallon potable water tanks. The tanks will be partially-buried prestressed concrete tanks with inlet, outlet, overflow and drain piping. Valving will be provided to allow isolation of one tank while the other tank remains in service. A new 18-inch diameter inlet pipeline will be provided from Ash Street to the tank site. Project will include temporary construction grading plans, final site grading and access road plans, and demolition of the existing steel tank. The proposed list of drawings is attached. The overall scope of services is organized into the following major tasks

- A: Project Management and QAQC**
- B: Final Design and Bid Document Preparation**
- C: Construction Contract Bidding Services**
- D: Record Drawings**
- E: As-Needed Additional Services**

Task A. Project Management and QAQC

This task will consist of meetings, workshops, preparation of project updates, quality control and administrative tasks during the design and bid phases of the project. The level of effort for Tasks A and B are based on the assumptions that the design phase duration will be four months as requested by the City and bid phase duration will be three months.

Task A.1. Planning, Monitoring and Controlling Scope, Schedule and Budget

MWH will develop and maintain a task oriented plan for completing each assignment. The plan will include the development and monitoring of a Work Breakdown Structure (WBS) for each task with resources, budget, and schedule. MWH will prepare and submit an initial project schedule for the City's review and approval.

Task A.2. Meetings and Workshops

A project kickoff meeting will be held with the City and key members of the MWH team at the beginning of the project. Meetings will be held with the City to discuss progress on various subtasks and resolve issues. MWH has budgeted six meetings for final design and bid phase services. MWH will prepare an agenda and minutes for each meeting. Minutes will be submitted no later than five working days after the meeting.

Task A.3. Administration

This subtask covers general project management consisting of budget monitoring, sub-consultant administration, preparation of monthly invoices, filing and record keeping that will be conducted throughout the duration of the project.

Task A.4. Quality Assurance / Quality Control

This subtask is to establish the quality management system which consists of the preparation of Project Quality Control Plan (PQCP) to plan QAQC reviews and performance assessment.

Task B. Final Design and Bid Document Preparation

The purpose of this task is to develop detailed plans and specifications for bidding. The final design will consist of preparing the 30-percent, 60-percent, 90-percent and final submittals. The final design scope and cost fee estimate are based on the following assumptions:

- The City will provide record drawing of its existing facilities and other related material.
- The design will be done using MWH standard details and technical specifications.
- The City will provide bidder's instructions and forms and general and supplemental conditions
- The level of effort is reflected by the attached List of Drawings

- City will provide design submittal review comments in one week of receipt of deliverable.

Task B.2: Preliminary Design Submittal (30%)

This task builds upon the PDR, expanding the work to incorporate City comments on the PDR and progress the design. The Preliminary Design submittal (30% submittal) will be provided to the City for review and approval. The 30% submittal will consist of 30% level design drawings and a list of specifications.

Task B.2: Design Development Submittal (60%)

This task builds upon the 30% submittal, expanding the work to incorporate Design Development Plans and Sections, draft specifications for critical materials and equipment. City review comments on the 30% submittal will be incorporated into the 60% submittal. The Design Development submittal (60% submittal) will be provided to the City for review and approval.

Task B.3: Construction Document Development (90%)

Once the City has completed the review of the Design Development submittal (60% submittal), a "design freeze" will occur after which the basic elements of the design basis as defined in the Design Development submittal are not expected to change. Changes made to the Design Development at or after this point will have an impact on schedule and design cost.

Design discipline work is then undertaken to move the design toward 90% completion. Quality reviews will be conducted prior to 90% completion as indicated in Subtask A.4. Once the above reviews are completed, MWH will submit the 90% design submittal to the City for review.

Task B.4. Final Construction Documents

Following receipt of one set of City's comments, MWH will make final revisions to the contract documents. The following will be submitted for the final design submittal:

- A CD that contains final drawings in AUTOCAD format, version 2007 and in Adobe Acrobat, version 6.0 or newer, and final contract specifications in Microsoft Word, Version 2009;
- One set of laser print quality specifications unbound and unpunched; and
- One set of design calculations signed and sealed by the Engineer of Record.

Task B.5. Cost Estimates

An opinion of probable construction cost (OPCC) will be prepared in accordance with the cost estimate classes defined by the Association for the Advancement of Cost Engineering for the final design. A Class 2 OPCC will be prepared for the 90% Construction Document Development and will follow the design submittal by approximately three weeks.

Task B.6. Geotechnical Investigation

The geotechnical investigation will be conducted by our subconsultant, Ninyo & Moore. The scope consists of the following subtasks:

- Reviewing of published geologic maps, faulting and seismic hazard reports, topographic maps, geotechnical reports and stereoscopic aerial photographs.
- Reviewing of engineering plans, utility maps and other data provided by the City.
- Acquisition of County of San Diego Department of Environmental Health (DEH) boring permits. A property owner consent form would be submitted for signature prior to DEH processing of the boring permit application.
- Geologic reconnaissance of the site by a California-certified Engineering Geologist. We would contact and meet with Underground Service Alert (USA) for utility clearance.
- Drilling, logging, and sampling of three (3) rock-core borings with a four-wheel drive, limited access drill rig. Two of the borings would be advanced to depths up to 40 feet below existing grades (or refusal) within the footprint of the new tanks. The third boring would be advanced to a depth of approximately 15 feet below existing grades in the area of the proposed

inlet/outlet lines. Rock cores will be collected, stored in rock core boxes, and logged by geologists from our office. The borings will be backfilled with bentonite in accordance with County of San Diego DEH requirements. Soil samples obtained during drilling will be returned to the laboratory for testing. Excess soil cuttings will be disposed of on the site.

- Performing laboratory testing of surficial soil samples including grain-size analysis, R-value, and soil corrosivity (pH, resistivity, sulfate content and chloride content).
- Performing a seismic refraction survey consisting of two seismic traverses (seismic lines) at the reservoir site using a 12-channel seismograph. The purpose of the seismic lines is to gain additional information on the excavatability (rippability) of the granitic rock materials and information on the need for blasting or heavy ripping to facilitate excavation. The depth of exploration of the seismic traverses will be on the order of 30 feet.
- Compilation and engineering analysis of data.
- Preparing a Geotechnical Evaluation Report with findings, conclusions and recommendations for design of the project. The report will include conclusions and recommendations relative to site geology, geologic and seismic hazards, seismic parameters, and seismic response; slope stability; groundwater; excavatability of earth materials; site preparation and earthwork; handling and disposal of oversize materials; and suitability of onsite materials for reuse as backfill; tank foundations; active, passive and at-rest lateral earth pressures; pipe trench stability and pipe bedding; preliminary pavement design; and soil corrosivity. Three hard copies of the report and an electronic (PDF) copy of the report would be provided.
- Performing geotechnical engineering review of project design drawings and earthwork specifications.

Scope and cost for Task B.6 are based on the following assumptions and exclusions:

- Permission for site access for subconsultant personnel and vehicles will be granted.
- The geotechnical subconsultant will use a four-wheel drive, limited access drill rig to perform the rock core borings. Equipment will need to create access roads or drive over the existing vegetation to access the site and create a drill pad.
- Environmental sampling and testing of the subsurface soils and environmental assessment are not included within this scope

Task B.7. Environmental Services

The environmental services will be conducted by our subconsultant, Helix Environmental Planning. The scope consists of the following subtasks.

The following biological consulting services will be performed for the completion of the Biological Resources Technical Report (BRTR):

- An in-house database search will be conducted for sensitive species known to occur within the project vicinity, and maps of the project study area for use in the field will be prepared.
- Three U.S. Fish and Wildlife Service (USFWS) protocol-level presence/absence surveys will be conducted for the federally listed threatened coastal California gnatcatcher (*Poliophtila californica californica*).
- The results will be incorporated into a BRTR for submittal to the City. This report will describe the survey methods employed, present the results of the fieldwork, assess the potential for additional sensitive resources to occur on the site, identify regulatory issues related to the resources on the site, calculate project impacts, and recommend potential mitigation measures per City requirements, if any.

The following Cultural Resources Services for the completion of the Cultural Resources Technical Report (CRTR):

- A records search of the project site and a one-mile radius surrounding it will be conducted at the South Coastal Information Center (SCIC) in order to identify previously recorded sites and previous cultural resource studies documented within the current project area. In addition, a search of the Sacred Lands File (SLF) will be performed by the Native American Heritage Commission (NAHC) in order to identify any areas of Native American heritage significance that may be impacted by project development. NAHC will provide a list of individuals who are potentially knowledgeable of such issues. This list will be provided as an appendix to the technical report for use by the City in performing direct consultation with Tribal entities.
- Once background information has been obtained, an intensive pedestrian survey of the proposed tank sites will be performed. It is assumed that the project will encompass an area of less than 10 acres. Any newly identified cultural resources will be documented on Department of Parks and Recreation (DPR) 523 site forms. Documentation for previously recorded sites will be updated. For the purposes of this proposal, it is assumed that not more than three cultural resources that require documentation will be identified.
- Upon the completion of fieldwork, one draft and one final ARMR-format CRTR will be prepared to summarize the background, methods and results of our study. This task assumes analysis of only one version of the site plan. Major or multiple revisions may require additional authorization.
- In addition to the technical report, an Area of Potential Effect (APE) map for submittal by the City of Escondido to support their consultation with the State Historic Preservation Officer (SHPO) for National Historic Preservation Act (NHPA) compliance.

Scope and cost for Task B.7 are based on the following assumptions and exclusions:

- City will arrange for site access by subconsultant staff to conduct the surveys and mapping described above.
- If potentially significant cultural sites are identified, evaluation of their eligibility to the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP) may be required for CEQA or NHPA compliance. Eligibility evaluations are not included in this scope of work, but can be conducted upon request.
- Support for City consultation with the SHPO for NHPA compliance is also not included in this scope, but can be provided upon request.
- It may be determined that a Tribal representative is required to accompany archaeologists during the pedestrian survey. The services of a Native American monitor are not included in this proposal, but can be provided upon request.
- Costs associated with jurisdictional delineations, restoration plans, California Environmental Quality Act (CEQA) processing, and/or technical studies and reports not specified above ("additional work") are not included. A separate scope of services and cost estimate for these services can be provided upon request.
- Preparation of a Section 10a permit application with USFWS is not included, but can be provided as an additional service if needed.

Task B.8. Corrosion Protection

The corrosion engineering task will be conducted by our subconsultant, V&A Engineering. The scope consists of the following subtasks:

- Document Review – Review of preliminary design plans and specifications for the reservoirs and inlet / outlet piping.
- Soil Resistivity Testing – Measure soil resistivity using the Wenner Four Electrode Method at the proposed reservoir / piping location.
- Soil Analysis & Letter Report – Review the soil samples report provided by the project geotechnical engineer for as-received and saturated resistivities. The report is expected to include minimum electrical resistivity and chemical analysis of chlorides, sulfates, pH and bicarbonates of the soil. Prepare a letter report with the results of the soil resistivity testing, chemical analysis and recommendations for corrosion control.

- Plans, Specifications and Opinion of Probable Cost – Design a cathodic protection system for the reservoirs, associated piping and appurtenances. Prepare 60% cathodic protection drawings and technical specifications. Incorporate review comments and provide a 90% submittal followed by the final drawings and specifications submittal.

Task B.9. Landscaping

The landscape design task will be conducted by our subconsultant, Garbini & Garbini. The following includes the Scope of Work and Assumptions to prepare irrigation and planting plans and specifications for planting of permanent slopes. Planting will include the development of seed mixes and the revegetation of slopes as an erosion control measure. The scope consists of the following subtasks:

- The Landscape Architect, Garbini & Garbini, shall prepare a design drawing to establish and indicate the overall landscape site development. Elements of the study will be limited to the planting layout. Irrigation shall be a permanent below grade system electrically controlled.
- The Landscape Architect shall collect a site soil sample and submit the soil sample to a laboratory for analysis and recommendations as required by the State of California Model Water Efficient Landscape Ordinance. The laboratory soil analysis shall include soil texture, soil texture infiltration rate table, pH, total soluble salts, sodium level, percent organic matter and planting backfill amendment recommendations. The test shall indicate recommendations for soil amendments, leaching, maintenance fertilizations for trees and shrubs and improvement of soil's water retention ability.
- The Landscape Architect shall coordinate preparation of design documents with the project design team. The Landscape Architect shall attend up to 1 meeting during this Phase.
- Irrigation plans will diagrammatically locate all landscape irrigation heads, piping, valves control equipment and related irrigation equipment. Details required to install the irrigation system will be provided.
- The Landscape Architect shall coordinate work with the local Water Agency or Client as applicable to the design of the irrigation system.
- The planting plan will graphically locate and identify all plant materials to be used. A plant list will define quantities, sizes, and varieties of material. Details required to install the planting will be provided.
- The Landscape Architect shall provide specifications.
- The Landscape Architect shall develop final systems hydraulic calculations to size equipment and determine design pressure required at the point of connection.

Task C. Construction Contract Bidding

This task will consist of providing assistance to the City with participating in a pre-bid conference and job walk, and responding to questions from the bidders on technical questions. It also assumes the preparation of up to three addenda to respond to bidders' technical questions, issues brought up at the pre-bid conference and any changes to bid due date or other changes identified during the bid period.

MWH's scope and cost for Task C are based on the following assumptions and exclusions:

- The City will print and distribute the bid documents, and maintain the plan holder list.
- The City will issue and distribute the addenda to prospective bidders.
- The City will handle any protest by bidders.
- The City will review the commercial aspects of bids and recommend award of the bid.

Task D. Record Drawings

MWH will prepare record drawings based on Contractor red-line markups that have been reviewed and approved by the City or Construction Manager. MWH will provide one set of record drawings on full-size Mylars, signed and sealed by the MWH Project Manager and Discipline Engineer of Record, one set of reduced-size set of record drawings on bond and a CD with CAD and pdf files of the record drawings.

Task E. As-Needed Additional Services

MWH will provide additional project services as requested by the City on a time and materials basis.

PROJECT COST SUMMARY

The fee for this scope of work is summarized below and detailed in the attached table.

A: Project Management and QAQC	\$66,400
B: Final Design and Bid Document Preparation	\$414,200
C: Construction Contract Bidding	\$23,900
D. Record Drawings	\$16,500
E: As-Needed Additional Services	\$40,600
Total	\$561,600

List of Drawings		
Sheet No.	Drawing No.	Description
1	G 1	Title Sheet
2	G 2	List of Drawings
3	G 3	General Symbols I
4	G 4	General Symbols II
5	G 5	General Abbreviations
6	G 6	Survey Control
7	D 1	Demolition Plan
8	GC 1	Civil Notes and Symbols
9	GC 2	Civil Standards I
10	GC 3	Civil Standards II
11	C 1	Site Plan
12	C 2	Temporary Construction Grading
13	C 3	Final Grading Plan
14	C 4	Yard Piping Plan
15	C 5	Underdrain Plan
16	C 6	Inlet Plan and Profile I
17	C 7	Inlet Plan and Profile II
18	C 8	Outlet/Overflow/Drain Plan and Profile
19	C 9	Construction Grading Sections
20	C 10	Final Grading Sections
21	LI 1	Irrigation Legend & Notes
22	LI 2	Irrigation Plan
23	LI 3	Irrigation Details
24	LI 4	Irrigation Details
25	LP 1	Planting Legend & Notes
26	LP 2	Planting Plan
27	LP 3	Planting Details
28	GS 1	Structural Notes
29	GS 2	Structural Details I
30	GS 3	Structural Details II
31	GS 4	Structural Details III
32	S 1	Foundation/Drain Plan
33	S 2	Roof Plan
34	S 3	Prestressed Wall Sections and Details
35	S 4	Roof Slab Details
36	S 5	Roof Hatch, Overflow, Vent Details
37	S 6	Spiral Stair Details and Sections
38	GM 1	Mechanical Details
39	GM 2	Equipment and Valve Schedules
40	M 1	Tank, Inlet, Altitude Valve Plan and Sections
41	M 2	Tank and Valve Plan and Section
42	GE 1	Electrical Notes and Abbreviations
43	GE 2	Electrical Symbols I
44	GE 3	Electrical Symbols II
45	GE 4	Electrical Details
46	E 1	Electrical Site Plan
47	E 2	Single Line and Control Schematics
48	E 3	Conduit Development and Schedule
49	E 4	Panelboard and Luminaire Schedule
50	E 5	Reservoir Plan
51	E 6	Inlet and Outlet Vault Plans
52	GI 1	Instrumentation Notes and Abbreviations I
53	GI 2	Instrumentation Notes and Abbreviations II
54	I 1	Instrumentation Details
55	I 2	P&ID
56	CP 1	Cathodic Protection Notes and Symbols
57	CP 2	Cathodic Protection Details
58	CP 3	Cathodic Protection Site Plan
59	CP 4	Cathodic Protection Vault Plans

City of Escondido
Lindley Tank Replacement
Final Design and Bid Services Fee Estimate

*Classification Task Description	Labor Hours										Direct Costs					Subconsultants/Intercompany			15.0% Sub/I/C Markup	Sub/ IC Fee	Total Costs	
	\$200.00 Principal Professional	\$175.00 Supervising/ Senior Engr.	\$145.00 Engineer/ Professional	\$114.00 Assoc Engineer	\$110.00 Designer	\$94.00 Admin Assistant	Total Hours	Labor Cost	misc. ODCs	\$ 8.26 APC	\$16.75 CAD	15% ODC Markup	15% ODC Markup	Direct Costs	G&G Landscape	Helix Environ	V&A Corrosion	N&M Geotech				Constructors Estimating
	80	16	24	16	0	44	368	\$ 24,384	\$200	\$ 1,256	\$0	\$218	\$0	\$ 1,874								
A. Project Management and QA/QC																						
Project Management	80	16	24	16	0	44	368	\$ 24,384	\$200	\$ 1,256	\$0	\$218	\$0	\$ 1,874								
Meetings and Workshops	16	24	16	16		4	56	\$ 9,720	\$408	\$ 463	\$0	\$131	\$ 1,001									
QA/QC	72	40	28	16		4	160	\$ 27,660	\$400	\$ 1,322	\$0	\$258	\$ 1,980									
Task A Subtotal	168	80	44	32	0	44	368	\$ 61,764	\$1,008	\$ 3,040	\$0	\$607	\$ 4,855									
B. Final Design and Bid Document Preparation																						
Design Engineering/Coordination	64	192	316	128		30	508	\$ 75,726	\$1,800	\$ 4,196	\$0	\$551	\$ 4,223									
Civil Design	8	130	88	24		16	128	\$ 19,064	\$600	\$ 1,057	\$938	\$389	\$ 2,985									
Mechanical Design	24	48	48	24		24	152	\$ 24,016	\$100	\$ 1,256	\$2,374	\$409	\$ 3,138									
Electrical Design	32	48	36	24		8	68	\$ 10,772	\$100	\$ 562	\$436	\$165	\$ 1,262									
Instrumentation Design	24	36	216	14		14	486	\$ 65,256	\$100	\$ 3,849	\$2,345	\$944	\$ 7,238									
Structural Design	48	36	216	14		14	486	\$ 65,256	\$100	\$ 3,849	\$2,345	\$944	\$ 7,238									
Subconsultants							0	\$ -	\$0	\$ -	\$0	\$0	\$ -	\$ 24,000	\$ 22,450	\$ 34,400	\$ 16,100	\$ -	\$ -	\$ -		
Opinion of Probable Construction Cos	4	8	704	8		4	24	\$ 3,488	\$100	\$ 198	\$0	\$45	\$ 343									
Task B Subtotal	204	414	704	160	152	96	1730	\$ 258,314	\$3,300	\$ 14,280	\$0	\$10,151	\$4,161	\$ 31,901	\$ 24,000	\$ 22,450	\$ 34,400	\$ 16,100	\$ 10,000	\$ 1,500		
C. Construction Contract Bid Period Services																						
Bid Period Services	32	32	40	8		24	136	\$ 20,968	\$226	\$ 1,123	\$804	\$323	\$ 2,476	\$ 400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Task C Subtotal	32	32	40	8	0	24	136	\$ 20,968	\$226	\$ 1,123	\$804	\$323	\$ 2,476	\$ 400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
D. Records Drawings																						
Records Drawings	8	8	0	8		71	95	\$ 11,722	\$800	\$ 785	\$1,189	\$416	\$ 3,190	\$ 1,400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Task D Subtotal	8	8	0	8	71	0	95	\$ 11,722	\$800	\$ 785	\$1,189	\$416	\$ 3,190	\$ 1,400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
E. As-Needed Additional Services																						
As-Needed Additional Services	24	32	56	40		16	200	\$ 28,104	\$183	\$ 1,652	\$1,005	\$426	\$ 3,266	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Task E Subtotal	24	32	56	40	32	16	200	\$ 28,104	\$183	\$ 1,652	\$1,005	\$426	\$ 3,266	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
TOTAL	436	566	844	248	255	180	2,529	\$ 381,872	5,517	\$ 20,890	785	13,149	\$ 45,468	\$ 25,800	\$ 30,450	\$ 34,400	\$ 16,100	\$ 10,000	\$ 17,513	\$ 134,263		

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7

Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Debra Lundy, Real Property Manager

SUBJECT: First Amendment to Lease Agreement with Haircuts Plus at 2255 East Valley Parkway

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-145 authorizing the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Haircuts Plus at 2255 East Valley Parkway.

FISCAL ANALYSIS:

Rental revenue in the amount of \$1,159.28 is deposited into the Recreation Fund monthly, with annual 3% rent increases.

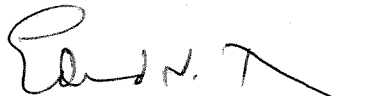
PREVIOUS ACTION:

Resolution 92-247 authorized the original lease agreement, which has been subsequently renewed by Council action several times since 1992.

BACKGROUND:

The City of Escondido purchased the retail center on East Valley Parkway for its East Escondido Community Center and inherited tenant Haircuts Plus as a tenant. Since that time, Haircuts Plus has remained a tenant, operating a full service beauty salon and family haircutters at this location. The existing lease agreement expires on August 31, 2012. This First Amendment to Lease Agreement will establish an additional three (3) year term. All other terms and conditions of the existing lease agreement will remain in full force and effect.

Respectfully submitted,



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



Debra Lundy
Real Property Manager

RESOLUTION NO. 2012-145

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE REAL PROPERTY
MANAGER AND CITY CLERK TO EXECUTE,
ON BEHALF OF THE CITY, A FIRST
AMENDMENT TO LEASE AGREEMENT
WITH HAIRCUTS PLUS

WHEREAS, the City of Escondido ("City") owns certain real property located at
2255 East Valley Parkway; and

WHEREAS, the City assumed a lease agreement with Haircuts Plus when it
acquired said real property; and

WHEREAS, the City and Haircuts Plus entered into a lease agreement in 1992
and said lease agreement has been renewed several times since then; and

WHEREAS, the current lease agreement expires on August 31, 2012; and

WHEREAS, the City and Haircuts Plus desire to enter into a First Amendment to
Lease Agreement to allow Haircuts Plus continued occupancy at said real property for
its beauty salon and family haircutters; and

WHEREAS, this City Council desires at this time and deems it to be in the best
public interest to approve of the First Amendment to Lease Agreement.

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. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, the First Amendment to Lease Agreement with Haircuts Plus, which is attached hereto as Exhibit "1" and incorporated by this reference.

FIRST AMENDMENT TO LEASE AGREEMENT

(2255 E. Valley Parkway)

This FIRST AMENDMENT TO LEASE AGREEMENT is made as of this _____ day of _____, 2012.

Between: City of Escondido,
201 North Broadway
Escondido, California 92025
("City")

And: Haircuts Plus
2255 E. Valley Parkway
Escondido, CA 92027
("Lessee")

WITNESSES THAT WHEREAS:

- A. City and Lessee entered into a Lease Agreement dated September 1, 2007, ("ORIGINAL AGREEMENT") for the lease of real property for the purpose of operating a full-service beauty salon and family haircutters, at 2255 E. Valley Parkway, Escondido, California ("Premises"); and
- B. The ORIGINAL AGREEMENT expired on August 31, 2012; and
- C. City and Lessee desire to extend the term of the lease for another three-year period.

NOW THEREFORE, it is mutually agreed by and between City and Lessee as follows:

- 1. The term of the lease as specified in Section 3 of the ORIGINAL AGREEMENT shall be extended to August 31, 2015.
- 2. All other terms and conditions of the ORIGINAL AGREEMENT shall remain in full force and effect.
- 3. This FIRST AMENDMENT and the ORIGINAL AGREEMENT, together with their respective attachments, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

CITY OF ESCONDIDO

Date: _____

Debra Lundy
Real Property Manager

Date: _____

Diane Halverson
City Clerk

HAIRCUTS PLUS

Date: _____

Its: _____

Approved as to Form:

Office of the City Attorney
JEFFREY R. EPP, City Attorney

By: _____
Deputy City Attorney

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8

Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Debra Lundy, Real Property Manager

SUBJECT: Lease Agreement with 4 Seasons Nail & Spa at 2257 East Valley Parkway

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-146 authorizing the Real Property Manager and City Clerk to execute a Lease Agreement with 4 Seasons Nail & Spa at 2257 East Valley Parkway.

FISCAL ANALYSIS:

Rental revenue in the amount of \$1,159.28 is deposited into the Recreation Fund monthly, with annual 3% rent increases.

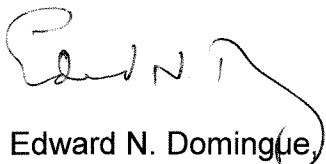
PREVIOUS ACTION:

Resolution 95-413 authorized the original lease agreement with Phuc Kim Nguyen, Lan N. Ngo, Yen K. Bradley and Paul A. Bradley ("Original Lease"), for the operation of a beauty supply retail and nail salon.

BACKGROUND:

The City of Escondido purchased the retail center on East Valley Parkway for its East Escondido Community Center and entered into the Original Lease in 1995 for the operation of a beauty supply store and nail salon. In 2010, the beauty supply store was sold and a new operator, 4 Seasons Nail & Spa, assumed the lease for the operation of the nail salon. The Original Lease expires on August 31, 2012. The proposed new lease agreement will serve to extend the term for another three (3) years and update the lease to reflect 4 Seasons Nail & Spa as the tenant.

Respectfully submitted,



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



Debra Lundy
Real Property Manager

RESOLUTION NO. 2012-146

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE REAL PROPERTY
MANAGER AND CITY CLERK TO EXECUTE,
ON BEHALF OF THE CITY, A LEASE
AGREEMENT WITH 4 SEASONS NAIL & SPA

WHEREAS, the City of Escondido ("City") owns certain real property located at
2257 East Valley Parkway; and

WHEREAS, the City entered into a lease agreement ("Original Lease") with Phuc
Kim Nguyen, Lan N. Ngo, Yen K. Bradley and Paul A. Bradley ("Original Lessee"), for
the operation of a beauty supply retail and nail salon; and

WHEREAS, in 2010 the Original Lessee closed its beauty supply store; and

WHEREAS, 4 Seasons Nail & Spa assumed the Original Lease from Original
Lessee for the operation of the nail salon; and

WHEREAS, the Original Lease expires on August 31, 2012; and

WHEREAS, the City and 4 Seasons Nail & Spa desire to enter into a Lease
Agreement to allow 4 Seasons Nail & Spa continued occupancy at said real property for
its nail salon; and

WHEREAS, this City Council desires at this time and deems it to be in the best
public interest to approve of the Lease Agreement.

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. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, the Lease Agreement with 4 Seasons Nail & Spa, which is attached hereto as Exhibit "1" and incorporated by this reference.

**CITY OF ESCONDIDO
LEASE AGREEMENT**

PREMISES:

2257 E. Valley Parkway

LESSEE:

4 Seasons Nail & Spa

TERM: Three (3) Years

CITY OF ESCONDIDO
LEASE AGREEMENT INDEX

Clause No.	Title	Page No.
1	Definition of Terms.....	1
2	Administration	2
3	Term	2
4	Termination of Lease	2
5	Options to Renew	3
6	Vacation of Premises.....	3
7	Rent	3
8	Late Payment.....	3
9	Cost of Living Adjustment.....	3
10	Security Deposit	4
11	Utilities Payments	4
12	Taxes, Assessments and Fees.....	4
13	Acceptance and Maintenance.....	4
14	Alterations	5
15	Use.....	5
16	Occupancy, Assignment and Subletting.....	6
17	Conduct	6
18	Pets	6
19	Notices.....	6
20	Right of Inspection.....	7
21	Right to Show Premises	7
22	Insurance	7
23	Indemnification	9
24	Attorney's Fees, Costs and Expenses.....	9
25	Non-Discrimination.....	9
26	Supersedure	9
27	Hazardous and/or Contaminated Soil and Material	9
28	Law to Govern; Venue	10
29	Special Provisions	10
30	Americans with Disabilities Act	10

Exhibit A Premises



CITY OF ESCONDIDO
LEASE AGREEMENT

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

Between: CITY OF ESCONDIDO
a municipal corporation
201 N. Broadway
Escondido, California 92025
("CITY")

And: 4 Seasons Nail & Spa
c/o Michael Phan & Elaine Huynh
4966 Megan Way
San Diego, CA 92105
("LESSEE")

Witness that whereas:

A. CITY desires to rent to LESSEE and LESSEE desires to rent from CITY certain public property located at 2257 E. Valley Parkway, for the purpose of operating a nail salon. The Property is described in Attachment A, which is incorporated by this reference.

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

1. DEFINITION OF TERMS. The following words in this Lease Agreement shall have the significance attached to them in this clause unless otherwise apparent from their context.
 - a. "Lease" means this Lease Agreement.
 - b. "Premises" means the real property described in Attachment A.
 - c. "Lease Administrator" means the City of Escondido-Real Property Agent, or upon written notice to LESSEE, such other person as shall be designated from time to time by CITY.

- d. "LESSEE" means 4 Seasons Nail & Spa, and does not include its heirs, assigns, or successors-in-interest.
2. ADMINISTRATION. This Lease shall be administered on behalf of CITY by the Lease Administrator, whose address is:

City of Escondido
Engineering – Real Property
201 North Broadway
Escondido, CA 92025

and on behalf of LESSEE by Michael Phan & Elaine Huynh, whose address is:

4966 Megan Way
San Diego, CA 92105

3. TERM. The term of this Lease shall be three (3) years, commencing on September 1, 2012.
4. TERMINATION OF LEASE.

4.1 Each party shall have the right to terminate this Lease without cause for any reason by giving ninety (90) days prior written notice to the other party.

4.2 CITY shall have the right to terminate this Lease by giving seven (7) days prior written notice to LESSEE for any of the following events:

4.2.1 LESSEE's failure to comply with the following clauses in this Lease:

Acceptance and Maintenance, Paragraph 13

Alterations, Paragraph 14

Use, Paragraph 15

Occupancy and Assignment, Paragraph 16

Conduct, Paragraph 17

Insurance, Paragraph 22

Americans with Disabilities Act (ADA), Paragraph 29

4.2.2 If the CITY discovers at any time during the lease term that the LESSEE or any other party has used, is using, or will use the Premises in an

unlawful manner or for an unlawful purpose, or in any manner that is inconsistent with any provision of this Lease.

5. OPTIONS TO RENEW. LESSEE shall have two (2) one-year options to renew this Lease upon CITY'S written consent. If LESSEE desires to renew this Lease, LESSEE shall provide written notice to CITY of LESSEE'S intent to renew not less than sixty (60) days prior to the expiration of the initial Lease term or first renewal year. CITY shall respond to LESSEE'S renewal request in writing within thirty (30) days of receiving such notice. CITY reserves the right to modify the rent rate for each renewal year at the Lease Administrator's discretion.

6. VACATION OF PREMISES.
 - 6.1 Upon termination of this Lease for any reason, LESSEE shall peaceably vacate and deliver the Premises to CITY in the same condition as LESSEE found them upon its acceptance of the Premises hereunder, excepting ordinary wear and tear and conditions caused by acts of God.

 - 6.2 Upon such termination, LESSEE shall immediately:
 - 6.2.1 Arrange and pay for the disconnection of all utilities and services ordered by LESSEE;

 - 6.2.2 Provide a written statement to the Lease Administrator of LESSEE'S new address for purpose of refunding monies, if any, due LESSEE under this Lease; and

 - 6.2.3 Deliver any keys for the Premises to the Administrator or send said keys by certified mail to the address stated in Paragraph 2 above.

7. RENT. In consideration of the possession and use of the Premises, LESSEE shall deliver and pay rent to City during the term of this Lease in the amount of \$1,159.28 per month, on or prior to the 5th day of each month.

8. LATE PAYMENT. Rent payments received after the 15th day of any month will be charged an additional 20% late payment fee.

9. COST OF LIVING ADJUSTMENT. The rent amount specified in Paragraph 7 shall be increased annually by 3%.

10. SECURITY DEPOSIT. A \$450.00 security deposit was received from the previous tenant prior to LESSEE assuming its leasehold interests. No additional security deposit is required.

11. UTILITIES PAYMENTS. LESSEE agrees to provide and pay for all utilities and services necessary for the occupancy and use of the Premises, including, but not limited to: gas, water, electricity, trash, sewage charges or septic service, and telephone.

12. TAXES, ASSESSMENTS, AND FEES.

12.1 The terms of this Lease may result in the creation of a possessory interest. If such a possessory interest is vested in LESSEE, LESSEE may be subjected to the payment of personal property taxes levied on such interest. LESSEE shall be responsible for the payment of, and shall pay before delinquent, all taxes, assessments, and fees assessed or levied upon LESSEE, on said Premises or any interest therein, on any buildings, structures, machines, appliances, or other improvements of any nature whatsoever, or on any interest therein.

12.2 LESSEE further agrees not to allow such taxes, assessments, or fees to become a lien against said premises or any improvement thereon. Nothing herein contained shall be deemed to prevent or prohibit LESSEE from contesting the validity of amount of any such tax, assessment, or fee in any manner authorized by law.

13. ACCEPTANCE AND MAINTENANCE.

13.1 LESSEE hereby acknowledges that LESSEE has inspected the Premises, that LESSEE accepts said Premises "as is" and "where is," that the Premises are in a good and sanitary order, condition, and repair. LESSEE hereby accepts the Premises as such.

13.2 LESSEE agrees to take good care of the Premises and all improvements, alterations, fixtures, and appurtenances thereon. LESSEE agrees to make all repairs in and about the Premises, including painting, which may be necessary to preserve them in good order and condition. Said repairs, if any, shall be made in a good and professional manner, and at least equal to the condition and quality of the repaired items at the inception of this Lease. LESSEE shall promptly pay the expenses of such repairs. LESSEE agrees to be solely responsible for all costs of maintenance and repair.

- 13.3 In the event LESSEE fails to properly maintain the premises as required by CITY, then CITY may notify LESSEE in writing of said failure. In the event LESSEE fails to perform said maintenance within thirty (30) days after such notice by CITY, CITY may perform such maintenance, and the cost thereof including, but not limited to, the cost of labor, material, and equipment, shall be paid by LESSEE to CITY within ten (10) days from receipt by LESSEE of a cost statement from CITY.
- 13.4 Noncompliance by LESSEE with any provision of this clause shall allow the CITY to immediately terminate this Lease, pursuant to Paragraph 4.2 above.

14. ALTERATIONS.

- 14.1 LESSEE shall not paint, alter, cut, add to, or otherwise change the appearance, structure, or condition of the Premises without the prior written consent of the Lease Administrator and only after obtaining applicable permits.
- 14.2 Any improvements made with the consent of the Lease Administrator shall become a fixture to the realty and shall remain on and be surrendered with the Premises upon termination of this Lease.
- 14.3 Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

15. USE. LESSEE agrees to use the Premises as follows:

- 15.1 Operating a nail salon, in accordance with the provisions and requirements contained in any permits required by the City of Escondido Planning Division.
- 15.2 LESSEE shall not use, nor permit the use of, the Premises other than as described in Paragraph 15.1 above. In any case where LESSEE is, or should reasonably be, in doubt as to the propriety of any particular use, LESSEE may request, and will not be in breach or default if LESSEE abides by, the written determination of the Lease Administrator that such use is or is not permitted.
- 15.3 Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

16. OCCUPANCY, ASSIGNMENT AND SUBLETTING. The Premises shall only be occupied by LESSEE except with prior written consent of the Lease Administrator. LESSEE may not assign this lease or any interest therein and shall not sublet the Premises or any part thereof, or any right or privilege appurtenant thereto, or suffer any other person except employees, agents, guests of LESSEE, to use or occupy the Premises or any part thereof, without the written consent of the Lease Administrator in each instance. A consent to assignment, subletting, occupation, or use by any other person shall not be deemed to be a consent to any subsequent assignment, subletting, occupation, or use by another person. Any such assignment or subletting without such consent shall be void and shall, at the option of CITY, terminate this lease. This lease shall not, nor shall any interest therein, be assignable as to the interest of LESSEE by operation of law, without the written consent of the Lease Administrator. The Lease Administrator's approval shall not be unreasonably withheld, provided all such persons and entities are of good character and reputation in the community. LESSEE'S noncompliance with this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

17. CONDUCT.

- 17.1 LESSEE and guests of LESSEE shall at all times conduct themselves in a quiet and dignified manner so as to cause no annoyance or inconvenience to neighbors of LESSEE.
- 17.2 LESSEE shall not violate, or permit the violation of, any City or County ordinance, or state or federal law, in or about the Premises.
- 17.3 Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

18. PETS. No pets or livestock of any kind may be kept on the Premises without the prior written consent of the Lease Administrator.

19. NOTICES. Any notice required or permitted to be given by this Lease must either be personally served on the other party or served by certified mail, return receipt requested, to the addressee. Notices served by mail shall be sent to the address listed above in Paragraph 2. A change of either party's address must also be immediately served in the manner described above.

20. RIGHT OF INSPECTION. CITY reserves the right for its agents or employees to enter upon and inspect the Premises at any reasonable time to ascertain if LESSEE is complying with the provisions of this Lease.

21. RIGHT TO SHOW PREMISES. CITY reserves the right, during the last sixty (60) days of this Lease, or any extension thereof, to show the Premises in order to facilitate re-renting or selling the Premises. Said showings will not interfere with the LESSEE's business operation.

22. INSURANCE.

22.1 LESSEE must have insurance in the following amounts at all times during this Agreement:

22.1.1 General liability insurance with at least \$1 Million combined single-limit coverage per occurrence for bodily injury and property damage; and

22.1.2 Automobile liability insurance of \$1 Million combined single-limit per accident for bodily injury and property damage; and

22.1.3 Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship

22.2 Each insurance policy required above must be acceptable to the City Attorney:

22.2.1 Each policy must name the CITY specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation policy.

22.2.2 Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A-rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.

22.2.3 All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.

- 22.3 LESSEE agrees to deposit with CITY, on or before the effective date of this Lease, one Certificate of Insurance for each of the policy or policies necessary to satisfy the insurance provisions of this Lease and to keep such insurance in effect during the entire term of this Lease. Said Certificate of Insurance shall be reviewed by, and acceptable to, the City Attorney, prior to commencement of the Lease Term. LESSEE will also deposit with the CITY within 60 days of the Effective Date of this Lease, an Additional Insured Endorsement naming CITY specifically and separately as a “additional insured”, with the exception of the worker’s compensation policy. The appropriate endorsements described in Paragraph 22.2 above shall follow within sixty (60) days. Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.
- 22.4 CITY shall retain the right at any time to review the coverage, form and amount of the insurance required hereby. If, in the opinion of the Lease Administrator, the insurance provisions in this Lease do not provide adequate protection for CITY and for members of the public using the Premises, CITY may require LESSEE to obtain insurance sufficient in coverage, form and amount to provide adequate protection from and against the kind and extent of risks which exist or are foreseeable at the time a change in insurance is required. CITY’S requirements shall be reasonable, but shall be designed to assure adequate protection of the CITY’S interests. The Lease Administrator shall notify LESSEE in writing of changes in the insurance requirements and, if LESSEE does not deposit with City within sixty (60) days of receipt of such notice a new Certificate of Insurance for each policy or policies of insurance incorporating such changes, this Lease shall be deemed in default without further notice to LESSEE and may be forthwith terminated by the Lease Administrator, pursuant to Paragraph 4.2 above.
- 22.5 The procuring of such required policy or policies of insurance shall not be construed to limit LESSEE’S liability hereunder nor to fulfill the indemnification provisions and requirements of this Lease. Notwithstanding said policy or policies of insurance, LESSEE shall be obligated for the full and total amount of any damage, injury or loss attributable to any act or omission of it or its agents, customers or guests in connection with this Lease or with use or occupancy of the Premises.
- 22.6 Noncompliance by LESSEE with any provision of this Paragraph 22 shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

23. INDEMNIFICATION. LESSEE shall defend, indemnify, and hold harmless CITY, its officers, agents, and employees from and against any and all claims, demands, and liabilities for loss of any kind or nature which CITY, its officers, agents, or employees may sustain or incur or which may be imposed upon them or any of them for injury to or death of persons or damage to property as a result of, arising out of, or in any manner connected with this Agreement or with the occupancy and use of the Premises by LESSEE, its invitees, visitors, or any other persons whatsoever. LESSEE further agrees to pay any and all costs and expenses, including, but not limited to, court costs and reasonable attorney's fees incurred by CITY on account of any such claims, demands, or liabilities. However, the provisions of this Agreement shall not be construed to indemnify CITY for claims or acts arising from CITY'S sole negligence.
24. ATTORNEY'S FEES, COSTS AND EXPENSES. In the event litigation or other proceeding is required to enforce or interpret any provision of this Lease Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney's fees, costs and expenses, in addition to any other relief to which it may be entitled.
25. NONDISCRIMINATION. LESSEE herein covenants that this Lease is made and accepted upon and subject to the condition that there shall be no discrimination against or segregation of any person or group of persons on account of physical or mental disabilities, race, color, creed, religion, sex, marital status, national origin or ancestry in the use, occupancy, tenure or enjoyment of the leased premises. LESSEE shall not establish or permit any such practice of discrimination or segregation with reference to the selection, location, number, or use of occupancy by customers, tenants or vendees in the leased premises.
26. SUPERSEDURE. This Lease, upon becoming effective, shall supersede any leases or rental agreements heretofore made or issued for the Premises between the CITY and LESSEE.
27. HAZARDOUS AND/OR CONTAMINATED SOIL AND MATERIAL. LESSEE will not place or permit to be placed materials and/or contaminated soils on the premises which under federal, state, or local law, statute, ordinance, or regulations require special handling in collection, storage, treatment, and/or disposal. LESSEE also hereby covenants and agrees that, if at any time it is determined there are materials and/or contaminated soils located on the premises which under any environmental requirement require special

handling in collection, storage, treatment, or disposal, LESSEE shall notify CITY. Within thirty (30) days after written notice to CITY or from CITY, LESSEE shall commence to take and thereafter diligently complete, at LESSEE'S sole expense, such actions as may be necessary to comply with environmental requirements.

- 28. LAW TO GOVERN; VENUE. This Lease Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of San Diego, North County Branch. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Southern District of California, in San Diego.
- 29. SPECIAL PROVISIONS. LESSEE hereby acknowledges that LESSEE waives all rights to any form of relocation assistance provided for by local, state, or federal law to which LESSEE may be entitled by reason of this Lease.
- 30. AMERICANS WITH DISABILITIES ACT (ADA). It is the duty of the LESSEE while operating under this Lease to comply with all local, state, and federal laws, including, but not limited to, the Americans with Disabilities Act and to indemnify CITY from any violation of any such law. Failure to comply with a provision of local, state, or federal law is grounds for the Lease Administrator's immediate termination of this Lease.

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: _____

By: _____
Debra Lundy, Real Property Manager

Date: _____

By: _____
Diane Halverson, City Clerk

4 SEASONS NAIL & SPA

Date: _____

By: _____

Print Name & Title

Date: _____

By: _____

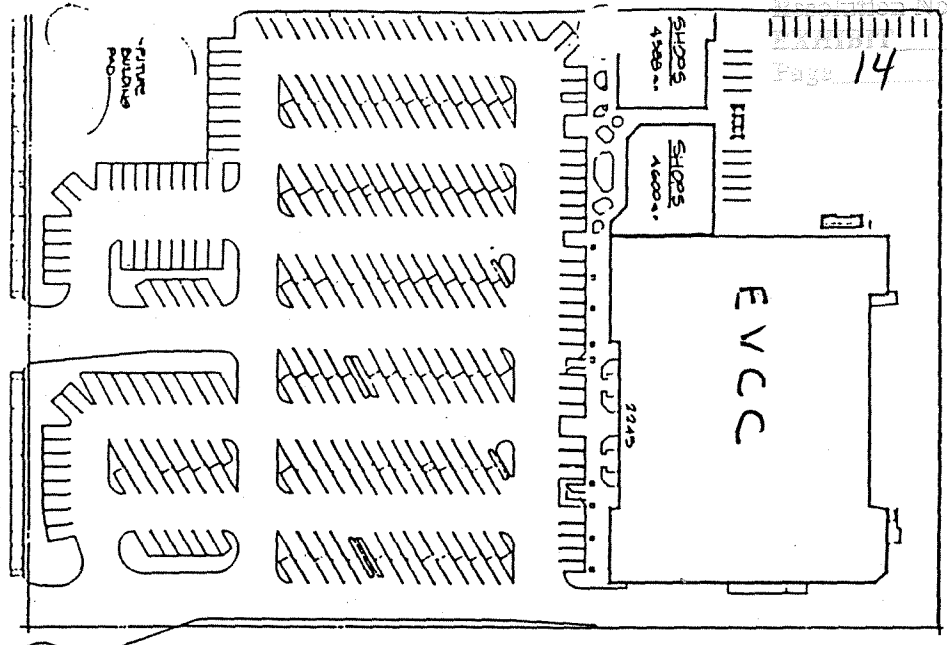
Print Name & Title

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
Jeffrey R. Epp, City Attorney

By: _____

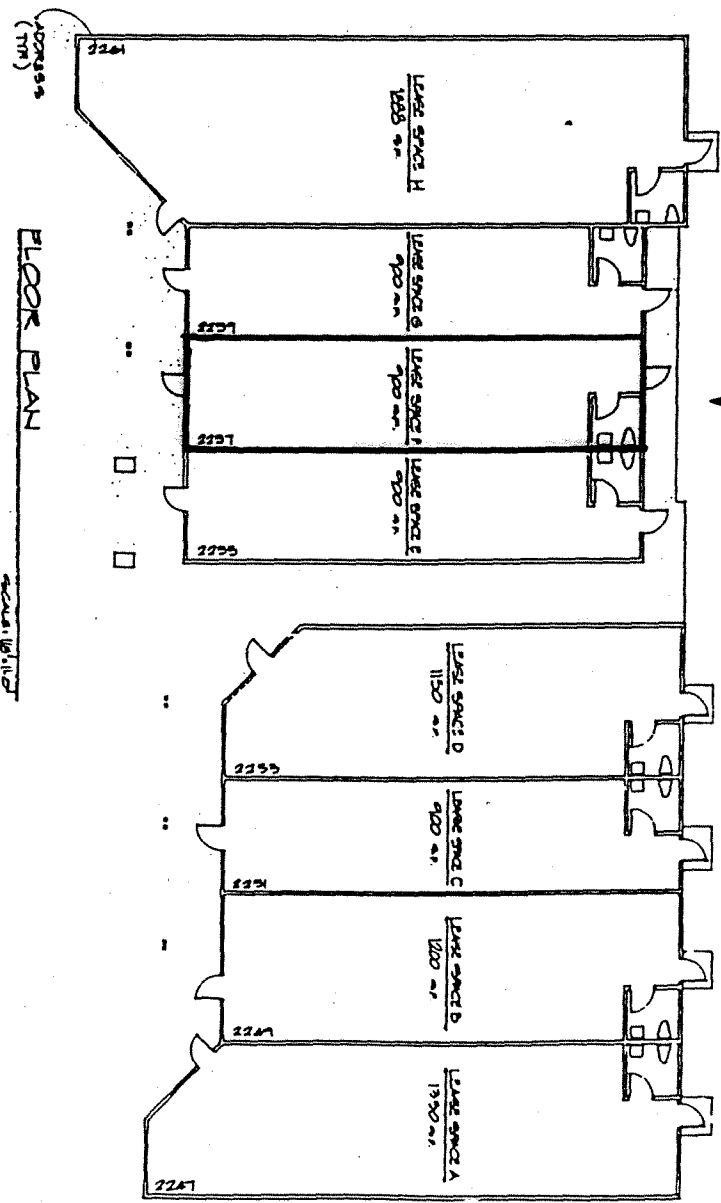
2012-146
14

EXHIBIT "A" 2257 E. VALLEY PARKWAY

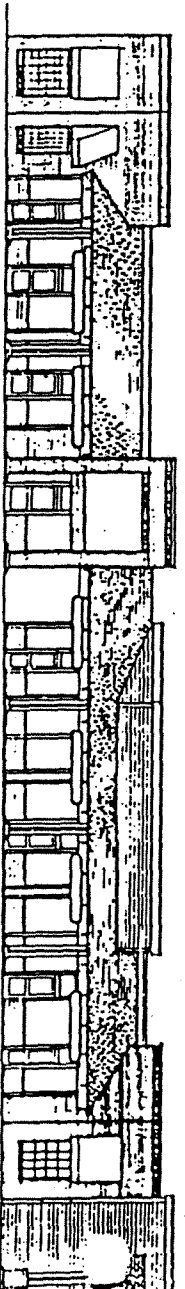


SITE PLAN

Scale: 1" = 40' 0"



FLOOR PLAN



SHOPS - NORTH ELEVATION

Scale: 1/8" = 1'-0"

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9
Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Sheryl Bennett, Human Resources Director
SUBJECT: Amendment of Memorandum of Understanding between the City of Escondido and the Firefighters' Association – Safety Personnel.

RECOMMENDATION:

City Council adopt Resolution No. 2012-148, approving an amendment to the current Memorandum of Understanding between the City of Escondido and the Firefighters' Association including a one-year contract extension for a new term of January 1, 2012 through December 31, 2013.

FISCAL ANALYSIS:

Total cost of this contract to the General Fund over the next two years is \$532,541. Funds for this expense have been set aside in the General Fund Operating Budget.

PREVIOUS ACTION:

On February 1, 2012, the City Council voted to adopt the Memorandum of Understanding between the Escondido Firefighters' Association – Safety Personnel, and the City of Escondido, for a one-year term that expires on December 31, 2012.

BACKGROUND:

City staff has met with the Escondido Firefighters' Association – Safety Personnel, regarding reinstatement of specific suspended contract provisions and amending the Memorandum of Understanding which expires on December 31, 2012. Attached Resolution No. 2012-148 outlines changes to working conditions and compensation that have been agreed to during this meeting process including a one-year extension to the term of the existing contract.

Tentative agreement was reached by both parties on August 13, 2012. Members of the Bargaining Unit voted in support of the agreement on August 20, 2012.

Respectfully submitted,


Sheryl Bennett
Director of Human Resources

RESOLUTION NO. 2012-148

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING THE AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING
WITH THE ESCONDIDO FIREFIGHTERS'
ASSOCIATION-SAFETY PERSONNEL

JANUARY 1, 2012 – DECEMBER 31, 2013

WHEREAS, the City of Escondido's negotiating staff has met with representatives from the Escondido Firefighters' Association and conducted informational meetings with respect to reinstatement of specific contract provisions which were suspended as budgetary cost saving measures; and

WHEREAS, both parties have reached agreement for the reinstatement of those contract provisions including a one-year contract extension; and

WHEREAS, the Memorandum of Understanding ("MOU") by the City of Escondido ("City") and the Escondido Firefighters' Association ("Association") is necessary as a result of meeting and conferring in good faith concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, it is the intent of the MOU to provide for continuation of the harmonious relationship between the City and the Association; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the amendment of specific provisions within the current MOU and extend the contract term.

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. The City's negotiating team is authorized to execute, on behalf of the City, an amended MOU term from January 1, 2012, through December 31, 2013, and also including terms as set forth in Exhibit "A", attached to this resolution and incorporated by this reference.

**City of Escondido
Escondido Firefighters' Association – Safety Personnel
Memorandum of Understanding (Amendment)
January 1, 2012 – December 31, 2013**

1. **Term:** January 1, 2012 – December 31, 2013.

2. **Article IX, Wages and Classifications, Section 2:**

Effective pay period beginning September 30, 2012, suspended salary step increases 1 through 7 as stated within Exhibit A, Salary Schedule, of the MOU will be unsuspended and reinstated. Employees who missed one or more salary steps between January 1, 2009 and September 30, 2012, will advance to the salary step they would have been at but for the suspension of step increases effective January 1, 2009.

Effective pay period beginning September 29, 2013, the salary range for all represented classifications shall be increased by three percent (3.0%).

3. No change to remaining provisions, terms and dates within the Memorandum of Understanding dated January 1, 2012 – December 13, 2012.



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10
Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: Appeal of Planning Commission Decision to Deny a Conditional Use Permit for a Residential Care Facility (City File No. PHG 11-0033)

STAFF RECOMMENDATION:

It is requested that Council approve the applicant's appeal and adopt Resolution No. 2012-144 approving the proposed Conditional Use Permit (CUP).

PLANNING COMMISSION RECOMMENDATION:

On July 24, 2012, the Planning Commission voted 4-1 (Winton opposed, Weber and Johns absent) to deny the proposed CUP.

PROJECT DESCRIPTION:

Appeal of a Planning Commission decision to deny a proposed CUP to construct a two-story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of residentially-zoned land.

LOCATION:

The project site is located west of Felicita Road, south of Citracado Parkway, north of Hamilton Lane, addressed as 2323 Felicita Road (APN 238-101-38).

FISCAL ANALYSIS:

None.

GENERAL PLAN ANALYSIS:

The City of Escondido General Plan designates the proposed project site as Estate II, which accommodates detached single-family homes on large lots. The General Plan Housing Goals support a range of housing opportunities while preserving the integrity of neighborhood character (page I-19). Residential care facilities are conditionally permitted within residential zones provided

the use is compatible with the surrounding neighborhood and the project does not negatively affect the quality of life of the area.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA) a Draft Mitigated Negative Declaration was issued for the project on May 9, 2012. The Initial Study indicated the proposed project may result in potential significant impacts to Biological Resources and Noise. The Mitigated Negative Declaration contains appropriate mitigation measures to reduce identified impacts to less than a significant level. Staff feels the environmental document adequately addresses all project related issues and the comments received from the public and outside agencies do not raise any additional issues that would rise to a level of significance.

BACKGROUND:

The proposed project consists of a CUP to construct a two-story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of land zoned for single-family residential development. The two-story facility (40,970 SF first floor and 34,943 SF second floor) consists of up to 85 separate rooms to accommodate between 119 -125 beds/clients. Room sizes and configurations vary which include studio, one- and two-bedroom options. Access to the project would be provided by Monticello Drive, which is a public road. Site grading includes a combination of cut and fill slopes, and retaining walls. Approximately 7,500 cubic yards of export is anticipated. Up to 48 on-site parking spaces would be provided. Residential-care facilities, and certain non-residential facilities such as schools, churches and governmental facilities are allowed within residential zones subject to the approval of a CUP.

A neighborhood meeting was conducted by the project applicant in December 2011 to solicit input during the initial design process, and approximately 15 neighbors attended the meeting. Neighborhood issues generally concerned the appropriateness of the overall mass and scale of the facility and whether the building was too large for the site. The neighbors also expressed concerns regarding potential lighting impacts, traffic, upstream drainage and grading impacts to existing septic systems. As a result of the concerns expressed in the neighborhood meeting and initial design comments from various City Departments and outside agencies, the applicant redesigned various elements of the project to address the issues.

PLANNING COMMISSION RECOMMENDATION AND SUMMARY:

On July 24, 2012, the Planning Commission voted 4-1 to deny the proposed CUP. Three area residents spoke in favor of the project at the meeting indicating the trend for larger type projects within the area and the continuing need for care facilities. Five neighboring residents spoke against the proposed development and expressed concerns regarding the size of the facility, feeling that it was out of scale with the existing homes and other non-residential type uses within the area. The neighbors also expressed concerns regarding potential impacts from additional lighting, noise, views and traffic. A neighbor to the northeast expressed concerns regarding the existing drainage within the area and felt the project could impact adjacent septic systems, which have experienced issues in the past. One of the neighbors that spoke in opposition also provided a letter detailing specific issues, which has been attached with this report.

The Planning Commission majority felt the size and scale of the proposed facility was too large for the site and would be out of character with the neighborhood. Commissioner Watson felt that a facility of this size would be more appropriate in a higher density neighborhood and also the number of parking spaces proposed would not be sufficient. He suggested the City's parking requirements should be updated to address the needs of the various types of care facilities. Commissioner Spann felt the landscape buffer area along the southern property boundary should include larger specimen-sized trees to mitigate the removal of several mature oak trees along the property boundary. Commissioner Winton indicated support for the project and architectural design, and felt a number of issues factor into a project to determine compatibility other than just size and height. Commission Winton felt that potential impacts from the proposed project were adequately mitigated and development of the site with single-family homes would result in similar or greater visual impacts to the residents because a different grading design would be implemented and the homes would be located much closer to property lines, especially to the south.

APPLICANT'S PERSPECTIVE:

The applicant feels that estate type development, that may only yield up to eight single-family lots on the 4.3-acre site, is not economically practical due to the orientation and close proximity of the property towards Interstate 15 and adjacent Circulation Element Roads (Felicita and Citracado/Gamble). In addition the proximity to existing non-residential development immediately to the north and west, which includes a church and two fire stations, and the new General Plan land-use designation of Planned Office for the properties to the north, also make it unlikely the property would develop with estate residential homes; and that a more dense land use would be more practical for the property given these factors. The applicant feels the proposed structure and grading has been designed to mitigate the residents' concerns, which includes lowering the building pad elevation to help alleviate view issues; reorientation of the building footprint and increased building setbacks (up to 100 feet) to provide appropriate separation and buffer areas from adjacent residents; grading redesign eliminating a taller cut slopes to avoid potential impacts to upstream septic and drainage systems; and redesign of the building facade and varied rooflines to take on a more village-like appearance rather than an more institutional-type facility (i.e. school or church complex). In the attached appeal letter, the applicant feels the Planning Commission did not take into account the project grading and design elements that would mitigate the neighbor's concerns; further the applicant feels the proposed facility would be an appropriate transition and buffer between the existing non-residential uses and potential future office/commercial development to the north as designated in the new General Plan, thus tying the two neighborhoods together.

ANALYSIS:

Project Design – The grading plan includes a combination of cut and fill slopes to provide a sufficient buildable pad area to support the building design, and to provide appropriate internal driveways, driveway grades and parking areas. The initial grading plan was revised to eliminate the need for a large cut slope/grading exemption towards the southwestern corner of the property, which increased export of material but allowed the building pad to be lowered. The revised design, with the installation of lower retaining walls would preserve the natural contour of the existing upper sloping topography within the southwestern corner and along the western boundary of the site. Staff feels the grading design provides appropriate buffer and increased landscape areas (up to approximately 100 feet in

width) between the facility and adjacent residents, and also helps to shield the lower story building elements and activities.

Cross section drawings provided by the project applicant were provided with the Planning Commission report to demonstrate the potential visual impacts through the site from the adjacent homes to the west and south. The roofline of the two-story building generally would be lower than the building pads of the adjacent homes to the west, which overlook the project site. This would help to preserve the existing views of the hillsides toward the northern and eastern portions of the City, to the extent feasible. Views through the site from the residents to the south vary due to existing perimeter on- and off-site landscaping, the height of the nearby church building/roofline, and elevation of Interstate 15. The building has been setback approximately 100 feet from the southern property line and incorporates a varied roofline to reduce the overall mass and scale of the facility as seen from this elevation. Although the building is larger than a typical residential home, staff feels the overall visual impact would not be out of character with that of an estate residential development consisting of one- and two-story homes since the proposed care facility provides a much greater setback (up to 100 feet) than homes generally would provide (typically min. 20 feet) and lower pad elevation helps to reduce visual impacts to the extent feasible for this type of facility. The proposed landscape buffer areas, which ranging from 20 feet to 40 feet in width, would be provided to ensure appropriate screening and privacy for the homes.

Parking – The City's parking standards require a minimum of one parking space for every three residents/beds. Based on a maximum capacity of 125 residents/beds, a minimum of 41 parking spaces would be required. The facility would provide up to 48 spaces to serve the resident, staff and visitor demands. Although resident parking at this facility would not be prohibited, the applicant feels that any requested resident spaces generally would be minimal due to the nature of this type of facility, which includes a memory-care component where clients would not drive. The facility is anticipated to provide a staffing level up approximately 15 to 20 employees on the site during peak operating hours (approximately 60 total staff) which would provide sufficient spaces for any residents that might maintain vehicles at the site and for visitors. Should the facility require additional overflow parking for a scheduled event, additional parking demand would not overflow into the adjacent residential neighborhoods since on-street parking is provided along Monticello Drive.

Landscaping – The proposed project includes landscape buffer areas around the entire site, which includes wider landscape and garden areas along the western and southern property boundaries. These areas would include a higher density of trees and shrubs to provide the appropriate screening and transitions areas between the operational areas of the site and adjacent residents. Several mature oak trees would be removed as part of the grading design, but would be replaced in accordance with appropriate ratios. However, the Council could require the project to increase the minimum replacement ratios and/or minimum size of the replacement trees. The plan includes replacing the oaks with minimum 24-inch boxed-sized trees at 2:1 ration or 5:1 ratio with 15 gallon trees. The smaller trees generally have a better survival and growth rate in the long term than larger sized oak trees.

SUMMARY:

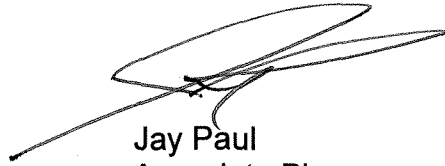
Staff feels the proposed CUP to allow the proposed residential care facility on the property is appropriate given the mix of surrounding uses, development potential of the lot, future commercial

zoning to the north, and proximity to Interstate 15. Staff also feels the project has been designed to minimize potential neighborhood concerns pertaining to setbacks, noise, traffic, lighting, views, landscaping and grading/drainage, and provides an appropriate transition between the uses to the north and east, and the homes to the south and west.

Respectfully submitted,



Barbara J. Redlitz
Director of Community Development



Jay Paul
Associate Planner

8/22-ok
29-better



CITY OF ESCONDIDO
CITY CLERKS OFFICE
CITY OF ESCONDIDO
City Clerk
201 North Broadway
Escondido, CA 92025
(760) 839-4617
2012 JUL 31 12:04 PM

FOR CITY USE ONLY	
1740	Application Code(s)
448513	Fee (Non-Refundable)
7/31/12	Receipt No.
7/22/12	Date Filed
11-033	Council Hearing Date
	Planning Case File No. (if applicable)

NOTICE OF APPEAL APPLICATION

Applicant: Matthew Park / Torrey Pines Development Phone: (858) 335-1817
(Print)

Mailing Address: 9740 Fieldthorn St San Diego 92127
(Street) (City) (Zip)

Legal Owner: TPD Monticello LLC Phone: (858) 335-1817
(Print)

Property Address: 2323 Felicita
(Subject of Appeal)

Is legal owner aware of this application? Yes No

Justification for appeal (May use additional paper, if necessary):

See Attached

Distribution:
Planning Department
City Manager
City Clerk
Other _____
Applicant

[Signature]
Signature of Applicant
7/30/12
Date

SUBMITTED BY PROJECT APPLICANT

Justification for Appeal

Planning Commission erred in its decision to deny the conditional use permit on the basis that the size of the project would have a negative impact to the adjacent residents without first considering the negative impacts to the adjacent residents if the current lot was subdivided into 20,000 SF estate lots as per the current zoning. The Planning Commission failed to consider the following facts:

1. If single-family homes were to be built, residents would lose all current views to the north and the mountains to the east due to 30 feet tall single-family homes built at minimum setbacks from the shared property line. The proposed project would be at least 100 feet away from any property line and is at a much lower elevation than the adjacent residential homes, thus reducing the visual impact, noise impacts, and lighting impacts to the adjacent residents.
2. The project is not in the middle of a residential neighborhood as suggested at the Planning Commission hearing, but rather is adjacent to a large church, a City fire station, a State fire station, and across the street from land that is being rezoned for office space as per the update to the General Plan. The residential neighborhood begins to the south and the east of the project location, and the proposed project will provide a logical and seamless land use transition between the church/fire stations/future office buildings and the adjacent residential neighborhood.
3. The original design concept was drastically altered to directly address the recommendations made by the Design Review Board and the comments received from the community residents. City Planning Staff made a strong recommendation for approval of the redesigned plans and addressed how the community concerns were mitigated in the Staff Report. Other than Commission Winton, the Planning Commission did not consider how the design changes mitigated community concerns as part of its brief deliberation.

CITY OF ESCONDIDO

**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION**

July 24, 2012

2. CONDITIONAL USE PERMIT – PHG 11-0033:

REQUEST: A Conditional Use Permit (CUP) to construct a two-story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of land zoned RE-20 (Residential Estate, 20,000 SF min. lot size). The two-story facility (40,970 SF first floor and 34,943 SF second floor) consists of up to 85 separate rooms to accommodate between 119-125 beds/clients. Proposed rooms consist of studio, one- and two-bedroom units. Access to the project would be provided by Monticello Drive, which is a public road. Site grading includes a combination of cut and fill slopes, and retaining walls. Approximately 7,500 cubic yards of export is anticipated. Up to 48 on-site parking spaces would be provided. Off-site improvements include connection to the existing 12-inch Rincon Del Diablo Municipal Water District water line near the intersection of Felicita Road and Hamilton Lane.

LOCATION: The project site is located west of Felicita Road, south of Citracado Parkway, north of Hamilton Lane, addressed as 2323 Felicita Road (APN 238-101-38).

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were the appropriateness of a proposed residential-care facility on the subject site and whether the facility would adversely impact the adjacent residential properties, and appropriateness of the mass and scale of the proposed building. Staff recommended approval based on the following: 1) Staff felt the 4.5-acre site is appropriate for a residential care facility for up to 125 clients because the project would not create any adverse traffic impacts to the surrounding street system; appropriate access and on-site parking would be provided; appropriate building setbacks and landscape buffer areas have been incorporated into the

design of the project, especially adjacent to residential properties; and the property is immediately adjacent to non-residential type uses, including two fire stations and a church; and 2) the building has been oriented and designed, along with the grading to minimize potential compatibility and visual impacts to adjacent residents, and to incorporate a variety of architectural elements and roofline features to reduce to overall massing of the building.

Commissioner Caster provided some corrections on Page 27, Item 4, Page 32, Item 20, and Page 33, Paragraph 1 in the staff report.

Discussion ensued regarding the parking per bed ratio for the subject facility.

Vice-chairman McQuead and staff discussed Page 31, 19b and c (windows and roof features).

Tom Sutton, Applicant, Torrey Pines Development, provided some background history of the Torrey Pines Development. He stated they were a San Diego based company. He noted that they were aligned with Shea Family Affiliates and Douglas Pancake Architects. He noted that they had presented the proposed project back in December to the surrounding neighborhoods in order to alleviate any concerns. He noted that as a result of the meetings they had scaled down the project and redesigned the facility, reoriented the color scheme, added covered patios, increased the distance from the property lines, and lowered the property's elevation. He stated that they had also worked hard to address concerns from the Design Review Board and surrounding neighbors.

Jim France, Escondido, was in favor of the subject project, feeling there was a need for assisted living facilities.

Barry Baker, Escondido, felt the proposed project was too large for RE-20, noting the project was 75,000 SF. He also expressed concern with the proposed drainage from the project.

Chuck Holland, Escondido, noted the trend for development in the subject area was for large projects. He was in favor of the subject project, feeling it was needed in the community and would be a quality project.

Arthur Parker, Escondido, expressed concern with the subject project impacting the underground water in the area and impacting the existing leach fields and septic tanks. He also felt the project would cause noise impacts.

Mike Mogelinski, Escondido, felt the size and scale of the subject project would be incompatible with the subject area. He felt the area would be impacted by odors from the facility's kitchen; noting over 100 patrons would be served three

times a day. He expressed concern with potential lighting and noise impacts as well as the potential for the infestation of critters caused by the facility's dumpsters.

Diane Popoff, Escondido, expressed concern with the scale of the facility impacting her views and reducing the value of her property. She was concerned with the facility creating noise, lighting, and traffic impacts. She also felt the rural atmosphere would be lost.

Peter Epstine, Escondido, was in favor of the project, feeling it would bring jobs to the City and be a quality project.

Christopher Bowder, Escondido, expressed concern with a surveyor coming onto his property without his permission. He noted that during the survey process they found out that his property line along with others was off, questioning how this would impact the residences. He also questioned whether the mature oak trees would be replaced with like trees.

Dan Tobar, Civil Engineer for the project, noted that City staff had requested that they provide additional information regarding elevation impacts. He stated that quite often they were required to go on to private property, noting that State law requires that they provide notice. He noted he had attempted to knock on the door of Mr. Bowder's residence to no avail; therefore he took some photos and then was approached by the property owners when he explained what he was doing there. Mr. Tobar then provided some background history for the project and expressed his view that the project was a quality project.

Commissioner Caster asked if the residential lot lines were off. Mr. Tobar replied in the affirmative and provided a brief description of the issue with the property lines.

Mr. Sutton noted that they would incur the cost to relocate the subject fences.

Commissioner Watson felt the size and scale of the project was too large for the subject property. He also felt it was out of character with the neighborhood.

Commissioner Caster felt the size and scale of the project was too large for the subject property.

Commissioner Spann felt the size and scale of the project was too large for the subject property. He also expressed concern with the replacement trees on the south side of the project not providing an appropriate buffer.

Commissioner Winton was in favor of the project. He noted that the project would be more impacted by the exterior noises than the project would create. He was in favor of the proposed architecture. He noted that the property could be developed with 7 to 8 single-family homes, noting they would visually impact property owners along the south more than the proposed project. In conclusion, he felt the negative impacts had been mitigated and moved to approve the project.

MOTION:

Commissioner Winton moved to approve the staff's recommendation. Motion failed due to lack of a second.

Chairman McQuead felt the scale of the project was too large for the property.

ACTION:

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

Submitted at PC hearing

J. Barry Baker
2306 Rancho Diego Ct
Escondido, Ca 92029

July 23, 2012

To: City of Escondido Planning Commission
From: Barry & Lee Baker
RE: CUP/PHG 11-0033 - Invasive Residential Care Facility
in Estate Zoned area

Last December 2011 I attended a neighborhood meeting in which the developer presented the proposed 75,913 sq. ft. residential care facility to the neighborhood for input. Approximately 20 people were there at this inconveniently scheduled meeting just before Christmas on December 15th. All the neighbors protested the enormous size of the proposed development.

Now before you is the same exact proposal without any downsizing, any adjustment or concessions to the negative comments. The developer is deaf. This overreaching development should be denied without comment until it is downsized to less than half of its proposed size.

My protest concerns as given in December at the neighbor meeting are:

1. **Size of building more than three times the appropriate size.** (75,913 sq. ft. building 187,743 sq. ft.). It is almost 2 acres of building on 4 acres! Is much too big.
2. **Zoning is for 1/2 acre lots.** With roads and set back, that would generate approx. 7 buildable lots. If home were 2500 sq. ft., then 17,500 sq. ft. of total buildings. If 3000 sq. ft, then 21,000 sq. ft., not 75,913 sq. ft.
3. **Slope cut** of 28 feet. Again, a huge and aggressive development of 4 acres;
4. **Natural drainage through wetlands?** What about that? Homes could be developed around the natural streamflow/drainage through the property but this project is being built on top of the natural streamflow/drainage.

Page 2 (Letter of Protest from J. Barry Baker to
Planning Case #11-0033, dtd 7-23-2012)

This project is INVASIVE, OVERSIZED AND UNACCEPTABLE. *The developer needs to listen to neighbors,* build a much smaller facility or build homes. We prefer homes to the residential care facility, but can live with well designed, 15,000-20,000 care facility which would be about the same square footage as home being built on this site.

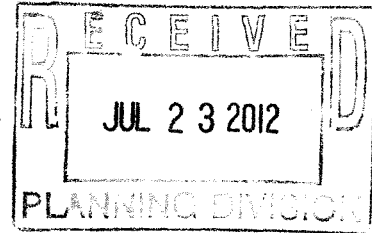
Sincerely,

Barry Baker

Written Communication
7/24/12 PC Meeting
Agenda Item G.2

7/16/2001

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



RE: Conditional Use Permit PHG 11-0033

Mr. Bill Martin

My husband and I are very concerned about this proposed construction of the Monticello Assisted Living facility, however we will be out of town on the date of the July 24 hearing.

We have lived in our home on Rancho Diego CT for 25 years. We understood that the property directly below us was zoned for residential use. It is also our understanding that the buyers of this property purchased it with this zoning in effect. This is why we chose to stay here during our retirement years.

We already have a fire station and a forestry station below us. The addition of a facility of this size will permanently change the make-up of our residential neighborhood. There is no doubt that the building of a two story, 24 hour facility the size indicated will have a negative impact on our property value. In light of current economic conditions, this is a serious hardship.

In addition to the economic impact, the quality of life in our home will be negatively affected. The size of the facility will change our view; the 24 hour status will create noise and lighting issues.

Surely there are other properties more amenable to facilities such as this in Escondido. As citizens of Escondido we urge you to reconsider this project and take into consideration the impact to our neighborhood and our property values.

Two handwritten signatures in black ink. The top signature is "Karen Taylor" and the bottom signature is "Bob Taylor".

Bob and Karen Taylor
2326 Rancho Diego CT
Escondido, CA 92029

Written Communication
7/24/12 PC Meeting
Agenda Item G.2

Jay Paul

Escondido Planning Commission

201 North Broadway

Escondido, CA 92025-2798

7/20/2012

Dear Mr. Paul:

This is concerning Case Number PHG 11-0033:

2323 FELICITA RD (APN 238-101-38)

I strongly object to a Conditional Use Permit to allow a large business at this location, which is currently zoned only for residential use.

This oversized, 70k+ sq ft business will affect surrounding property values negatively, and will infringe upon neighboring households with:

- inappropriate height profile for existing single story neighboring homes
- excessive parking lot and security lighting
- excessive noise
- excessive traffic

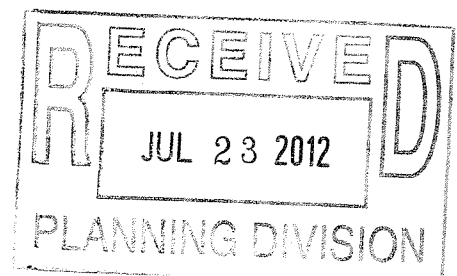
We view this project as a purely commercial venture, and it does not belong in our residential zone.

Thank you,

Eric Miller

934 Hamilton Lane

Escondido, Ca 92029



PLANNING COMMISSION

Agenda Item No.: G.2

Date: July 24, 2012

CASE NUMBER: PHG 11-0033

APPLICANT: Torrey Pines Development (Monticello Assisted Living)

LOCATION: The project site is located west of Felicita Road, south of Citracado Parkway, north of Hamilton Lane, addressed as 2323 Felicita Road (APN 238-101-38).

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A Conditional Use Permit (CUP) to construct a two-story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of residentially-zoned land.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Estate 2 (E2)

ZONING: RE-20 (Residential Estate, 20,000 SF min. lot size)

BACKGROUND/SUMMARY OF ISSUES:

The proposed project consists of a Conditional Use Permit (CUP) to construct a two-story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of land zoned for single-family residential development. The two-story facility (40,970 SF first floor and 34,943 SF second floor) consists of up to 85 separate rooms to accommodate between 119 -125 beds/clients. Proposed rooms consist of studio, one- and two-bedroom units. Access to the project would be provided by Monticello Drive, which is a public road. Site grading includes a combination of cut and fill slopes, and retaining walls. Approximately 7,500 cubic yards of export is anticipated. Up to 48 on-site parking spaces would be provided. Residential-care facilities, and certain non-residential facilities such as schools, churches and governmental facilities are allowed within residential zones subject to the approval of a Conditional Use Permit.

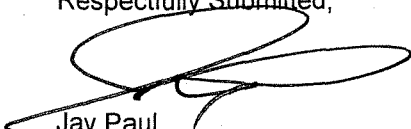
Staff feels the issues are as follows:

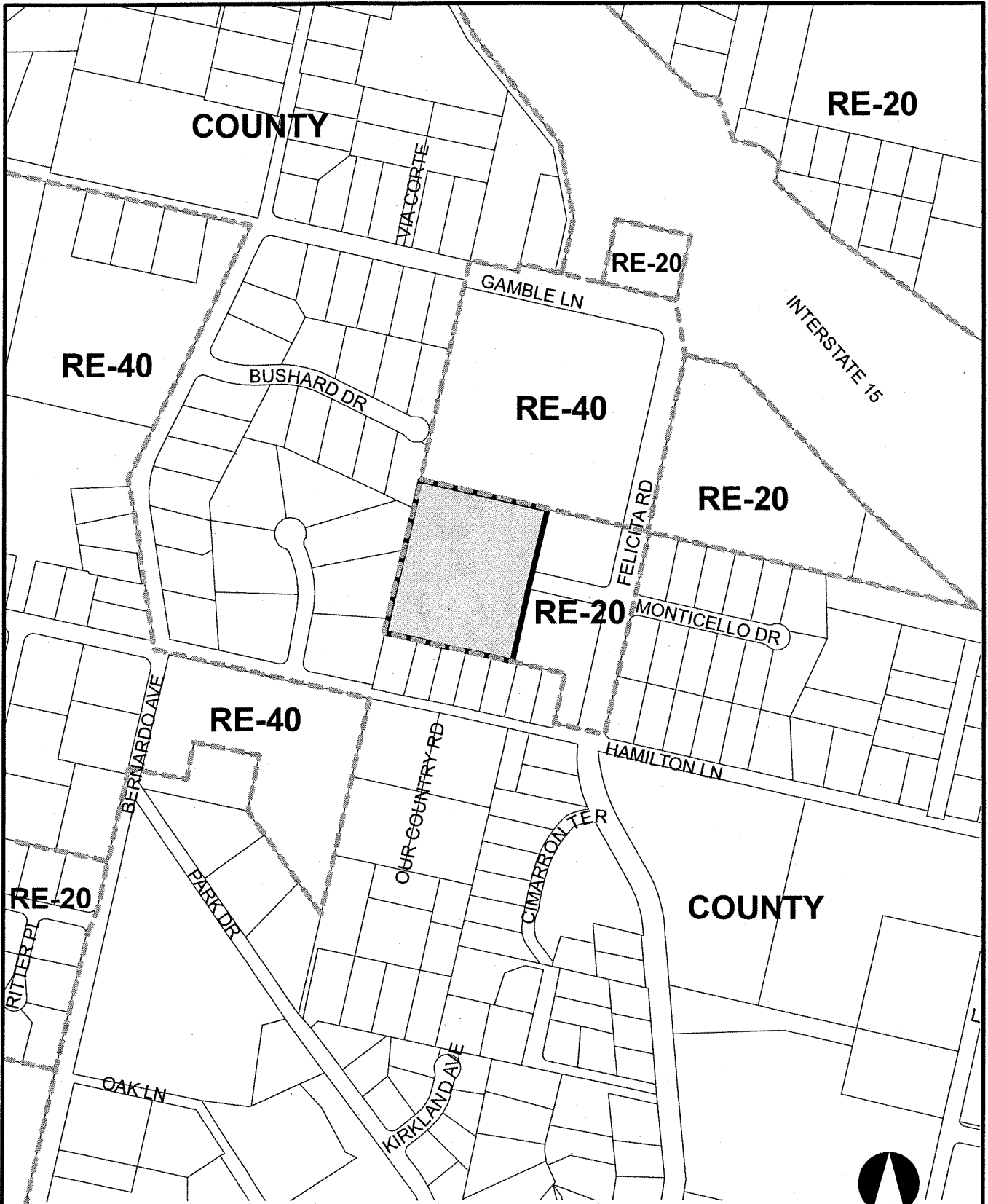
1. Appropriateness of a proposed residential-care facility on the subject site and whether the facility would adversely impact the adjacent residential properties.
2. Appropriateness of the mass and scale of the proposed building.

REASON FOR STAFF RECOMMENDATION:

1. Staff feels the 4.5-acre site is appropriate for a residential care facility for up to 125 clients because the project would not create any adverse traffic impacts to the surrounding street system; appropriate access and on-site parking would be provided; appropriate building setbacks and landscape buffer areas have been incorporated into the design of the project, especially adjacent to residential properties; and the property is immediately adjacent to non-residential type uses, including two fire stations and a church.
2. The building has been oriented and designed, along with the grading to minimize potential compatibility and visual impacts to adjacent residents, and to incorporate a variety of architectural elements and roofline features to reduce to overall massing of the building.

Respectfully Submitted,


Jay Paul
Associate Planner

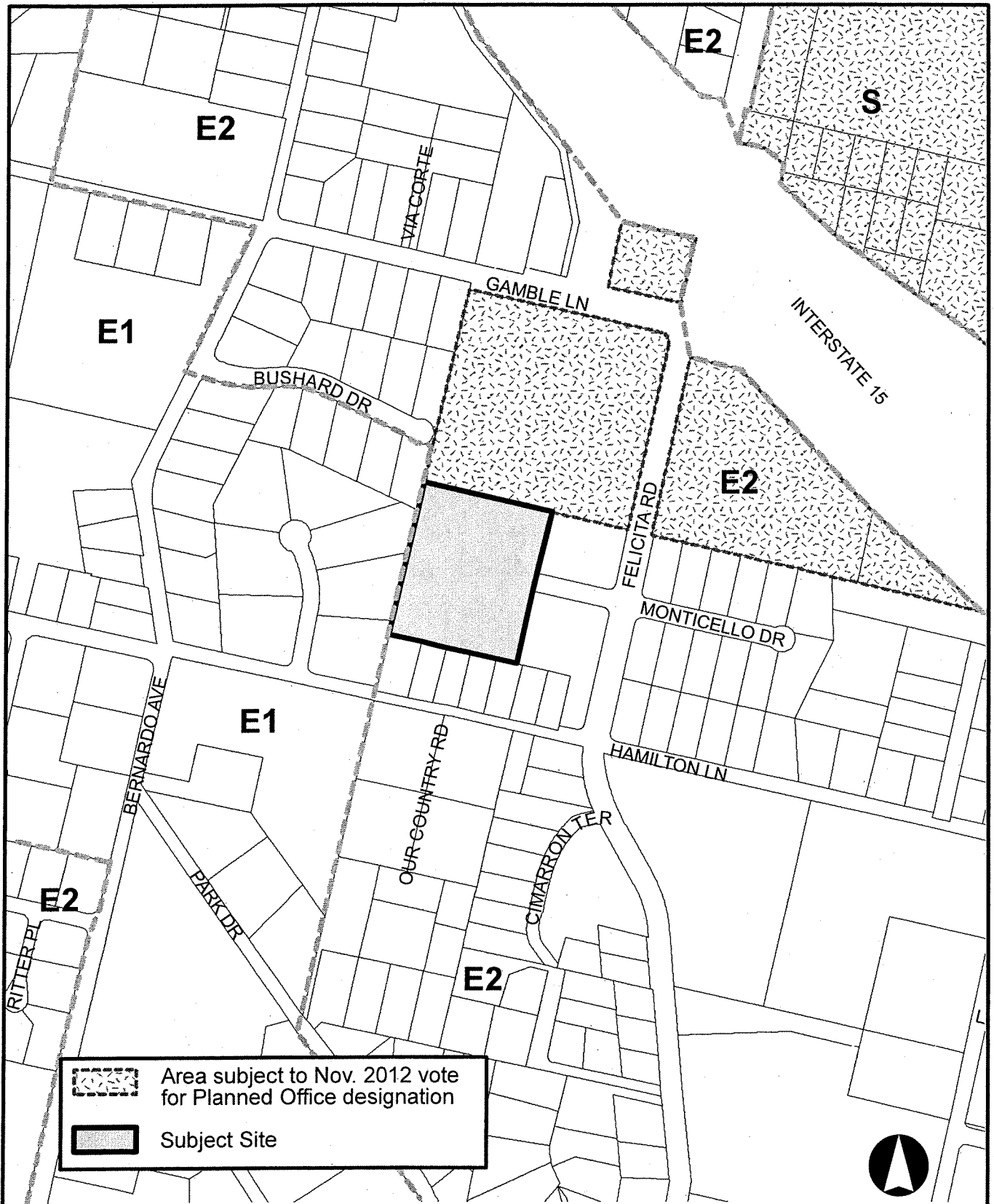


Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGIS. All rights reserved.

**PROPOSED PROJECT
PHG 11-0033**



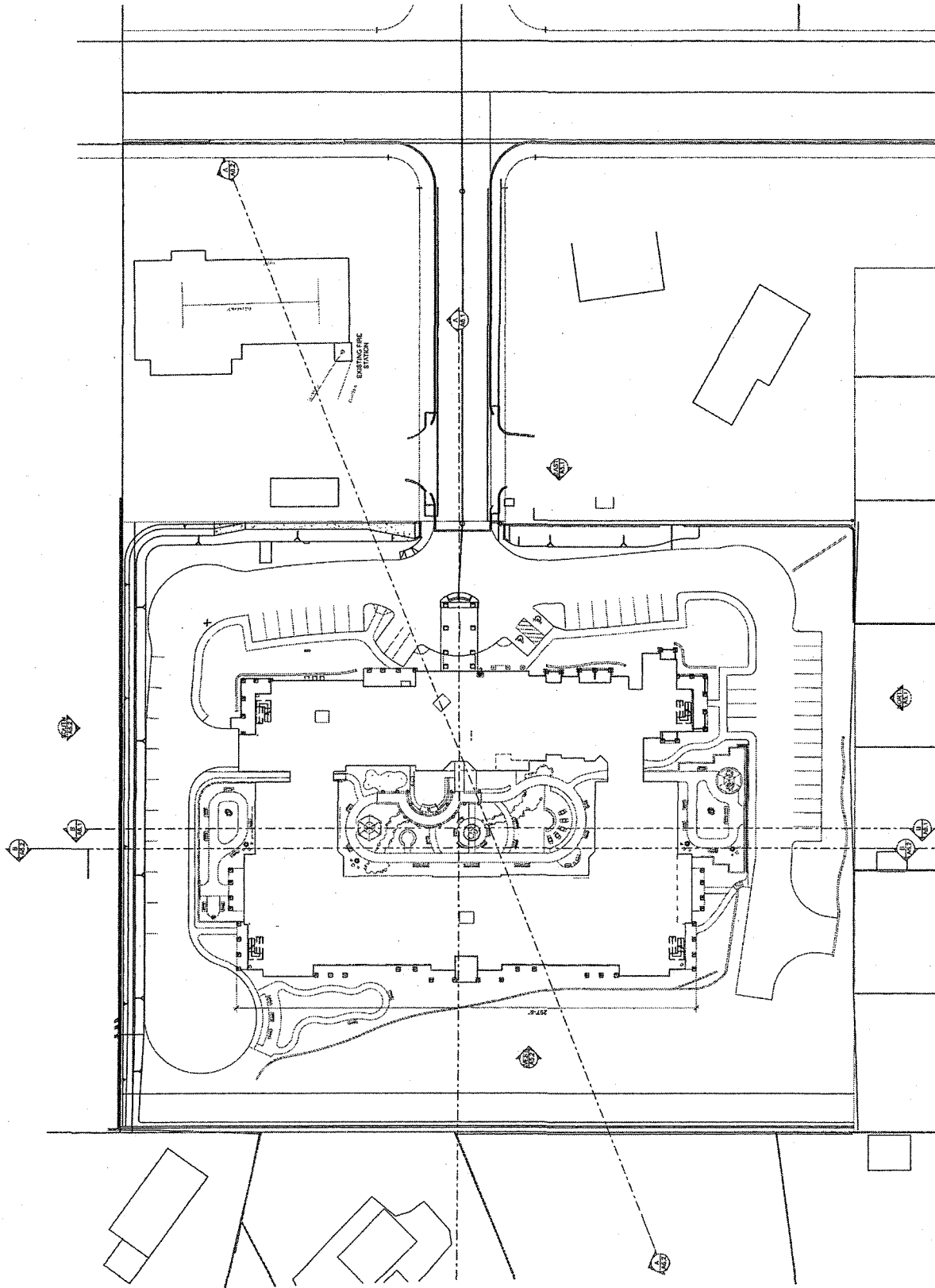
LOCATION/ZONING



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

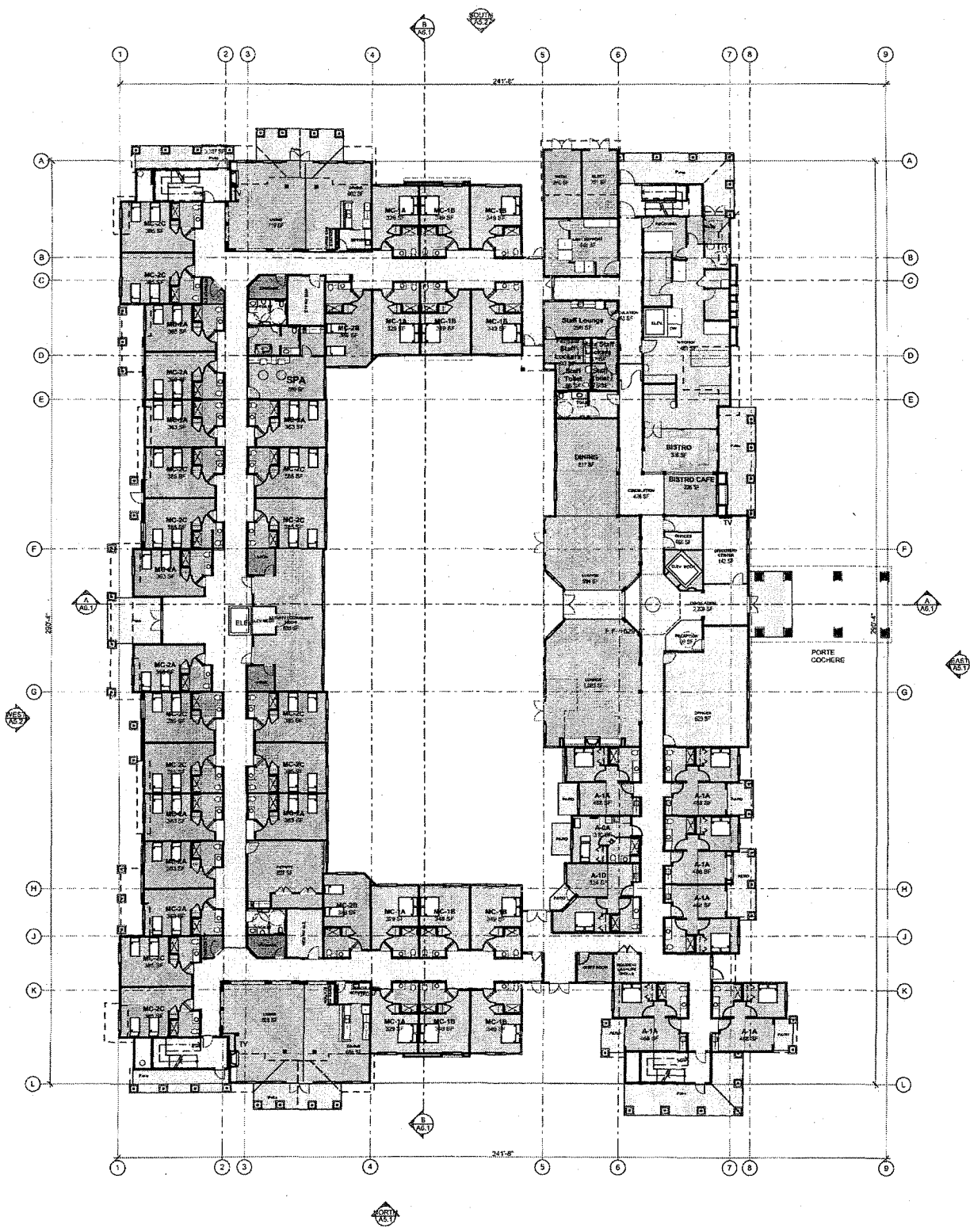
**PROPOSED PROJECT
PHG 11-0033**





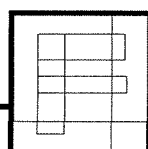
**PROPOSED PROJECT
PHG 11-0033**



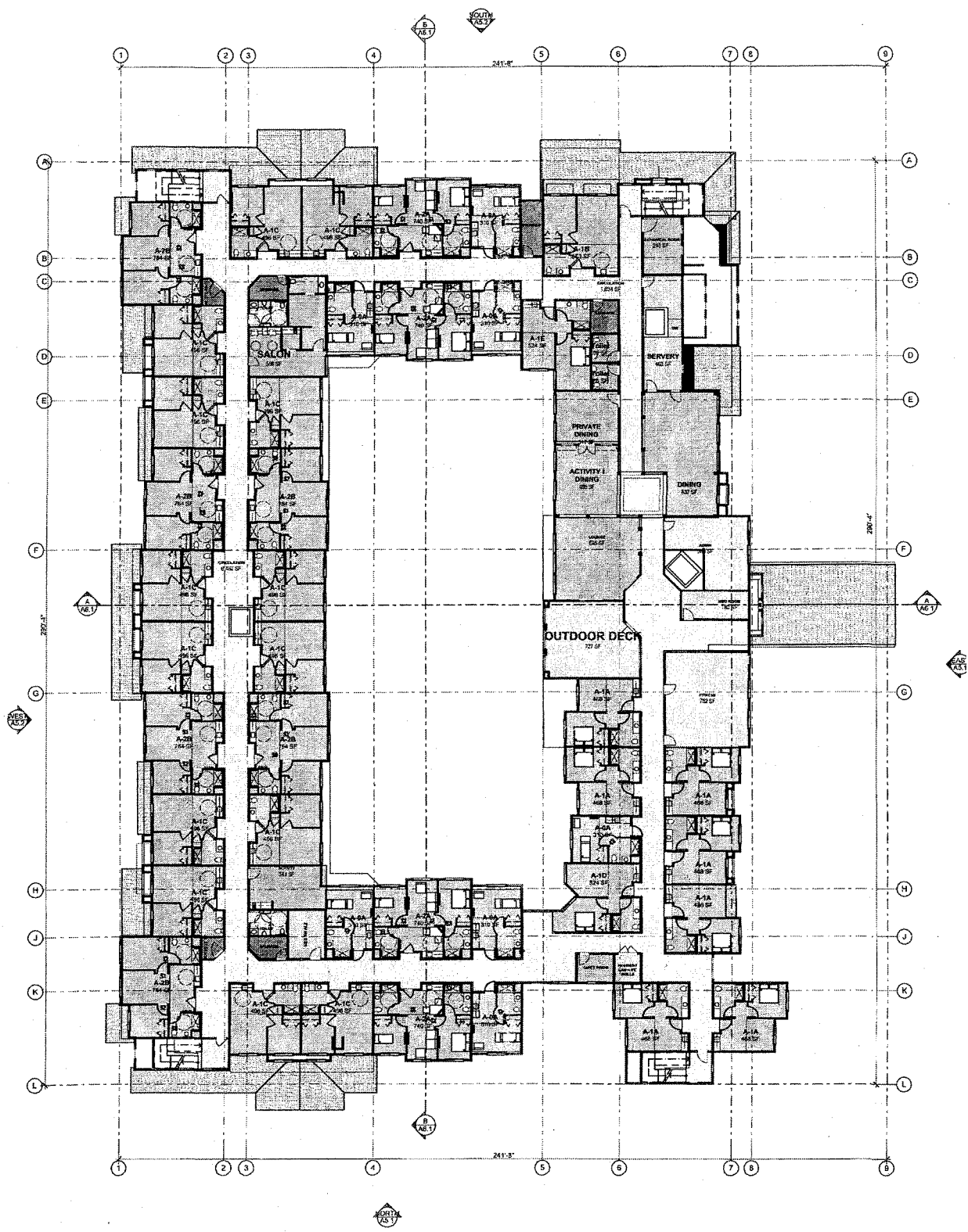


First Floor Overall

**PROPOSED PROJECT
PHG 11-0033**

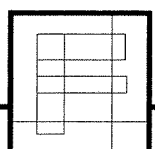


FLOOR PLAN

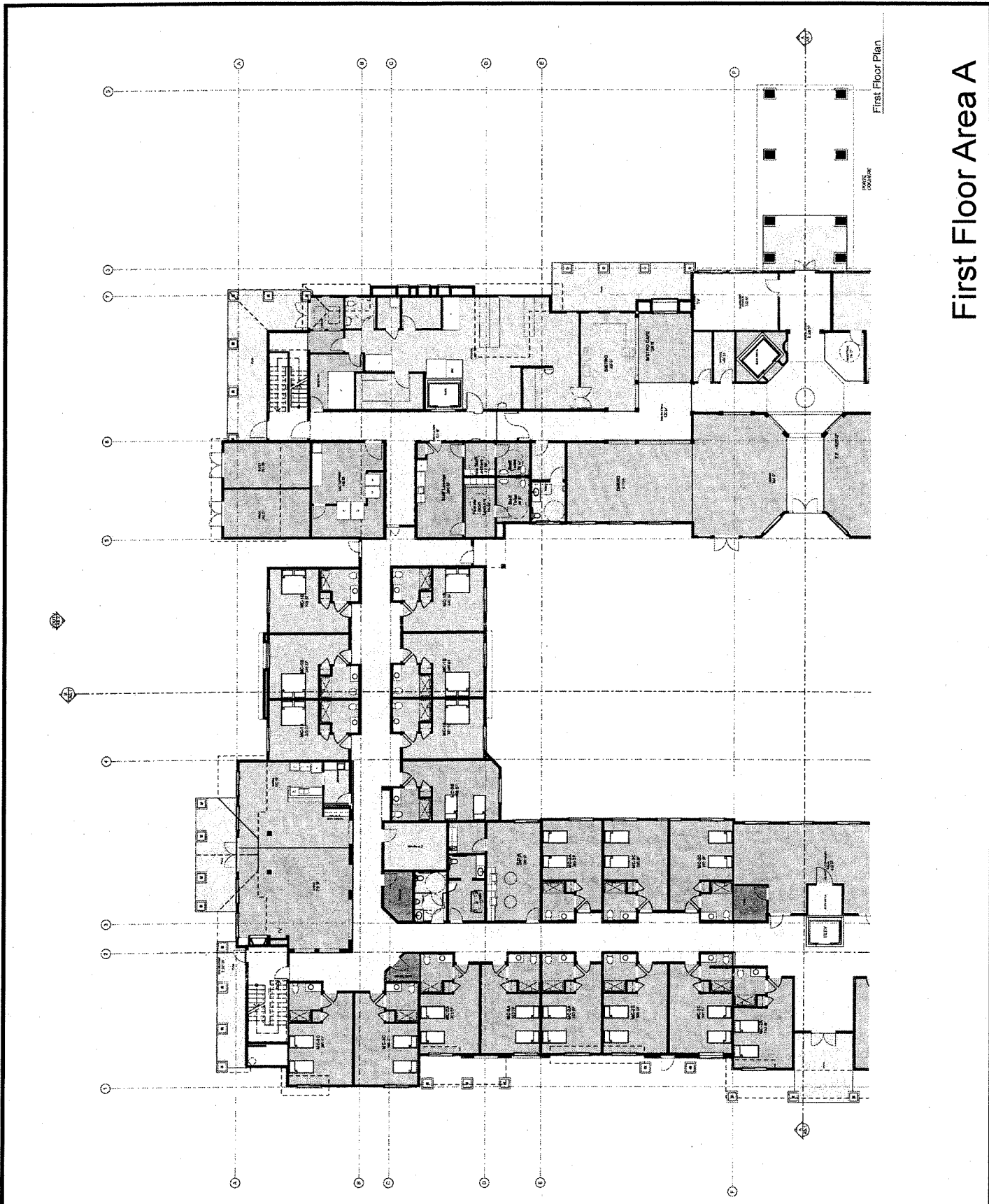


Second Floor Overall

**PROPOSED PROJECT
PHG 11-0033**



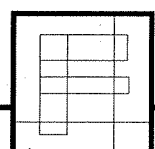
FLOOR PLAN



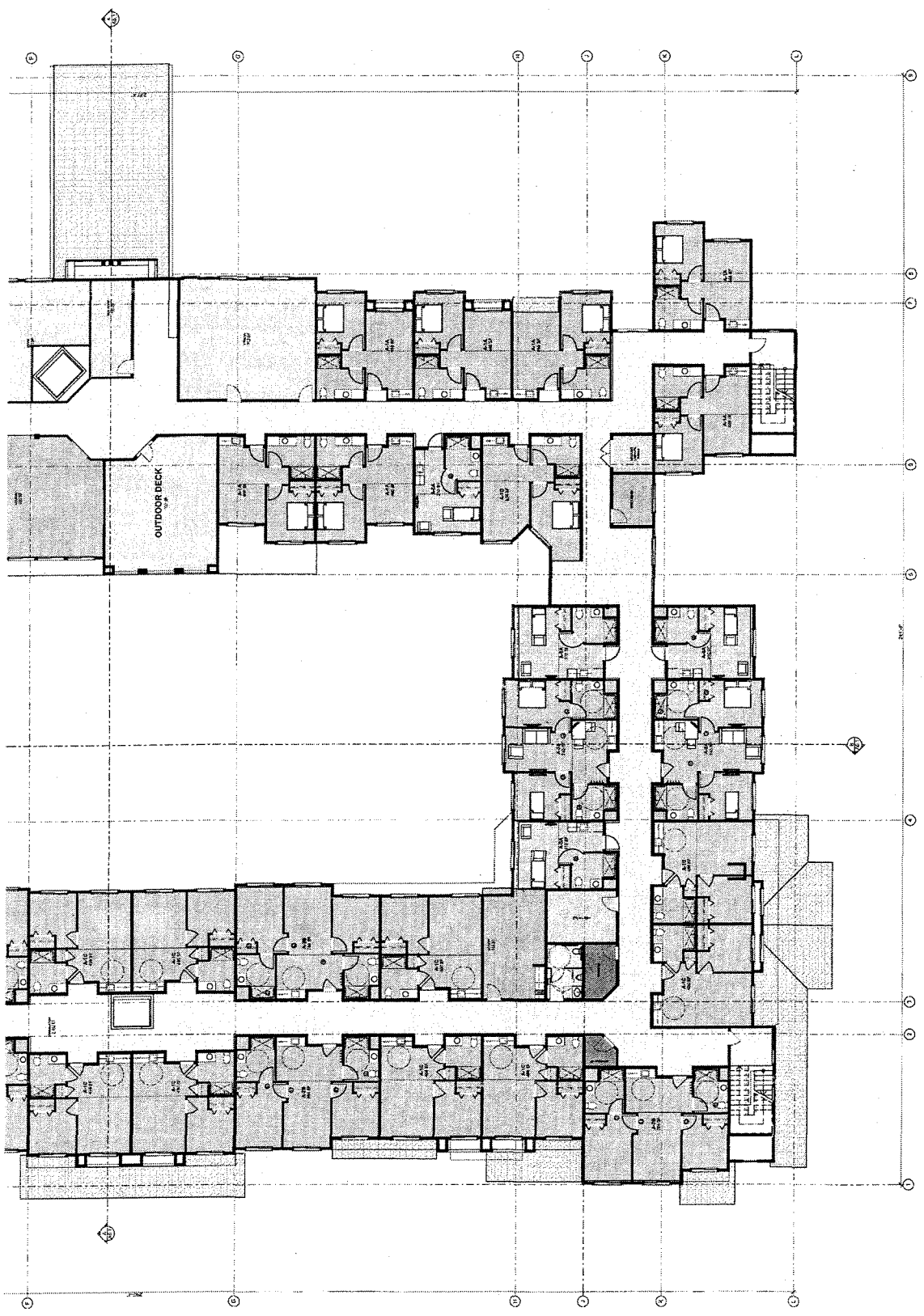
First Floor Plan

First Floor Area A

**PROPOSED PROJECT
PHG 11-0033**



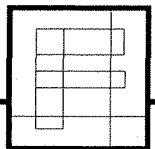
FLOOR PLAN



Second Floor Plan

Second Floor Area B

**PROPOSED PROJECT
PHG 11-0033**



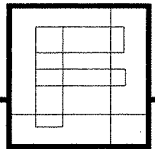
FLOOR PLAN



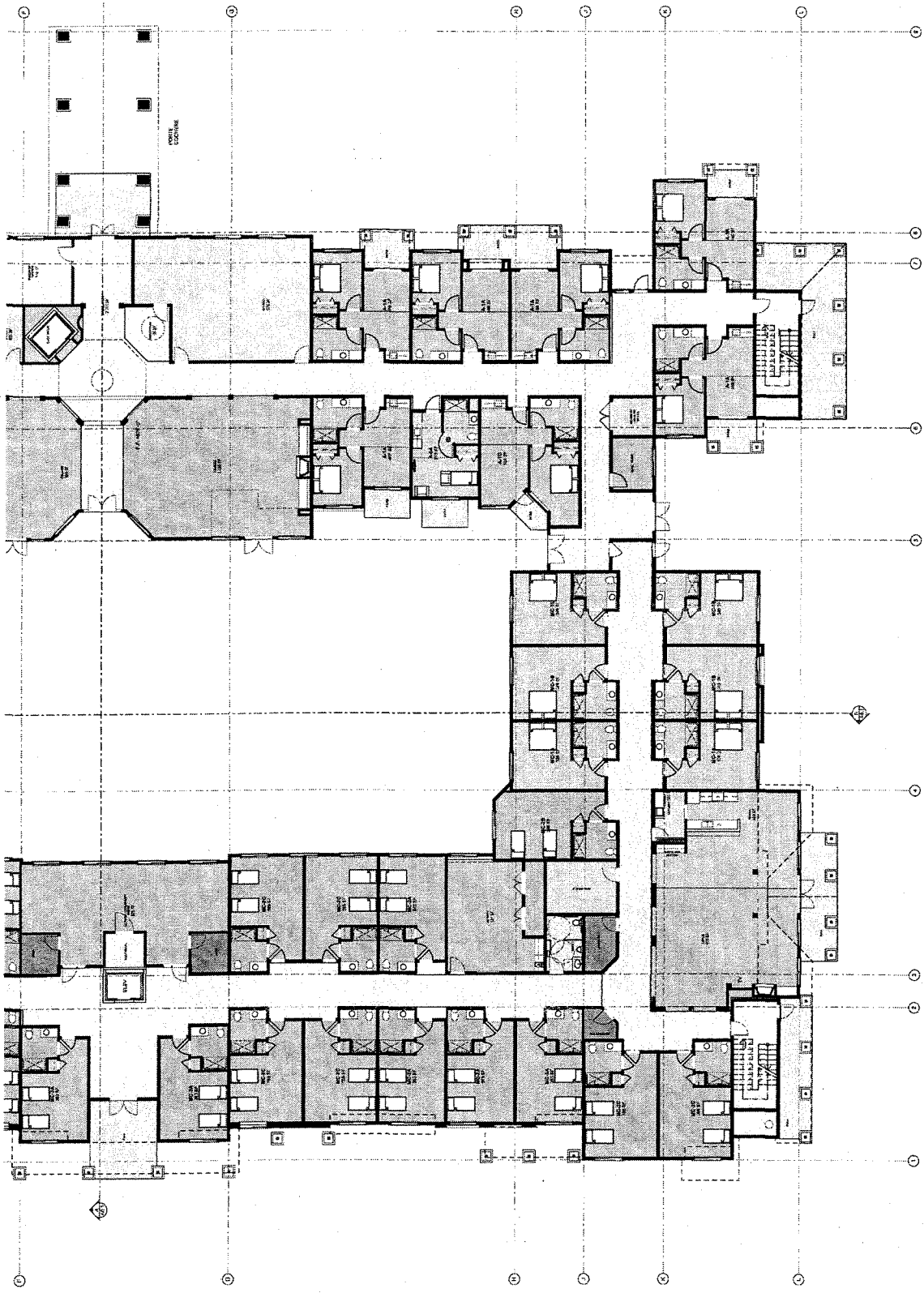
Second Floor Plan

Second Floor Area A

**PROPOSED PROJECT
PHG 11-0033**



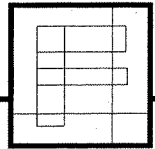
FLOOR PLAN



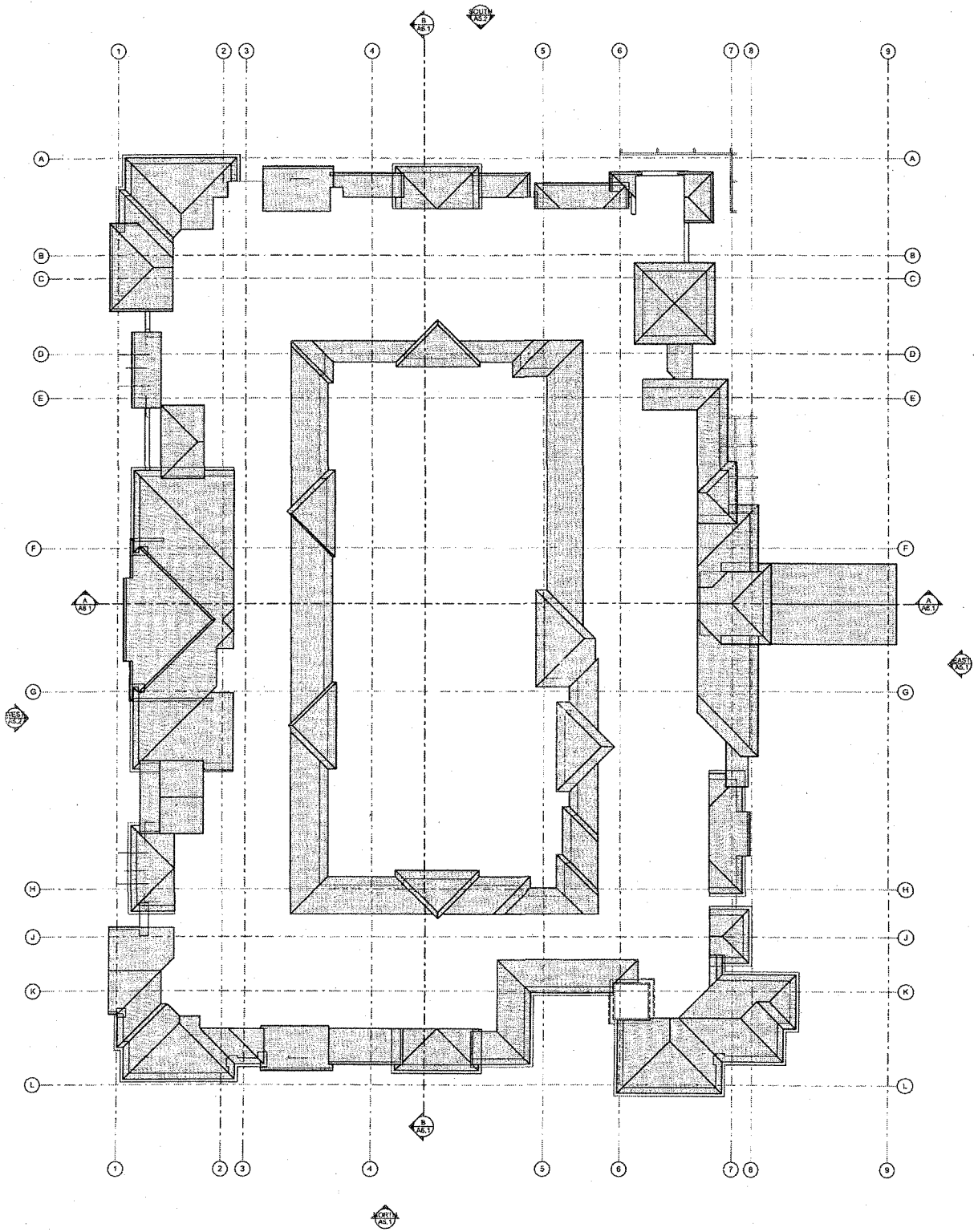
First Floor Plan

First Floor Area B

**PROPOSED PROJECT
PHG 11-0033**



FLOOR PLAN



Roof Plan

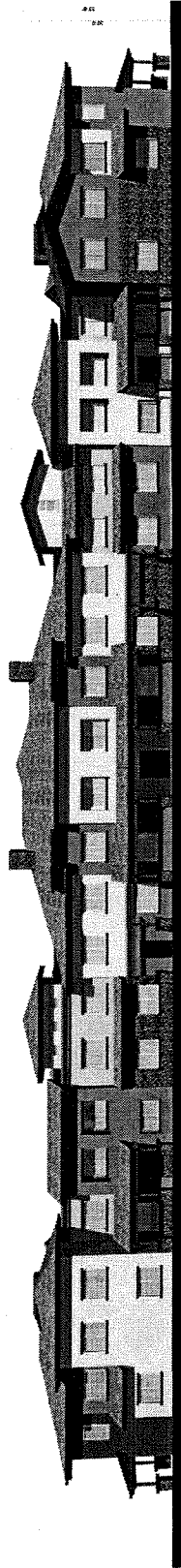
**PROPOSED PROJECT
PHG 11-0033**



ROOF PLAN



Front Elevation (East)



Rear Elevation (West)

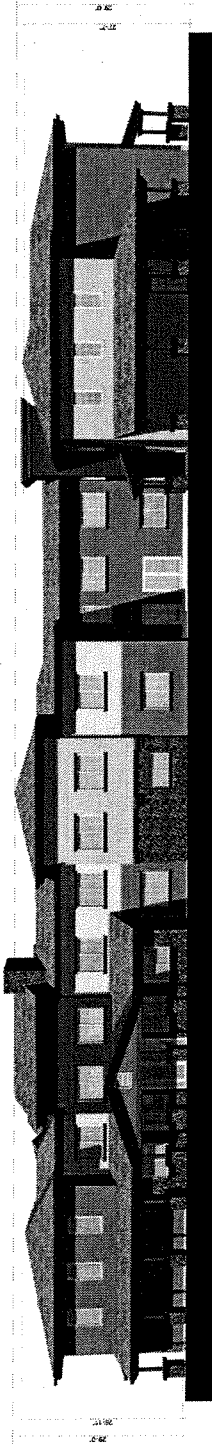
Exterior Elevations - Front and Rear

Exterior Elevations

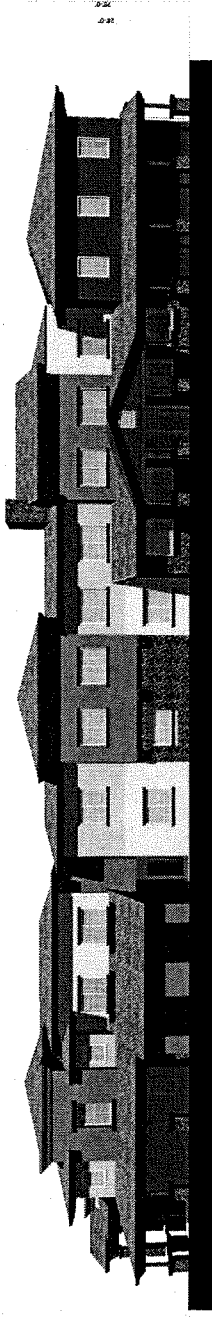
**PROPOSED PROJECT
PHG 11-0033**



ELEVATIONS



Side Elevation (North)



Side Elevation (South)

Exterior Elevations - Side Elevations

Exterior Elevations

**PROPOSED PROJECT
PHG 11-0033**



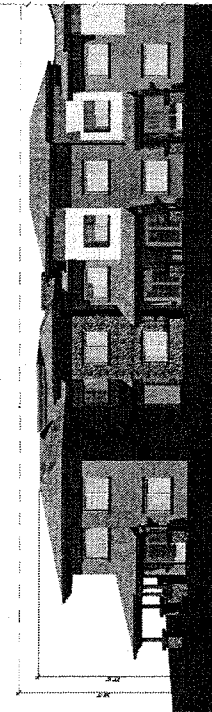
ELEVATIONS



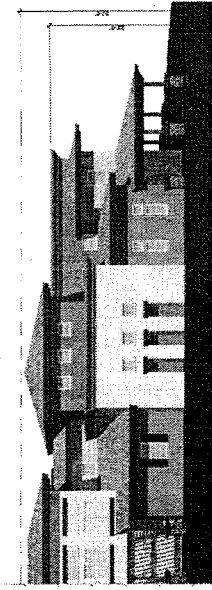
Overall East (Front) Elevation



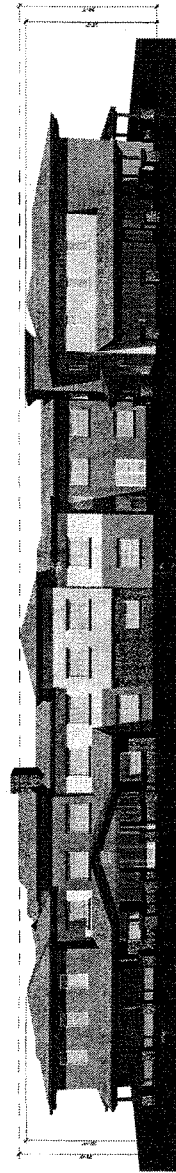
EAST



EAST



EAST



NORTH

**PROPOSED PROJECT
PHG 11-0033**

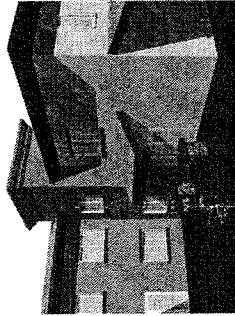


ELEVATIONS

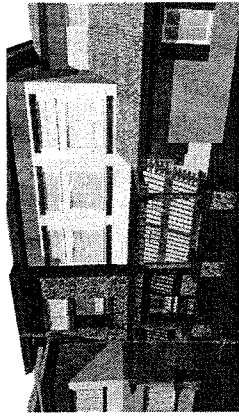
Exterior Elevations



FRONT ENTRY DETAIL ELEVATION VIEW



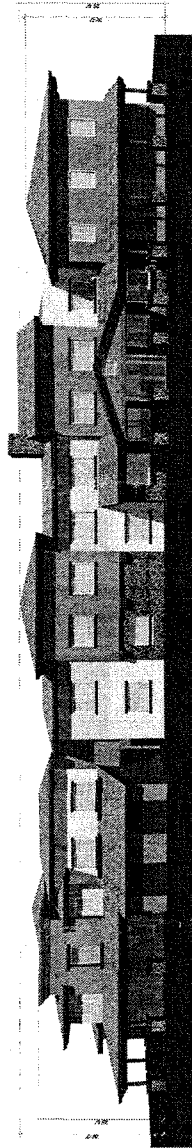
UNIT PATIO DETAIL ELEVATION VIEW



TRELLIS DETAIL ELEVATION VIEW



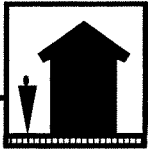
WEST



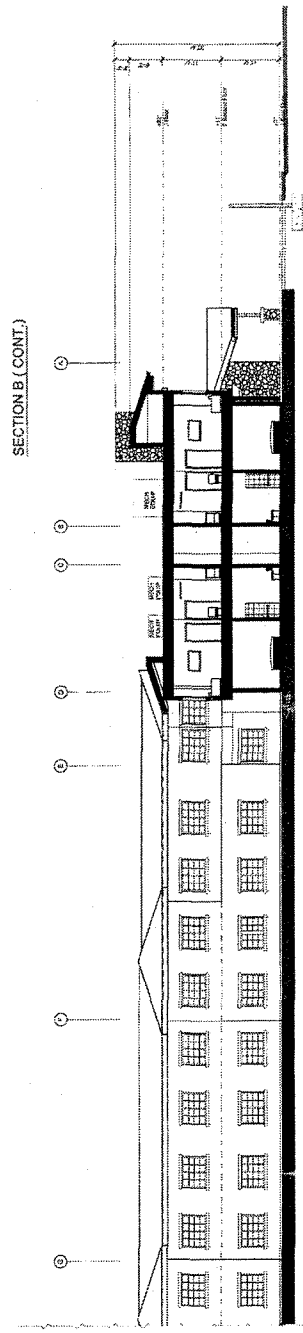
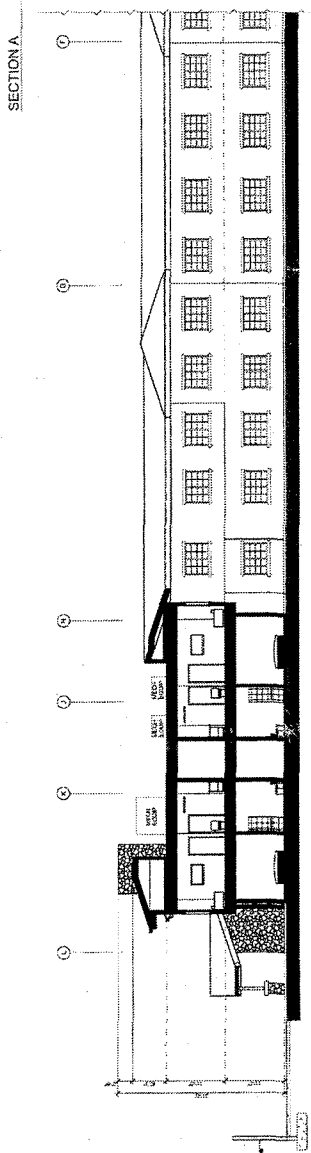
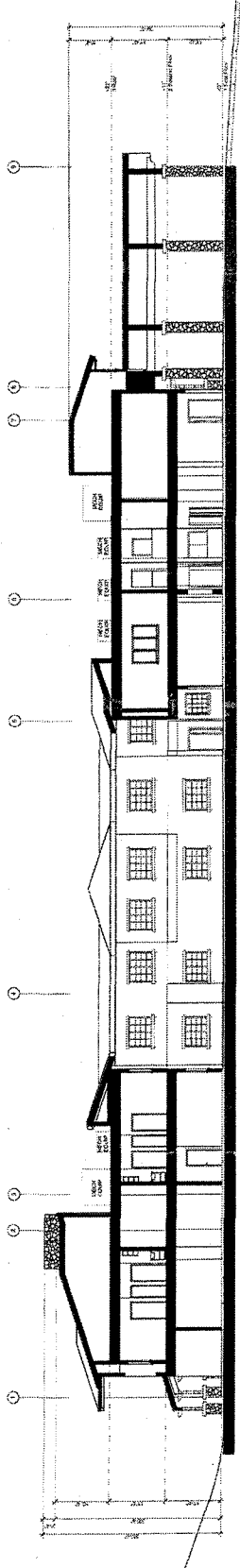
SOUTH

Exterior Elevations

**PROPOSED PROJECT
PHG 11-0033**



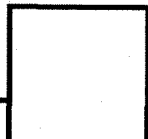
ELEVATIONS



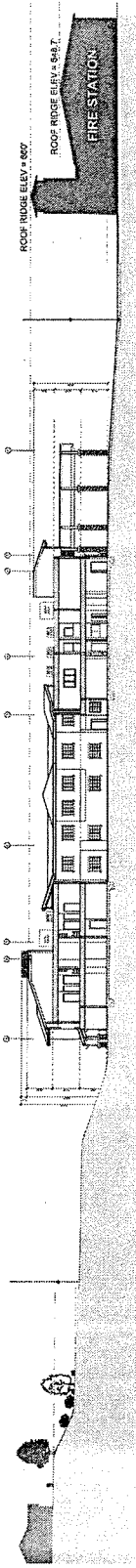
SECTION B (CONT.)

Sections

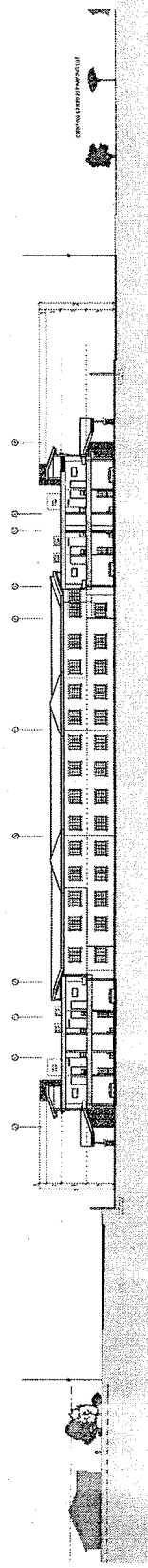
**PROPOSED PROJECT
PHG 11-0033**



SECTIONS



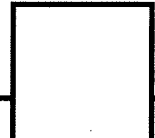
SECTION A
SCALE: 1/8" = 1'-0"



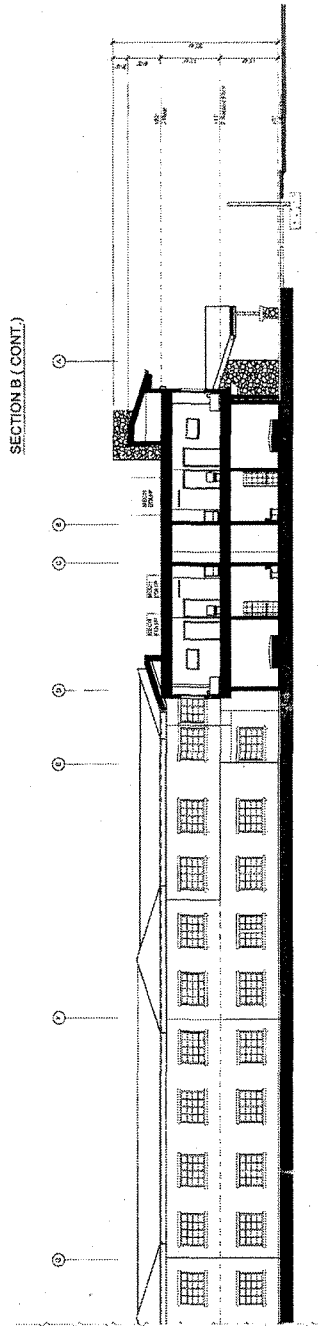
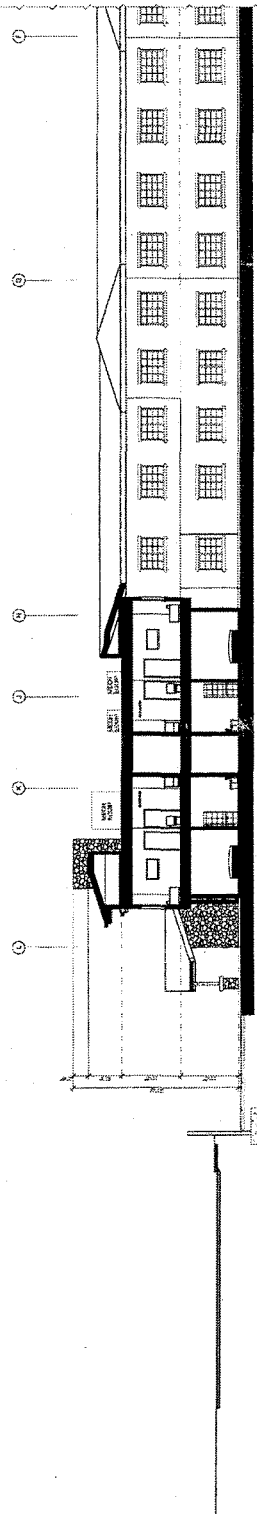
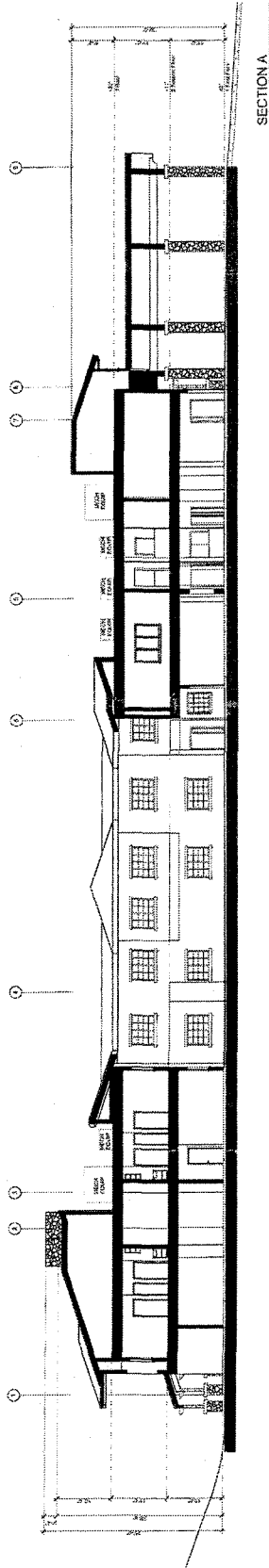
SECTION B
SCALE: 1/8" = 1'-0"

Site Sections

**PROPOSED PROJECT
PHG 11-0033**



SITE SECTIONS



Sections

**PROPOSED PROJECT
PHG 11-0033**

SECTIONS

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: RE-40 zoning (Residential Estate, 40,000 SF minimum lot size) / A 43,000 SF church facility, paved parking and ornamental landscaping associated with the church development is located on a 8.85 acre parcel of land to the north of the site. A masonry block wall separates the two properties. The church site is located at a similar elevation to the subject site. The newly adopted Escondido General Plan designates the properties to the north and northeast of the site as Planned Office. The previous General Plan land-use designation was Estate II (Single-Family Estate Development). The Planned Office land-use designation generally is located along City gateways adjacent to freeways and major roadway intersections, with a maximum intensity of 2.0 FAR, building height of 1 to 3 stories. The Planned Office designation would accommodate a variety of activities in an office environment, and is intended to prevent the proliferation of individual isolated offices. This land-use change is subject to voter approval and is scheduled for the November 2012 election.

SOUTH: County Residential Zoning / One- and two-story single-family residential homes on approximately 14,000 SF lots are located to the south of the subject site within the County's jurisdiction. The rear of the homes orient towards the site and the residential structures generally are located at a slightly higher elevation than the subject site. The county properties contain septic systems and the leach fields generally are located towards the rear of the homes. A variety of wooden fencing separates the site from the adjacent homes. Ornamental landscaping and mature trees located towards the rear of the residential homes (on both sides of the fence) provides screening between the properties and obscures some views through the subject site.

EAST: RE-20 zoning (Residential Estate, 20,000 SF min. lot size) / Two fire stations are located to the east of the subject site. The 7,536 SF City of Escondido Fire Station No. 5 is located towards the northeast, and the approximately 4,027 SF Cal Fire Station to the southeast. Access to the two fire stations is provided by Felicita Road, and Monticello Drive, which are public streets. Chain-link fencing separates the fire station parcels from the subject site. The fire stations are located at a similar to slightly lower elevation to the subject site.

WEST: County Residential Zoning / Single-family residential homes are located west of the site on approximately one acre sized lots. The rear of the homes orient towards the project site, and the leach fields for the properties also are located on the lower slope area towards the rear of the homes. The homes generally are situated at a much higher elevation than the project site. The property located to the northwest is situated at a similar elevation to the project site. The side of this home orients towards the project site.

B. ENVIRONMENTAL STATUS

1. In accordance with the California Environmental Quality Act (CEQA) a Draft Mitigated Negative Declaration was issued for the project for 30-day public review on May 9, 2012. The Initial Study indicated the proposed project may result in potential significant impacts to Biological Resources and Noise. The Mitigated Negative Declaration contains appropriate mitigation measures to reduce identified impacts to less than a significant level. Staff feels the environmental document adequately addresses all project related issues and the comments received from the public and outside agencies do not raise any additional issues that would rise to a level of significance. A copy of the Initial Study and Supplemental Comments is attached with this report. Staff received comments from the California Department of Fish and Game (CDF&G), Department of Toxic Substance Control (DTSC) and Native American Heritage Commission, which are attached with this report. The Final Mitigated Negative Declaration attached with this report incorporates any additional language in order to clarify certain issues and/or to respond to relevant comments received during the public review process from various City Departments, outside agencies and the public. Some of the mitigation measures related to biological resources were modified to incorporate the CDF&G comments. However, these modifications do not significantly alter the initial mitigation measures that would require recirculation of the document. Two of the CDF&G comments regarding potential impacts to non-native grassland and streambed alteration have been included in the project Conditions of Approval, which would require the developer to purchase appropriate non-native grassland credits and to submit a Section 1600 notification.

2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

C. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service -- The Police Department expressed no concern regarding their ability to serve the site.
2. Effect on Fire Service -- The Fire Department has expressed no concerns relative to its ability to provide service to the site. The site will be served by Fire Station No. 5 located adjacent to the site along Felicita Road.
3. Traffic -- Access to the site is provided by Monticello Drive, which is a public street. Vehicle trips along this street segment generally are limited to the operation of the City of Escondido Fire Station No. 5 and the Cal Fire Station, and average daily trips are minimal. This street provides on-street parking on both sides and intersects Felicita Road on the east. Felicita Road is classified as a Collector Road (84' R-O-W) on the City's Circulation Element, but currently is developed and operates as a two-lane collector roadway with 5,600 ADT (LOS B) from Monticello Drive to Gamble Lane/Citracado Parkway. Felicita Road north of Gamble Lane/Citracado Parkway carries approximately 12,370 ADT with an LOS Mid-D. The buildout capacity of a Collector street with restricted on-street parking is 27,400 ADT at LOS "C" and 34,200 ADT at LOS "E." Gamble Lane from I-15 SB off-ramp to Felicita Road operates as a 3-lane Collector/Major Road with 11,160 ADT at LOS "B." Citracado Parkway east of Felicita Road operates as a 3- and 4-lane Collector/Major Road and operates at LOS "C" or better based on existing traffic volumes. The intersection of Felicita Road and Gamble Lane/Citracado Parkway is signalized. All study area intersections are calculated to currently operate at LOS C or better with the exception of I-15 SB off-ramp/Gamble Lane intersection, which is calculated currently to operate at LOS "D" in the PM peak hour.

A Traffic Impact Analysis was prepared for the proposed project by Linscott Law and Greenspan to evaluate the potential impact of the project on the circulation system. Based on SANDAG vehicle traffic generation rates for the San Diego region, a proposed congregate care facility would generate up to 253 ADT with 10 trips (6 inbound and 4 outbound) during the AM peak hour and 20 trips (10 inbound and 109 outbound) during the PM peak hour. The Engineering Division indicated the additional trips are not anticipated to result in any adverse impacts to the adjacent street segments or intersections since the streets would continue to operate a Level-of-Service "C" or better, which is consistent with the General Plan Circulation Element Goal, or the project would not add more than 200 trips onto a street segment that operates at LOS Mid-D. In addition, the relatively low amount of peak-hour trips would not adversely impact the levels of service on the areas intersections since the trips would not result in a delay of more than 2 seconds at any intersections that might operate at unacceptable levels. The Engineering Division concluded, based on the traffic study, the project would not result in any adverse impacts to the adjacent streets and intersections, and no mitigation measures would be required.

4. Utilities -- Sewer service to the site would be provided by the City of Escondido wastewater facilities. Sewer service could be provided by the extension of mains within the adjoining street system or easements. Wastewater lines that would serve the site tie into the nearby Escondido pump station adjacent to the City Fire Station No. 5. The subject site is within the water service area of the Rincon del Diablo Municipal Water District (RDDMWD). The applicant will need to coordinate with the District to provide water service to the site and a will serve letter would be required prior to the issuance of development permits. There is an existing twelve-inch RDDMWD line located near the intersection of Felicita Road and Hamilton Lane. The water line would need to be extended approximately 640 feet to the property in order to provide water service and the necessary fire flow to the site. There also is an existing eight-inch line located within Monticello Road.
5. Drainage -- The parcel is crossed from north to south by a relatively shallow drainage course of an intermittent surface drainage. The drainage course flows only occur during times of heavy rainfall as runoff from the residential properties to the northwest. The drainage flows off-site through an open drainage ditch located across the Cal Fire property. This portion of the off-site drainage ditch was modified as part of the development of the State fire station. This drainage is not identified on the USGS Maps as blue line. The project site will be engineered to accept the upstream flows within open landscape features (bioswales and basins) in accordance with current local and regional storm water quality requirements. Runoff from the project would be directed to the adjoining public street or other drainage facilities. The Engineering Department concluded the project would not materially degrade level-of-service of the existing drainage facilities. The California Department of Fish and Game (CDF&G) indicated they have jurisdiction over the drainage course and the developer would be required to submit a Series 1600 Notification to CDF&G, which may trigger an agency permit.

D. CONFORMANCE WITH CITY POLICY

General Plan

The proposed CUP is consistent with the goals and policies of the General Plan since residential-care facilities are conditionally permitted within residential zones. The proposed new building would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities.

Public Input

A neighborhood meeting was conducted for the proposed project early in the design process and approximately 15 neighbors attended the meeting. Neighborhood issues generally concerned the appropriateness of the overall mass and scale of the facility and whether the building was too large for the site. Some neighbors felt the building was too close to residential properties, especially towards the northwestern corner and the design of the building was too "motel like" in appearance. Neighbors also expressed concerns regarding potential lighting impacts, existing traffic, upstream drainage issues, potential impacts to adjacent septic systems, and the appropriateness of an additional non single-family development within the semi-rural/estate neighborhood. As a result of the concerns expressed in the neighborhood meeting and initial design comments from various City Departments and outside agencies, the applicant redesigned various elements of the project to address the issues, which includes reorienting the building footprint to increase the building setbacks and landscape buffer areas, especially towards the northwestern area of the site; redesigning the exterior of the building to break up the roofline and long wall expanses; modification of the grading design which would avoid a tall cut slope towards the southwestern corner, provide appropriate setbacks from existing septic systems, and lower the building pad several additional feet to minimize potential visual impacts. Staff received three letters from adjacent residents, which are attached to this report.

Whether the Proposed Facility is appropriate for the Site

The initial project design also was reviewed by the Design Review Board, and the majority of the Board members recommended the project be redesigned to address concerns with the massing of the building and to break up the exterior facade elements and roofline. In response to these concerns and concerns expressed at the neighborhood meeting, the applicant reoriented the footprint of the facility to increase the building setbacks up to approximately 100 feet from the adjacent properties, which would allow wider landscape buffer areas, especially adjacent to residential areas. The building facade also was redesigned to include many varying wall planes, pop-out features, wooden patios and covered walkways, tower features and decorative window trim. The building would be painted with a variety of earth-tone colors ranging from tans, browns and brick tones. Concrete S-type roof tiles would be used and decorative stone would be incorporated into various lower story elements, wall planes and columns. A variety of rooflines and lower story roofing elements also have been included so the building appears to be a combination of several buildings rather than one large building. Rooftop equipment would be concealed within screened equipment wells.

The grading design also was modified to eliminate the need for a large cut slope towards the southwestern corner and a grading exemption, which increased export of material but allowed the building pad to be lowered. The plan now calls for a combination of retaining walls and cut slopes towards the western and southern areas of the site. The grading design also preserves the natural contour of the existing upper sloping topography within the southwestern corner and along the western boundary of the site. Low fill slopes are proposed along the eastern and northern perimeters of the site. Cross sections drawing have been included to demonstrate the potential visual impacts through the site from the adjacent homes to the west and south. The roofline of the two-story building generally would be lower than the building pads of the adjacent homes to the west, which overlook the project site. This would help to preserve the existing views of the hillsides toward the northern and eastern portions of the City, to the extent feasible. Views through the site from the residents to the south vary due to existing perimeter on- and off-site landscaping, the height of the nearby church building/roofline, and elevation of Interstate 15. The building has been setback approximately 100 feet from the southern property line and incorporates a varied roofline to reduce the overall mass and scale of the facility as seen from this elevation. Landscape buffer areas ranging from 20 feet to 40 feet in width would be provided to ensure appropriate screening and privacy for the homes.

Staff feels the 4.5-acre site is appropriate for a residential care facility that could accommodate up to 125 clients since it would not create any adverse traffic impacts to the surrounding street system, appropriate access and on-site parking would be provided, appropriate building setbacks and landscape buffer areas would be provided, especially adjacent to residential properties, and the property is immediately adjacent to non-residential type uses, including two fire stations and a church. The building has been oriented and setback to minimize potential compatibility impacts to adjacent residences and the building facade designed to reduce the overall massing of the facility.

On-site Circulation, Parking and Service Areas

On site circulation has been designed to provide appropriate access and parking spaces to various portions of the building, while also providing necessary emergency vehicle access and turnaround areas. The main truck service areas and turnaround areas have been located along the northern portion of the site away from residential properties. Up to 48 parking spaces would be provided for the facility which is more than sufficient to service the project needs. The parking spaces located along the southern area of the site would be setbacks approximately 20 feet from the property boundary to provide an appropriate landscape buffer between the spaces and rear of the adjacent homes. The spaces generally would be situated several feet lower than the adjacent homes. The Zoning Code requires a minimum of 42 spaces (1 per each bed/client). Off-site parking also is available along Monticello Drive, which is a public street and adjacent to the City Fire Station and State Fire Station.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The area is characterized by low-density single-family residential development within the City of Escondido and County of San Diego. There are no structures located on the site. A concrete pad is present at the northeastern portion of the property, which was the location of former water well. The property was first developed for residential use in the 1920s. The residential structure and associated improvements were demolished in 2000. The property is located on relatively level terrain within the eastern and northern areas of the site, with an east-facing hillslope towards the west and southwestern portions of the site. Elevations on the site range from approximately 625 feet towards southeastern corner of the site, 665 feet towards the southwestern corner, 635 feet towards the northwestern corner and 630 feet towards the northeastern corner. The site generally drains from west to the southwest. The property appears to be mowed/disc'd for brush management purposes. The parcel is crossed from north to south by a relatively shallow drainage course of an intermittent surface drainage. Vegetation on the site generally consists of open field with a few mature trees and a mixture of native and non-native species. A few Coastal Live Oak trees as well as California Black Walnut trees also are present on the site. The site does not contain any wetlands or riparian habitat.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 4.31 acres
2. Building Size:

First Floor	40,970 SF
Second Floor	<u>34,943 SF</u>
	75,913 SF
3. Number of Beds/Clients: Up to 125 bed/clients. The building is designed to accommodate between 119 and 125 clients based on final room design/layout.
4. Unit Types:

<u>First Floor</u>	
Studio	8 units/8 beds
One-Bedroom	31 units/31 beds
Two-Bedroom	10 units/20 beds
<u>Second Floor</u>	
Private	12 units/12 beds
Semi-Private	24 units 48 beds
Total Units/Beds	85 units/199 beds (up to 125 beds depending on final configuration of rooms/units)
5. Outdoor Recreation Area: Three separate enclosed recreational areas to be provided.
Internal central courtyard – approx. 11,900 SF
Northern enclosed courtyard – approx. 2,700 SF
Southern enclosed courtyard – approx. 3,100 SF
Various outdoor patio spaces provided around perimeter of building along with walking paths and gardens
6. Hours of Operation: 24 hours, seven days a week

C. CODE COMPLIANCE ANALYSIS

	<u>Proposed</u>	<u>Required in RE-20 zone</u>
1. Parking:	Up to 48 total spaces (2 disabled) 1 loading space	42 spaces based on 1 per three beds 125 beds/3 per bed

- | | | |
|-----------------------------|---|--|
| 2. Setbacks Bldg. | | |
| Front | 100' | 25' min. |
| Rear | 100' | 10' min. |
| Side | 110' on north and southern main building
Approx. 70' to enclosed recreational courtyard | 10' min. |
| 3. Building Height: | Pitched roofline varies from approx. 25'
to 33'-8" for upper story roofline elements.
Lower story roofline elements range from
approx. 13' – 17' | 35' average height |
| 4. FAR and
Lot Coverage: | 40% FAR based on 75,913 SF
23% lot coverage (41,741 SF gross
footprints, includes covered patios
and porte cochere | 50% Floor Area Ratio max.
30% Lot Coverage max. |

EXHIBIT "A"
FINDINGS OF FACT
PHG11-0033

Conditional Use Permit

1. Granting this Conditional Use Permit for the proposed residential care facility is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located since the proposed use would not create any adverse traffic or noise impacts to surrounding properties, as indicated in the staff report and environmental document prepared for the project. The loading and service areas have been oriented away from adjacent residential properties. Noise attenuation and screening walls would be provided for specific outdoor recreation areas. Outdoor lighting would be designed in accordance with the City's outdoor lighting requirements, which would minimize potential glare and spillover to adjacent properties. Appropriate setbacks and landscape buffer areas would be provided, especially from residential properties. Appropriate access, on-site circulation and parking would be provided. The project will not diminish the Quality-of-Life Standards of the General Plan as the project would not degrade the levels of service on adjacent street and intersections, and adequate public facilities would be provided (as discussed in the staff report prepared for the project).
2. The proposed CUP for a residential care facility on the subject site is consistent with the goals and policies of the General Plan since residential-care facilities are conditionally permitted within residential zones, and have been located throughout Escondido in various residential zones. General Plan goals and policies allow for the construction of compatible non-residential and residential type uses provided effective measures are integrated into the design to adequately mitigate potential impacts to the neighborhood. As described in the section above and in the Planning Commission staff report and Mitigated Negative Declaration, the proposed project would not create any special problems or create a nuisance or cause deterioration of bordering land uses. The proposed new buildings would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities, and adequate public facilities would be provided (as discussed in the staff report prepared for the project). Any potential impacts to biological resources have been mitigated to less than a significant level. The project has been designed and sited to minimize any potential impacts to visual resources and viewshed corridors. The proposed project has been designed to provide housing needs for older adults, while preserving the integrity of the neighborhood character, which contains a variety of residential, non-residential and public uses/buildings.
3. This proposal is in response to services required by the community since residential-care facilities provide housing and services for the community and their specific client needs.
4. In accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration was issued for the project (in draft form) for 30-day public review on May 9, 2012. The Initial Study indicated the proposed project may result in potential significant impacts to Biological Resources and Noise. The Mitigated Negative Declaration contains appropriate mitigation measures to reduce identified impacts to less than a significant level. Staff feels the environmental document adequately addresses all project impacts. A copy of the Initial Study and Supplemental Comments is attached with this report. Staff received comments from the California Department of Fish and Game (CDF&G), Department of Toxic Substance Control (DTSC) and Native American Heritage Commission, which have been included in the Planning Commission staff report for consideration. Several comments/recommendations related to biological resources, permitting and hazardous materials have been incorporated into the project conditions. The Final Mitigated Negative Declaration attached with this report incorporates any additional language in order to clarify certain issues and/or to respond to relevant comments received during the public review process from various City Departments, outside agencies and the public. Some of the mitigation measures related to biological resources were modified to incorporate CDF&G comments. However, these modifications do not significantly alter the initial mitigation measures.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG11-0033

General

1. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Department, Building Division, and Fire Department.
2. All uses, hours of operation, and activities shall be substantially consistent with the Details of Request and conditions of approval contained within this report.
3. Appropriate fire access and ADA compliant paths of travel shall be provided from the public way, parking areas and to all accessible areas of the lower floor and outdoor spaces, as may be required by the Fire Department and Building Division.
4. A minimum of 42 striped parking spaces shall be provided in conjunction with this development. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
5. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Planning Division. A final color palate shall be submitted with the building plans for final approval by the Planning Division prior to issuance of building permits for the facility.
6. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
7. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
8. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
9. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75). A lighting plan shall be submitted with the building plans demonstrating conformance with the Outdoor Lighting requirements. Details of the outdoor lights (including, design, height, color, output-lumens, etc.) and any necessary shielding shall be included with the building plans.
10. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
11. This CUP shall become null and void unless utilized within twenty-four months (2 years) of the effective date of approval.

12. There shall be no outdoor loud speaker system, horns or whistles used in conjunction with the subject building.
13. The subject site shall be designed to conform to current regional storm water requirements to the satisfaction of the Engineering Department.
14. All retaining walls and screen walls shall be constructed of decorative materials and include a decorative cap and pilaster where appropriate to break up any long expanse of walls. Any proposed chain-link fencing shall be black clad vinyl coated. The location and design of any walls and fencing shall be noted on the building plans and the final landscape plans.
15. Prior to the issuance of grading plans, a soils test shall be performed to test the site for any known contaminants. Appropriate sampling also is required prior to the disposal of an excavated soil. If the soil is contaminated, it shall be properly disposed in accordance with appropriate Federal, State and local requirements. A copy of the soils analysis shall be submitted to the City with findings and any recommendations.
16. If during construction/grading, soils and/or groundwater contamination is suspected, construction/grading in the area should cease and appropriate health and safety procedures shall be implemented. Appropriate remediation shall be required in accordance with appropriate Federal, State and local requirements. Prior to grading, the applicant shall submit a safety plan/protocol to the Planning Division regarding potential interaction and working safety due to any contaminated groundwater.
17. The applicant shall submit evidence of a Section 1600 notification to the California Department of Fish and Game. Prior to grading and issuance of building permits, the final determination from the CDF&G shall be submitted to the Planning Division. Any required measures/conditions shall be implemented as required by the Department.
18. Prior to the issuance of grading and building plans, impacts to non-native grassland at a min. ration of 0.5:1 shall be provided with the purchase of non-native grassland credits from an approved preserve for the final area of grassland disturbed on the site. A final calculation of the impacted non-native grassland area shall be submitted prior to the issuance of grading permits.
19. Mitigation Measures Noise - In order to reduce expected traffic noise impact to conform to the 45 dBA CNEL interior noise standard the following measures, as recommended in the Noise Impact Analysis prepared by Urban Crossroads, April 18, 2012 (revised) shall be incorporated into the design of the project and clearly identified in the building plans:
 - a. Provide standard windows with a STC rating of 26 or higher for all exterior windows. This shall be identified on the building plans.
 - b. Provide a windows closed condition requiring a means of mechanical ventilation (e.g. air conditioning with appropriate air circulation incorporated into the ventilation system) for the building. The appropriate system shall be included with the building plans.
 - c. All window and door assemblies used throughout the project shall be free of cut outs and openings and shall be well fitted and well weather stripped. This shall be noted on the building plans.
 - d. Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 x 4 studs or greater, 16" o.c. with R-13 insulation, a minimum 7/8" exterior surface of cement plaster and a minimum interior surface of 1/2" gypsum board.
 - e. Provide roof/ceiling system utilizing minimum 1/2" plywood sheathing that is well sealed to form a continuous barrier with minimum R-19 batt insulation I the joist cavities.

20. Mitigation Measure Biology – To avoid any direct or indirect impacts to nesting birds, construction activities associated with the proposed project should not occur outside of the nesting/breeding season between February 1 and August 31 (January 1 for some raptors). If this is not possible, the applicant shall retain a qualified biologist to conduct a pre-construction survey no more than three days prior to the initiation of project activities to determine the presence or absence of nesting birds on and within an approximately 300-foot buffer surrounding the construction area (500 feet for raptors). If active raptor or other migratory bird nests are detected, project activities within the affected area should be postponed or appropriate mitigation incorporated (i.e., appropriate buffers, fencing, monitoring schedules, etc.). A bio-monitor also should be present on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged. Any buffers 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 the survey. The survey and any recommendations/mitigation measures shall be submitted to the Planning Division, and to CDF&G upon request. Weekly monitoring reports shall be submitted to the city during any required onsite monitoring. If no nesting raptors or migratory birds are detected during the pre-grading survey, no mitigation is required.
21. Mitigation Measure Biology - The applicant/developer shall retain the service of a qualified plant biologist prior to the issuance of grading permits to conduct a survey of the site to determine whether San Diego Ambrosia is present. The survey shall be scheduled to occur during the peak flowering season of San Diego Ambrosia to facilitate the accurate identification of the Ambrosia Species. The results of the survey shall be submitted to the Escondido Planning Division. If San Diego Ambrosia is found to be present, the applicant/developer shall initiate Section 10 consultation with the USFWS. If the applicant/developer's biologist identifies San Diego ambrosia within the project area, the findings of the study also shall be submitted to the California Department of Fish and Game (including a written description and map). Appropriate permits shall be obtained from CDF&G as may be required for the removal of San Diego Ambrosia. The applicant/developer shall submit evidence of the appropriate permits issued by the Agencies, as may be required, prior to the approval of grading plans and issuance of grading permits.
22. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,101.50 for a project with a Negative Declaration. In addition, these fees include an additional authorized County administrative handling fee of \$50.00 (Total Fee of \$2,151.50). Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of Grading or Building permits, and shall be equivalent or superior to the concept plan attached as exhibit(s) to the satisfaction of the Planning Division. A plan check fee will be required at the time of submittal in accordance with the prevailing fee schedule. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Ordinance 93-12. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. A final tree survey shall be submitted with the first submittal of the grading plans which indicates the location, size (trunk diameter) and type of trees on the site. The removal of mature trees shall be

incorporated into the landscape plan with the replacement of specimen-size trees (min. 24" box) at a minimum ratio of 1:1. The removal of oak trees shall be replaced at a minimum ratio of 2:1 with specimen-sized oak trees of min. 5:1 with 15 gallon oak trees. Appropriate native and drought-tolerant type materials shall be incorporated into the plan. Appropriate screening materials shall be incorporated into the southern landscape planter areas.

- 3 Prior to occupancy of the facility, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
4. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

ENGINEERING CONDITIONS OF APPROVAL
Monticello Assisted Living Facility
PHG11-0033

GENERAL

1. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of plans and the issuance of Building Permits.
2. All improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the Director of Engineering Services.
3. An engineered improvement plan prepared by a Registered Civil Engineer is required for all public improvements. The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

STREET IMPROVEMENTS AND TRAFFIC

1. Pedestrian access routes shall be provided into the project to the satisfaction of the Director of Engineering Services.
2. The developer shall install a 135 watt street light at the project entrance at the end of the Monticello Drive public right-of-way.
3. The developer may be responsible for a 2-inch grind and overlay of Monticello Drive and Felicita Road beyond utilities trench limits due to any utility trenches necessary in these roadways. The determination of the extent of the grind and overlay shall be to the satisfaction of the Director of Engineering Services.
4. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer, the Field Engineer and the Fire Department. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. Site grading and erosion control plans prepared by a Registered Civil Engineer are required for all onsite improvements and shall be submitted to the Engineering Department. Grading Plans are subject to approval by the Planning, Fire and Engineering Departments prior to issuance of a Grading Permit.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.

3. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
4. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his/her recommendations.
5. Erosion control, including riprap, interim sloping planting, gravelbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
6. San Diego County Health Department will be required to sign the grading plan indicating that the proposed grading and retain wall construction meets County Health leach field setback requirements and is not expected to impact the existing leach fields located within the adjacent properties.
7. Any existing wells to be abandoned shall be capped per the San Diego County Health Department Requirements, and shall be shown on the grading plan as such.
8. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the Director of Engineering Services.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
10. A General Construction Activity Storm Water Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the Director of Engineering Services and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.

2. The project shall limit drainage flows to their pre-construction rates. Details and calculations for detention basins shall be submitted in the drainage study and approved as part of the grading plan check.
3. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval together with the final improvement and grading plans. The Water Quality Technical Report shall include hydro-modification calculations, post construction storm water treatment measures and maintenance requirements.
4. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
6. The on-site trash enclosure area shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the Director of Engineering Services.
7. All storm drain systems constructed with this project shall be considered private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the property owner.

WATER SUPPLY

1. Fire hydrants together with a minimum eight (8") inch public water main system shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection.

SEWER

1. No trees or deep rooted plants shall be planted within 15' of sewer mains or laterals.
2. All onsite sewer mains and laterals will be considered a private sewer system. The property owner will be responsible for all maintenance of this private sewer system to the public manhole and main at the end of the Monticello Drive right-of-way.
3. Sewer laterals and private mains shall be 6" PVC minimum and shall be designed and constructed per current UPC.

EASEMENTS AND DEDICATIONS

1. Necessary public emergency access easements shall be granted to the City to the satisfaction of the Director of Engineering Services and the Fire Department.

2. All existing and proposed easements, both private and public, affecting subject property shall be shown and labeled on the grading and improvement plans.

Material necessary for processing a dedication or easement shall include: a current grant deed or title report, a legal description and plat of the dedication or easement signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final documents.

REPAYMENTS AND FEES

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

SURVEYING AND MONUMENTATION

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded.
2. A current preliminary title report shall be submitted with the grading plans.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the project boundary or along fronting streets shall be relocated underground in accordance with the City's Utilities Under-grounding Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and under-grounding. All new utilities shall be constructed underground.



State of California - The Natural Resources Agency

DEPARTMENT OF FISH AND GAME

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

EDMUND G. BROWN JR. Governor

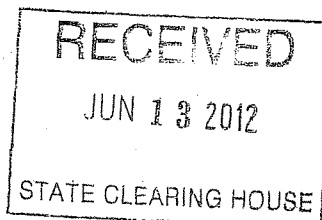
CHARLTON H. BONHAM, Director



late
 6/11/12
 e

June 13, 2012

Mr. Jay Paul
 City of Escondido
 Planning Division
 201 North Broadway
 Escondido, CA 92025-2798



Subject: Comments on the Draft Mitigated Negative Declaration for the Monticello Assisted Living Project, Escondido, CA (SCH# 2012051039)

Dear Mr. Paul:

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Mitigated Negative Declaration (MND) dated March May 12, 2012, for the Monticello Assisted Living project. The comments provided herein are based on information provided in the MND, our knowledge of sensitive and declining vegetation communities in the County of San Diego (County), and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15281, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and other sections of the Fish and Game Code (1600 et seq.). The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Escondido (City) participates in the NCCP program through its draft Multiple Habitat Conservation Program (MHCP) Subarea Plan (SAP).

The proposed project site is located at 2323 Felicita Road in Escondido, California, south of Citracado Parkway, and north of Hamilton Lane. The draft MND proposes the construction of a two-story, approximately 75,914 square feet residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of land. The project would be accessed via Monticello Drive. Site grading includes a combination of cut and fill slopes, and retaining walls. Approximately 7,500 cubic yards of export is anticipated. Additionally, 50 on-site parking spaces would be provided.

The predominant habitat type for the proposed project area is non-native grassland with scattered coast live oak (*Quercus agrifolia*) and California black walnut (*Juglans californica*) trees. Botanical surveys indicated that San Diego ambrosia (*Ambrosia pumila*) may be present. The site is surrounded by urban development. Mitigation measures for significant impacts to biological resources include various buffers for migratory birds, as well as additional surveys and monitoring for San Diego ambrosia.

In order to ensure the project is consistent with ongoing regional habitat conservation planning efforts, and to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, we offer the following comments and recommendations.

Mr. Jay Paul
June 13, 2012
Page 2 of 4

1. Section IV: Biological Resources states that the site consists of, '...a mixture of native and non-native species such as Bermuda grass, perennial mustard, ragweed, mulefat, tumbleweed, and telegraph weed'. The Department classifies this habitat type as non-native grassland. Non-native grasslands in San Diego County often provide important foraging areas for raptors, and raptor foraging areas are rapidly disappearing throughout the County. This is primarily due to development. The Department does not believe that the project area provides suitable raptor nesting habitat. However, we do believe it provides a significant area which likely supports raptor foraging (4.31 acres). Therefore, potential exists for indirect and cumulative impacts to raptor foraging habitat in non-native grassland within the project area (CEQA Guidelines, §15064(d)). Cumulatively, raptor foraging habitat loss may be significant; therefore, the Department requires mitigation consistent with the City's SAP. The Department recommends that the impact to non-native grassland be mitigated at a 0.5 to 1 ratio through the purchase of 2.16 acres of habitat within a Biological Core Area or in a Department approved mitigation bank.
2. Section IV: Biological Resources also refers to the drainage located within the project area as, '...a relatively shallow drainage course of an intermittent surface drainage', whose '...flows only occur during times of heavy rainfall as runoff from the residential properties to the northwest'. The Department defines this as an ephemeral stream and as such has jurisdictional authority. We do, however, concur that there is no wetland or riparian habitat surrounding the stream. The Department has regulatory authority over activities in streams and/or lakes that will substantially divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. Given available data, the Department recommends that the applicant submit a complete Lake and Streambed Alteration notification, pursuant to Section 1600 et seq. of the Fish and Game Code (see: <http://www.dfg.ca.gov/habcon/1600/>).
3. The mitigation language provided in Mitigation Measure Bio.:1. partially addresses impact concerns for resident, migratory, and other bird species (e.g., raptors). However, the City's MHCP SAP does not provide take for non-MHCP covered species, including many migratory avian species. In order to comply with sections 3503 and 3503.5 of the Fish and Game Code and to ensure no direct and indirect impacts to active avian nests, construction activities, (including vegetation clearing and grubbing) within or adjacent to avian nesting habitat should occur outside of the avian breeding season to avoid take of birds or their eggs. Avian breeding season generally runs from February 1- August 31 (as early as January 1 for some raptors). Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted. Additionally, the following measures should be added to the final MND:
 - a. If avoidance of the avian breeding season is not feasible (as defined above), the Department recommends that, beginning 30 days prior to the initiation of project activities, a qualified biologist with experience in conducting breeding bird surveys conduct weekly bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed. As access to adjacent areas allows, any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors) should also be surveyed. The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) must be postponed until the nest is vacated and juveniles have fledged and there is no

Mr. Jay Paul
June 13, 2012
Page 3 of 4

evidence of a second attempt at nesting. Flagging, stakes, and/or construction fencing should be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The project proponent should provide the City with results of the recommended protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- b. If the biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g., species-specific information; ambient condition and birds' habituation to them; and the terrain, vegetation, and birds' line of sight between the project activities and the nest and foraging areas) to the City and, upon request, the Department. Based on the submitted information, the City (and the Department, if the Department requests) will determine whether to allow a narrower buffer.
 - c. The biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer), that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project activities. The biological monitor shall send weekly monitoring reports to the City during the grubbing and clearing of vegetation, and shall notify the City immediately if project activities damage active avian nests.
4. Mitigation Measure Bio.2 addresses the potential for presence of San Diego ambrosia (*Ambrosia pumila*). While the mitigation measure addresses the plant's listing with the United States Fish and Wildlife Service, this species is also identified in the City's draft MHCP SAP. If biologists identify San Diego ambrosia within the project area, we request the applicant submit findings (including a written description and map) to the Department. Additional permits may be required.
 5. The draft MND does not describe a plant palette to be used in landscaping. Use of native plants in landscaping not only avoids spread of invasive species, but also provides additional benefits such as the attraction of native pollinators and reduced water consumption. Therefore, appropriate native plants should be used to the greatest extent feasible in landscaped areas. The applicant should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas. Exotic plant species not to be used include those species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory, which is available online at <http://www.cal-ipc.org>. This list includes (but is not limited to) the following: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping should not contain plants that require extensive irrigation, fertilizers, or pesticides.

Mr. Jay Paul
June 13, 2012
Page 4 of 4

We appreciate the opportunity to comment on the draft MND for this project and to assist in further minimizing and mitigating project impacts to biological resources by ensuring that the proposed project is consistent with the CEQA and the MHCP. If you should have any questions or comments regarding this letter please contact Jennifer Edwards of the Department at (858) 467-2717 or via email at JEdwards@dfg.ca.gov.

Sincerely,



Stephen M. Juarez
Environmental Program Manager
South Coast Region

cc: State Clearinghouse, Sacramento
Janet Stuckrath, U.S. Fish and Wildlife Service



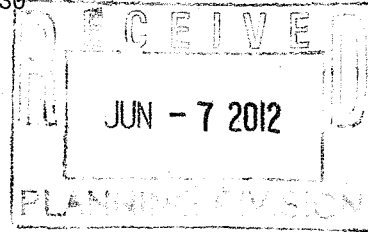
Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

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

Edmund G. Brown Jr.
Governor

June 5, 2012



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

**DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR PHG 11—0033
(MONTICELLO ASSISTED LIVING) (SCH# 2012051039)**

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: "The proposed project consists of a Conditional Use Permit (CUP) to construct a two - story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of land zoned RE-20 (Residential Estate, 20,000 SF min. lot size). The two-story facility (40,970 SF first floor and 34,943 SF second floor) consists of up to 85 separate rooms to accommodate between 119-125 beds/clients. Proposed rooms consist of studio, one- and two-bedroom units. Access to the project would be provided by Monticello Drive, which is a public road. Site grading includes a combination of cut and fills slopes, and retaining walls. Approximately 7,500 cubic yards of export is anticipated. Fifty on-site parking spaces would be provided. Nonresidential facilities such as schools, churches and care facilities are allowed within residential zones subject to the approval of a Conditional Use Permit, which is a discretionary action that must be approved by the Escondido Planning Commission at a public hearing".

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 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.

- 3) 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.
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by 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.
- 5) 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.
- 6) 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.
- 7) 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.

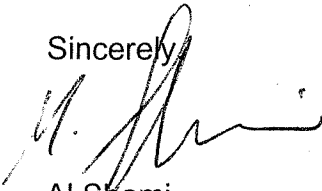
Mr. Jay Paul
June 5, 2012
Page 3

- 8) If buildings, other structures, or associated uses; asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

- 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

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 # 3556

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

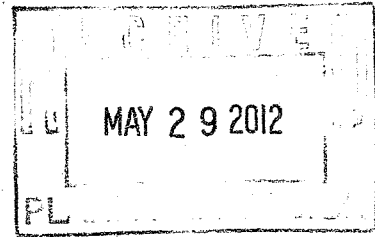


May 25, 2012

Mr. Jay Paul, Associate Planner

City of Escondido Planning Division

201 North Broadway
Escondido, CA 92035



Re: SCH#2012051039; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "PHG 11-0033 (Monticello Assisted Living) Project;" located in the City of Escondido; San Diego County, California.

Dear Mr. Paul:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) and Native American cultural resources were not identified.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

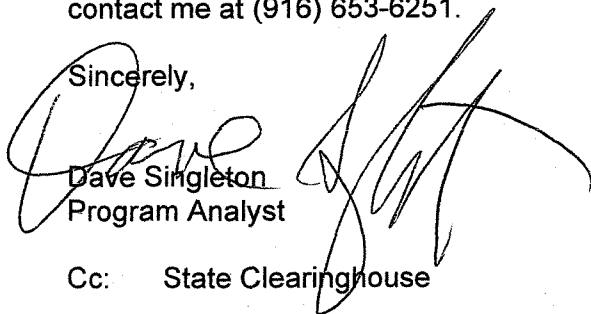
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Singleton', is written over the typed name and title. The signature is fluid and cursive, with a large initial 'D' and 'S'.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

To: City of Escondido Planning Dept.
From: Herb & Alexis French
2316 Rancho Diego Ct
Re: Torrey Pines Development PHG 11-0033

December 12, 2011

Our concerns regarding this project are as follows:

We have 125' of common property line with this project. When we built in 1983 the project land was designated as wetlands and flood plain, as such, extra fees were collected to protect the project land from damage as a result of runoff from our property. Extra drainage and dissipation pits were also required to lessen the impact on the property. How can this property suddenly not be a flood plain or protected wetlands?

We are on a septic system with a 100% reserve requirement. The 28' cut and slope with resulting retaining wall and foundation requirements could severely impact the natural flow of ground water and runoff. ^{+ SET BACKS FOR SEPTIC RESERVE} The potential for water encroachment onto our property is very real. The possibility of septic system failure seems a likely possibility.

On a broader scope this area is designated as minimum 1/2 acre lots. The density of square footage of the building and parking lots is like a 24 home subdivision. This is extreme over building and not in the best interests of the land or the extended neighborhood.

The 24 hour traffic from employees and visitors would be excessive. Hamilton Lane and Gamble Lane would be over used with no room to widen and improve the access to the facility because off existing homes. The I-15 ramp backup is a issue on a regular basis as well as the school traffic and this would add to the congestion.

Light pollution from security lights and parking lots would diminish the rural feeling of the neighborhood.

This land is habitat to coyotes, egrets and other wild animals. Their habitat is shrinking and this will only make it worse.

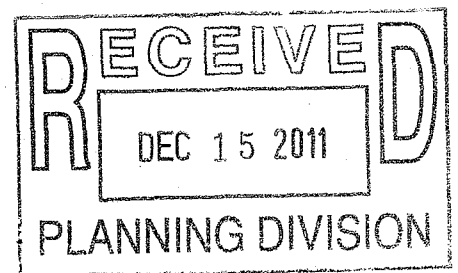
There is acreage in the general area, on Centre City Parkway, which would be more suitable for this type of project and which could act as an anchor for the

redevelopment of South Escondido.

This land can and should be used in a more earth friendly/ neighborhood friendly way and we urge you to deny this inappropriate project proposal.

Sincerely,

Herb & Alexis French
Herb & Alexis French



J. BARRY BAKER

2306 Rancho Diego Ct

Escondido, CA 92029

To: City of Escondido Planning

From: Barry & Lee Baker

RE: Case No. 11-0033 – Invasive Residential Care Facility in Estate Zoned area

My wife and I are very alarmed with the "huge" proposed residential care facility addressed as 2323 Felicita Rd. How can the city justify:

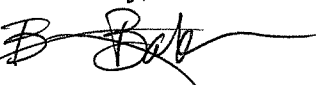
1. 72,000+ sq. ft. building in residential neighborhood zoned for 1/2 acre estate homes? This is almost 2 acres of building and doesn't even identify the amount of land to be use for parking and ingress & egress;
2. Huge slope cuts of 28 feet;
3. 119 beds with associated parking and traffic 24 hrs per day. Staff, clients, and visitors will be a continuing disturbance to all of us who's property are contiguous and near contiguous to this development;
4. What about the natural drainage through the property? Single family homes could be developed allowing natural drainage through the wetlands, but not a very large, 72,000+ sq. ft. building
5. Notice incorrect? The notice shows the lot to be the Cal Fire property, the parking and the vacant land behind Cal Fire. Is Cal Fire building being razed and torn down so this new development is on all of the area shown or is it on a small portion? Shouldn't the notice have the specific and correct area outline if the Cal Fire building isn't being razed?

This is an invasive proposed development. Too big, too tall, too much parking area, too much noise, traffic 24 hrs a day, and too large of slope cut!

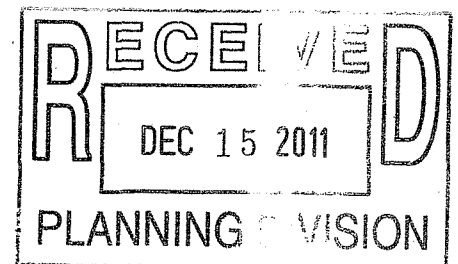
I would think this land would be subdivided into 3 or 4 residential lots on which single family homes would be built. That each home would be 1900 to 2500 sq. ft, maybe totaling 10,000 sq ft. and then landscaped to blend with existing general plan zoning of the neighboring homes. Such a residential use would allow for natural drainage through the property, but this proposal cannot. This proposal is outrageously aggressive, and would scar the neighborhood forever.

We are totally, totally against this proposal and our neighbors are too.

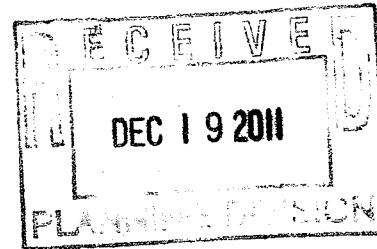
Sincerely,


Barry Baker


Lee Baker



Jay Paul
Planning Division
201 N Broadway
Escondido, CA 92025-2798



Mr. Paul,

Thanks for moderating the neighborhood meeting regarding The Monticello Dr. property. I'd like to make a couple of additional comments.

One of the developers made the comment about a "NIMBY" mind set on the part of concerned residents. Just to remind you we have been good neighbors to 2 fire stations and a church. We are not necessarily opposed to a care facility on the property. We are opposed to a commercial size building on the property. Scale it back to a 20,000 to 25,000 square foot footprint and even a partial 2 story building and you'd have a better shot at getting cooperation. Also the trendy colors, which look very commercial, will be dated in a short time. Please consider something more classic and muted so as to not stand out.

Thanks for your consideration.
Sincerely,

Herb & Alexis French



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

DRAFT MITIGATED NEGATIVE DECLARATION

CASE NO.: PHG 11-0033

DATE ISSUED: May 9, 2012

PUBLIC REVIEW PERIOD: May 12, 2012 – June 11, 2012

LOCATION: The project site is located west of Felicita Road, south of Citracado Parkway, north of Hamilton Lane, addressed as 2323 Felicita Road (APN 238-101-38).

PROJECT DESCRIPTION: Environmental review for a proposed Conditional Use Permit (CUP) to construct a two-story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of land zoned RE-20 (Residential Estate, 20,000 SF min. lot size). The two-story facility (40,970 SF first floor and 34,943 SF second floor) consists of up to 85 separate rooms to accommodate between 119-125 beds/clients. Proposed rooms consist of studio, one- and two-bedroom units. Access to the project would be provided by Monticello Drive, which is a public road. Site grading includes a combination of cut and fill slopes, and retaining walls. Approximately 7,500 cubic yards of export is anticipated. Fifty on-site parking spaces would be provided.

APPLICANT: Torrey Pines Development – Monticello LLC

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 can be viewed on the City of Escondido Web Site at: <http://www.escondido.org/planning.aspx>.

Findings: The findings of this review are that the Initial Study identified effects 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

NEGATIVE DECLARATION

(Final)

for Monticello Assisted Living

CONDITIONAL USE PERMIT

(City File No. PHG 11-0033)

ENVIRONMENTAL CHECKLIST SUPPLEMENTAL COMMENTS

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

INTRODUCTION

This Negative Declaration assesses the environmental effects of the proposed Conditional Use Permit to construct a residential care facility on approximately 4.31-acres of land generally located west of Felicita Road, south of Citracado Parkway, north of Brotherton Road, addressed as 2323 Felicita Road, APN 238-101-38.

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 **May 12, 2012**, and ending on **June 11, 2012**. Written comments on the Mitigated Negative Declaration should be submitted to the following address by **5:30 p.m., June 11, 2012**. Following the close of the public comment review period, the City of Escondido will consider this Mitigated Negative Declaration and any received comments in determining the approval of this project.

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

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

A printed copy of this document and any associated plans and/or documents are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division at the address shown above.

PROJECT DESCRIPTION

The proposed project consists of a Conditional Use Permit (CUP) to construct a two-story, approximately 75,913 SF residential care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of land zoned for single-family residential development. The two-story facility (40,970 SF first floor and 34,943 SF second floor) consists of up to 85 separate rooms to accommodate between 119 -125 beds/clients. Proposed rooms consist of studio, one- and two-bedroom units. Access to the project would be provided by Monticello Drive, which is a public road. Site grading includes a combination of cut and fill slopes, and retaining walls. Approximately 7,500 cubic yards of export is anticipated. Up to 48 on-site parking spaces would be provided. Non-residential facilities such as schools, churches and care facilities are allowed within residential zones subject to the approval of a Conditional Use Permit, which is a discretionary action that must be approved by the Escondido Planning Commission at a public hearing.

PROJECT LOCATION AND ENVIRONMENTAL SETTING

The approximately 4.31-acre project site is located west of Felicita Road, south of Citracado Parkway, north of Hamilton Lane, addressed as 2323 Felicita Road (APN 238-101-38). Access to the property is provided by Monticello Drive which intersects Felicita Avenue on the east. Monticello Drive is a public street and on-street parking generally is not restricted along. Monticello Drive also provides access to the City's Fire Station No. 5 and the Cal Fire Station 77 (Del Dios). Interstate 15 is located approximately 700 feet northeast of the property. The property is within the Estate II General Plan land-use designation and zoned RE-20 (Residential Estate, 20,000 SF minimum lot size). The area is characterized by low-density single-family residential development within the City of Escondido and County of San Diego. There are no structures located on the site. A concrete pad is present at the northeastern portion of the property, which was the location of a former water well. The property was first developed for residential use in the 1920s. The residential structure and associated improvements were demolished in 2000.

The property is located on relatively level terrain within the eastern and northern areas of the site, with an east-facing hillslope towards the west and southwestern portions of the site. Elevations on the site range from approximately 625 feet towards southeastern corner of the site, 665 feet towards the southwestern corner, 635 feet towards the northwestern corner and 630 feet towards the northeastern corner. The site generally drains from west to the southwest. The property appears to be mowed/disc'd for brush management purposes. The parcel is crossed from north to south by a relatively shallow drainage course of an intermittent surface drainage. The drainage course flows only occur during times of heavy rainfall as runoff from the residential properties to the northwest. This drainage is not identified on the USGS Maps as blue line. The project site will be engineered to accept the upstream flows within open landscape features (bioswales and basins) in accordance with current local and regional storm water quality requirements. No outcrops of bedrock occur within the project area.

Vegetation on the site generally consists of open field with a few mature trees and a mixture of native and non-native species such as bermuda grass, perennial mustard, ragweed (*ambrosia seilostachya*) and telegraph weed. A few Coastal Live Oak trees as well a California Black Walnut trees also are present on the site. The walnut trees occur within the northern area of the site and the oak trees occur on the southern portions of the property. The site does not contain any wetlands or riparian habitat. The property appears to be mowed or disc'd periodically for vegetation and fire department maintenance.

Surrounding zoning and land uses are as follows:

North: RE-40 zoning (Residential Estate, 40,000 SF minimum lot size) / A 43,000 SF church facility, paved parking and ornamental landscaping associated with the church development is located on a 8.85 acre parcel of land to the north of the site. A masonry block wall separates the two properties. The church site is located at a similar elevation to the subject site.

South: County Residential Zoning / One- and two-story single-family residential homes on approximately 14,000 SF lots are located to the south of the subject site within the County's jurisdiction. The rear of the homes orient towards the site and the structures generally are located at a slightly higher elevation than the subject site. The county properties contain septic systems and the leach fields generally are located towards the rear of the homes. A variety of wooden fencing separates the site from the adjacent homes. Ornamental landscaping and mature trees located towards the rear of the residential homes (on both sides of the fence) provides screening between the properties and obscures some views through the subject site.

East: RE-20 zoning (Residential Estate, 20,000 SF min. lot size) / Two fire stations are located to the east of the subject site. The 7,536 SF City of Escondido Fire Station No. 5 is located towards the northeast, and the approximately 4,027 SF Cal Fire Station to the southeast. Access to the two fire stations is provided by Felicita Road, and Monticello Drive, which are public streets. Chain-link fencing separates the fire station parcels from the subject site. The fire stations are located at a similar to slightly lower elevation to the subject site.

West: County Residential Zoning / Single-family residential homes are located west of the site on approximately one acre sized lots. The rear of the homes orient towards the project site, and the leach fields for the properties also are located on the lower slope area towards the rear of the homes. The homes generally are situated at a much higher elevation than the project site. The property located to the northwest is situated at a similar elevation to the project site. The side of this home orients towards the project site.

Responsibility Agency Permit Approvals

The applicant would be required to comply with the NPDES General Permit for Storm Water Discharges Associated with Construction of Land Disturbance Activities (SWRCB Order No. 2009-0009-DWQ, NPDES No. CA2000002), as well as related City requirements for storm water/erosion control. The project also must comply with the requirements of the San Diego County Municipal Separate Storm Sewer System (MS4) Storm Water Permit (RWQCB Order No. R9-2008-0002, NPDES No. CAG919002). **Permits and/or Agreements also might be required by the California Department of Fish and Game (CDF&G) and U. S. Fish and Wildlife Service (FWS).**

Anticipated Public Hearings

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

I. AESTHETICS

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

The project site is vacant and situated on flat to gently sloping terrain within the southwestern area of the property. The property is not located on a ridgeline identified in the Community Open Space/Conservation Element of the General Plan and the property does not contain any significant topographical features or rock outcroppings. The subject property does not possess any significant value as a scenic resource due to its relatively small size, lack of significant vegetation or topographical features, and surrounding development. The site generally is covered with tumbleweed, wild mustard, ragweed Bermuda grass and other common ruderal grasses and plants, including several mature trees.

The subject site is not within a state scenic highway and due to the surrounding development, which includes a church on the north and two fire stations on the east, is not considered a prominent scenic vista. Although the site is not considered scenic in character, it is located within a City of Escondido view shed conservation corridor due to its proximity to Interstate 15 and the site is visible from southbound lanes since the roadway is elevated above the site. The Interstate 15 freeway view shed corridor extends 1,750 feet from each side of the interstate. Views of the site from Interstate 15 generally are limited to a small view corridor where the elevated roadway crosses Felicita Road. Views north and south of the overpass are obscured by existing vegetation. The proposed development would not obscure views of the valley floor from the interstate and the height of the proposed building would not be out of character with existing building heights throughout the area. The proposed development also would not obscure views of the more prominent hillsides to the southwest from the roadway. Views of the site from Citracado Parkway and Felicita Avenue generally are limited due to surrounding development, which includes two fire stations and a church. Existing vegetation also obscures views of the site from the adjacent roadways.

Development of the property would alter the vacant, open-space character of the parcel. Grading of the site includes a combination of cut and fill to provide sufficient pad area for the building, parking and access. The proposed building would be located within the central and flatter section of the site, and would be setback approximately 100 feet from the southern and western property boundaries to reduce potential compatibility, noise and visual impacts to adjacent residential properties. The site also would be lowered to minimize the overall presence and height of the structure and to retain views through the site to the extent feasible. The steeper sloping areas of the site towards the northwestern portion of the property are proposed to be retained and landscaped. The proposed development has included appropriate setbacks and landscape buffer areas to offset the visual impacts from surrounding properties and the public views from adjacent roadways. The building architecture, color and materials would be compatible with the variety of residential and non-residential uses within the area.

Mature Trees - The project site includes several mature trees, including some scattered live oaks and a California Black Walnut tree. Some of the oaks are proposed to be retained along with the walnut tree, to the extent feasible. The removal of any mature trees would require replaced at a minimum 1:1 ratio with specimen sized trees in conformance with the City's tree replacement requirements. Mature oak trees would require replacement at minimum 2:1 ratio with specimen-sized trees, which would be incorporated into the landscape plan as a condition of project approval. Therefore, the loss of mature trees would be considered less than significant since they would be replaced on-site.

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

Development of the vacant site would create a new source of light from proposed on-site security and parking lot lighting, and also from light emitted from the exterior windows of the facility. This new lighting would not be inconsistent with residential development. That typically includes street lights and exterior lighting features. Any proposed building or parking lot lighting would be designed to minimize the overflow of light onto adjacent properties, where necessary. Compliance with the City's Outdoor Lighting Ordinance would ensure that impacts related to light and glare, resulting from future development of the site, are less than significant.

II. AGRICULTURE RESOURCES

Significance Criteria and Impact Analysis

In determining whether impacts to agricultural resources are a significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997)

prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. The effects of a project on agricultural resources are considered significant if the proposed project would:

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

The project site is designated as Other Land by the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program. The designation is applied to vacant and nonagricultural land surrounded by urban development. The project site is located within an urban and estate residential area of Escondido and zoned for residential estate development. The project site is not located within an existing zone for agricultural or forestry uses and there are no agricultural uses or forestry land on or adjacent to the site. The project site and surrounding area is not listed as prime Agricultural Lands in the General Plan Final EIR, which was prepared for the most recent General Plan revisions in 2000 (Escondido 2000). Therefore, the proposed project will not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, or result in the conversion of forest land to non-forest use. The project site does not contain any Williamson Act or other agricultural land contracts. Accordingly, no associated impacts to agricultural-related zoning or contract land would result.

III. AIR QUALITY

Significance Criteria and Impact Analysis

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

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

City of Escondido Significance Criteria:

Section 33-942 of the City's Zoning Code "Coordination of CEQA, Quality of Life Standards' and Growth Management provisions" provides quality-of-life emission thresholds related to air quality for projects proposed within the City of Escondido. If the project has the potential to produce emission that would exceed these screening thresholds, a more detailed analysis of potential air quality impacts is required to

evaluate the potential to impact the environment. However, simply exceeding these thresholds does not constitute a significant air impact. Significance of potential air-quality impacts is based on the additional project specific analysis. An Air Quality Impact Analysis (AQIA) was prepared for the project by Urban Crossroads to evaluate project-related construction and operational emissions. The Analysis concluded the project would not result in a significant air-quality impact resulting from construction or operational activities since none of the applicable City of Escondido thresholds are exceeded by the project. In addition, the project would not have any significant impact to sensitive receptors.

Construction Emissions

Anticipated daily construction emissions from heavy equipment or haul trucks are projected to be less than the City of Escondido and SDAPCD thresholds for all criteria. Because construction is a one time, temporary activity, operation of equipment during project construction is not anticipated to result in significant air-quality impacts and no mitigation is required. As a matter of standard practice, dust and emission control during grading operations would be implemented to reduce potential nuisance impacts and to ensure compliance with SDAPCD rules and regulations.

Odors - The project also does not contain land uses typically associated with emitting objectionable odors. Project-generated refuse would be stored in covered containers and removed at regular intervals by Escondido Disposal. Potential odor sources from construction related emissions would be limited to the construction period, during which emissions from construction equipment exhaust and the application of asphalt and architectural coating during construction activities could be temporarily evident in the immediate surrounding area. With regard to nuisance odors, any air-quality impacts would be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites away from the construction area, they would be diluted to well below any level of air quality concern. An occasional whiff of diesel exhaust from vehicles may result. The intermittent nature of these potential odors would cease upon completion of the respective phase of construction activity and is thus considered less than significant. Standard construction requirements (such as dust suppression and vehicle staging areas away from sensitive receptors) typically would minimize odor impacts resulting in construction activity. Objectionable odors are regulated by the San Diego Air Pollution Control District (APCD).

Applicable Air Quality Plan

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

Operations emissions come from area sources, including natural gas for space and water heating, and gasoline-powered landscaping and maintenance equipment, and from vehicle operations associated with the project. The proposed project would not significantly increase traffic volumes on local streets and intersections, as indicated in the Traffic/Transportation Section, and the proposed project would not result in a substantial increase in the number of vehicles operating in cold start mode or substantially increase the number of vehicles on local roadways. Therefore, the project would not cause an unacceptable

concentration of CO at any project-affected intersection. Since the project would not adversely impact area roadways and intersections, the proposed project would not violate any air-quality standard or contribute substantially to an existing or projected air quality violation and would have a less than significant impact on local and regional air quality. Any individual impacts attributed to the proposed project are small on a regional scale and will not cause ambient air-quality standards to be exceeded, nor contribute to any adverse cumulative impacts.

Consistency with the RAQS

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

IV. 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?*

Vegetation on the site generally consists of open field with a few mature trees and a mixture of native and non-native species such as bermuda grass, perennial mustard, ragweed (ambrosia seilostachya), one a solitary mulefat specimen, tumbleweed, and telegraph weed. The Department of Fish and Game

considers this non-native grassland and the project would be conditioned to purchase non-native grassland credits at a ratio of 0.5:1 for the final amount of area disturbed. A few Coastal Live Oak trees (*Quercus agrifolia*), two Jojoba bushes (*Simmondsia chinensis*) and California Black Walnut trees (*Juglans californica*) also are present on the site. Other trees and plants are non-native. The walnut trees occur within the northern area of the site and the oak trees generally occur towards the southern portions of the property. The property appears to be mowed/disc'd periodically for fire department brush maintenance purposes. The parcel is crossed from north to south by a relatively shallow drainage course of an intermittent surface drainage. The drainage course flows only occur during times of heavy rainfall as runoff from the residential properties to the northwest. This drainage is not identified on the USGS Maps as blue line. **The California Department of Fish and Game indicated they have jurisdiction over the drainage course and a Lake and Streambed Alteration notification would be required in accordance with Section 1600 of the Fish and Game Code.** The project site will be engineered to accept the upstream flows within open landscape features (bioswales and basins) in accordance with current local and regional storm water quality requirements. A previous biological study prepared for the project site indicated that site does not contain any wetland or riparian habitat, and the site contains no federally protected wetlands as defined by the USACE and Section 404 of the Clean Water Act. The Draft Escondido Subarea Plan of Multiple Habitat Conservation Program (City of Escondido 2001) does not identify the subject site for preservation or to contain any significant or protected habitat communities. Therefore, no conflicts with the provisions of the MHCP are expected. No raptor nests were observed within the area of development during recent site reconnaissance. No wildlife species of concern are known to existing or have been observed on the site. The site is developed on all sides and is surrounded by a variety of fencing. Therefore, the site does not provide a corridor for wildlife movement and is not located adjacent any other wildlife or open space areas. However, since the site might provide nesting habitat for migratory birds, the following measure is necessary to ensure compliance with the federal Migratory Bird Act:

Mitigation Measure Bio.:

- 1. To avoid any direct or indirect impacts to nesting birds, construction activities associated with the proposed project should not occur outside of the nesting/breeding season between February 1 and August 31 (January 1 for some raptors). If this is not possible, the applicant shall retain a qualified biologist to conduct a pre-construction survey nor more than three days prior to the initiation of project activities to determine the presence or absence of nesting birds on and within an approximately 300-foot buffer surrounding the construction area (500 feet for raptors). If active raptor or other migratory bird nests are detected, project activities within the affected area should be postpone or appropriate mitigation incorporated (i.e., appropriate buffers, fencing, monitoring schedules, etc.). A bio-monitor also should be present on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged. Any buffers 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 the survey. The survey and any recommendations/mitigation measures shall be submitted to the Planning Division, and to CDF&G upon request. Weekly monitoring reports shall be submitted to the city during any required onsite monitoring. If no nesting raptors or migratory birds are detected during the pre-grading survey, no mitigation is required.**

Mature Trees - The project site includes several mature trees, including some scattered live oaks and a California Black Walnut tree. Some of the oaks are proposed to be retained along with the walnut tree, to the extent feasible. The removal of any mature trees would require replaced at a minimum 1:1 ratio with specimen sized trees in conformance with the City's tree replacement requirements. Oak trees are considered protected trees in accordance with the City's Grading Ordinance, and the removal of any mature oak trees would require replacement at minimum 2:1 ratio with specimen-sized trees, which would

be incorporated into the landscape plan as a condition of project approval. Therefore, the loss of mature trees would be considered less than significant since they would be replaced on-site.

Ambrosia – A previous biological analysis of the site indicated the site contained Western Ragweed and appeared in the field to be *Ambrosia psilostachya*. However, the study also indicated that after possible examination during the flowering season, a botanical expert might conclude the plant species to be San Diego Ambrosia (*Ambrosia pumila*) which is a listed species as endangered by the US Fish and Wildlife Service (USFWS). Therefore, the following measures are required to mitigate any potential impacts to this species:

Mitigation Measure Bio.:

2. **The applicant/developer shall retain the service of a qualified plant biologist prior to the issuance of grading permits to conduct a survey of the site to determine whether San Diego Ambrosia is present. The survey shall be scheduled to occur during the peak flowering season of San Diego Ambrosia to facilitate the accurate identification of the Ambrosia Species. The results of the survey shall be submitted to the Escondido Planning Division. If San Diego Ambrosia is found to be present, the applicant/developer shall initiate Section 10 consultation with the USFWS. If the applicant/developer's biologist identify San Diego ambrosia within the project area, the findings of the study also shall be submitted to the California Department of Fish and Game (including a written description and map). Appropriate permits shall be obtained from CDF&G as may be required for the removal of San Diego Ambrosia. The applicant/developer shall submit evidence of the appropriate permits issued by the Agencies, as may be required, prior to the approval of grading plans and issuance of grading permits.**

V. 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 subject property is vacant land and is not improved with buildings or other structures. The property is adjoined by non-historic residences on the south and west within the County's jurisdiction, and by a church on the north and two fire stations on the east. City Fire Station No. 5 was constructed in 1999-2000 and the State Fire Station constructed in 2004-05. The adjacent church was constructed in 1998. Therefore, the project would not have any direct or indirect impact on any historic structures on or adjacent to the site. A Phase I Cultural Resource Survey was conducted by Applied Earth Works, Inc. on December 4, 2001 for the construction of the adjacent State Fire Station, which included this 4.31-acre site which originally was part of property owned by the State when the fire station was built. The study concluded that no cultural resource resources were located on the subject property. Record searches performed by the South Coast Information Center (SCIC) and the San Diego Museum of Man (SDM) also indicated that no historic or prehistoric sites had been previously recorded on the project parcel. Native

American sites are recorded – nearby to the south (Malcolm Rogers, San Diego Museum of Man). Previous grading activities associated with the adjacent church and two fire stations did not result in the existence of any buried archaeological resources. The City of Escondido General Plan EIR (1990) does not include the project site in areas identified as having potential paleontological resources. The site does not appear to contain any indicators of significant cultural resources or geologic features due to the past development. There are no structures over 50 years in age that would be impacted by this project. The potential for disturbing any human remains is low given the fact the proposed project site area immediately surrounding the site is not known for any significant archaeological sites. Therefore, implementation of the proposed project would not result in a significant impact to these resources and no mitigation measures are required. However, should on-site grading or construction activities uncover any potentially significant resources, then the proper protocols would be required to be followed to properly evaluate the nature and significance of the resources, including any necessary recovery and curating.

VI. GEOLOGY AND SOILS

Significance Criteria and Impact Analysis

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

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

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

Soils on the site appear to be a sandy clay with some organic material. The site is underlain by Cretaceous-aged tonalitic rock in various stages of decomposition. The soils varies from very hard fresh rock to decomposed granular, sand-like material with a low potential for expansion (Leighton & Associates, Inc., San Diego Project Report No. 4950030-001, June 1995). The site is generally flat with a slight topographic rise to the west of the property. The potential for ground failure and landslides on the site is considered very low due to the stable soil type and the flat-to-low-rising topography of the site. Significant soil erosion or loss of top soil would not occur. Landscaping is proposed and appropriate design and construction measures would be required to be incorporated into the development plans as

recommended by any subsequent geotechnical/soils reports that may be required at the building/grading permit stage. Standard industry practices include the use of appropriate foundation and footing designs, design and construction measures to accommodate projected seismic loading, implementation of properly engineered and non-expansive fill, and appropriate surface/subsurface drainage techniques. These and/or other appropriate measures would be implemented as part of any development permit and conformance with applicable regulatory/industry criteria such as the IBC/CBC, Greenbook and City Standards. Since the subject site and surrounding properties have been developed and situated on relatively level terrain, the project site is not considered to be susceptible to other potential geologic hazards such as landslides, tsunamis, or seiche.

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

Potential impacts related to liquefaction, lateral spreading, expansive soils and landslides are discussed in the section above. Any proposed grading, excavation, demolition and construction activities would increase the potential for erosion and sedimentation both within and downstream of the site relative to existing conditions. Erosion and sedimentation impacts would be addressed through conformance with the NPDES requirements. Based on implementation of appropriate erosion and sediment control BMPs as part of, and in conformance with any related NPDES/City storm water requirements, potential erosion and sedimentation impacts from a proposed project would be avoided or reduced below a significant level.

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

The project site currently is serviced by an existing wastewater/sewer pipeline system with the City of Escondido. No septic tanks or alternative wastewater disposal system would be utilized as part of any future development projects. The proposed grading design would include appropriate setbacks from any adjacent septic systems located to the west and south on county residentially developed properties.

VII. GREENHOUSE GAS EMISSIONS

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

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

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

A Greenhouse Gas Analysis was prepared for the proposed project by Urban Crossroads to evaluate project-related construction and operational emissions. The study indicated that total greenhouse emissions (GHG) from the proposed project are approximately 556.63 metric tons of carbon dioxide equivalents (MTCO₂e). Therefore, the proposed project would not exceed the most stringent available threshold of 900 MTCO₂e currently being considered by any lead agency. Impacts are determined to be less than significant and because the project estimates are conservative, the actual level of project contribution to GHG emissions most likely would be less than calculated.

Transportation-Related Emissions

Vehicular traffic associated with the project is relatively minor and the project's transportation-related emissions reductions would be achieved through implementation of state wide regulations on vehicle engine and fuel technologies, such as improved vehicle technologies and low carbon fuel standards as new vehicles come on line. Efforts to reduce transportation emissions by reducing vehicle miles traveled (VMT) on a regional level are anticipated to come from policies related to changes in future land use patterns and community design, as well as through improvements in public transportation. By reducing miles vehicles travel, vehicle emissions would be reduced. Because the project is not anticipated to increase local vehicle trip lengths sufficient enough to increase the average regional trip length, as defined in the California Air Resources Board (CARB) business-as-usual (BAU) 2020 Forecast used to develop the regulations to reduce vehicle GHG emissions, project related impacts on statewide vehicular GHGs would not be considered significant.

Project Related Emissions

An individual project such as this proposed care facility cannot generate enough greenhouse gas emissions to effect a discernible change in global climate. However, the project may participate in the potential for Global Climate Change by its incremental contribution of greenhouse gases combined with the cumulative increase of all other sources of greenhouse gases. The proposed development would generate emissions through the additional electricity use, natural gas consumption, water use, short-term construction activity, and solid waste disposal. The development project would be required to incorporate certain project design features (PDFs) to reduce water and/or energy use. The incorporation of necessary PDFs result in a reduction in BAU emissions that would be consistent with statewide goals. Future building energy efficiency to achieve BAU emission targets would be achieved through compliance with current Title 24 Energy Efficiency Standards. With the incorporation of the appropriate PDFs, the project's contribution to cumulative statewide GHG emissions would not be significant. 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. Additionally, the project would not result in a significant impact on GHG' with respect to CEQA Appendix G checklist questions and thus a less than significant impact is expected.

Conflict with Plans and Policies

With the implementation of appropriate project design features, the project would be consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. 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 has developed a draft Climate Action Plan (E-CAP) as part of the City's General Plan Update (2012). The plan addresses GHG emissions from communities (commercial, industrial, residential and other) and from City operations. Through the E-CAP, the City establishes goals and policies that incorporate environmental responsibility into its daily management of residential, commercial and industrial growth, education, energy and water use, air quality, transportation, waste reduction, economic development, and open space and natural habitats to further their commitment. The plan includes discussion on the local impacts of climate change, actions to be adopted by the City to achieve sustainable development goals, emissions baselines and forecasts and emissions reduction strategies. The City's Climate Action Plan includes the implementation of the GHG reduction strategies by conducting a baseline GHG emissions inventory and setting up a baseline year of 1990. Following the state's adopted AB 32 CHG reduction target, Escondido has set a goal to reduce emissions back to 1990 levels by the year 2020. The estimated community-wide emissions for the year 2020, based on population and housing growth projections associated with the assumptions used for the proposed General Plan Update are 992,583 MTCO_{2e}. In order to ready this reduction target, Escondido must offset this growth in emissions and reduce community-wide emissions to 788,176 MT CO_{2e} by the year 2020. The City of Escondido already has demonstrated its commitment to conserve energy and reduce emissions through a variety of programs and policies. Programs to reduce emissions include flexible employee work schedules, energy retrofits of City facilities, participation in the San Diego Association of Governments (SANDAG) Energy Roadmap Program, water conservation education efforts, and coordination with SANDAG and North County Transit District to expand transit systems. At the HARRF, the City already has installed California's first "green technology" that converts raw sewage gas into renewable natural gas, clean enough to use in homes and business. Various state policies have enacted programs that also will contribute to reduced GHG emissions in Escondido by year 2020. By supporting the state in the implementation of these measures, Escondido will experience substantial GHG emissions reductions. In order to reach the reduction target, Escondido also would implement the additional local reduction measures contained within the draft E-CAP. These measures encourage energy efficiency and renewable energy in buildings, transit oriented planning, water conservation, and increased waste diversion.

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?*

Due to the nature of the proposed use as a residential care facility, the project would not result in any associated impacts related to hazardous emissions or the handling of hazardous or acutely hazardous

materials, substances or wastes. The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (the Cortese List) indicating any open cases. Any development of the project site would be required to comply with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. The proposed range of uses that would take place within the proposed building is not anticipated to involve the routine transport, use, or disposal of hazardous materials. The proposed range of uses also would not involve the use or storage of hazardous materials that would result in a reasonably foreseeable upset or accident conditions. Both the Federal government and State of California require all business that handle more than a specified amount of hazardous or extremely hazardous materials to submit a business risk management plan with the City of Escondido and County of San Diego Department of Environmental Health. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Therefore, the project will not create a significant risk of upset or hazard to human health and safety.

The project site is located approximately 0.2 miles downstream of the Chatham Brothers Barrel Yard, a solvent recycling facility and drum storage yard operated for 35 years on a site approximately 0.2 miles northwest of the subject property at 2257 Bernardo Avenue. The facility ceased operations during the early 1980s. The San Diego Health Department and the California State Regional Water Quality Control Board (CSRWQCB) began investigation of the contamination at the site in 1982. The California EPA Department of Toxic Substances (DTSC) continued this investigation and included the Chatham site on the California Bond Expenditure Plan in 1985. According to subsurface investigation performed in the vicinity of the subject property (in connection with the nearby Chatham Brothers Barrel Yard) the depth and direction of groundwater in the vicinity of the subject property is inferred to be present at approximately 15 to 20 feet below ground surface (BGS) and flow towards the southeast. Since the site is not proposing any wells and would be connected to the Rincon del Diablo Municipal Water District system, not impacts with any groundwater is anticipated. The Department of Toxic Substance Control also did not indicate any potential issues with soil contamination on the site. However, during subsurface excavation or any trenching activities, appropriate precautions will need to be implemented to ensure worker safety, which would be a condition of project approval.

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

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

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

The project does not include activities or structures that would impair implementation of, or physically

interfere with, an emergency response plan. The proposed development is not expected to result in the need for additional emergency and fire facilities. Any future development of the site would be required to comply with all applicable Fire, Building, and Health and Safety Codes. The Police and Fire Department indicated the proposed project would not impact service levels.

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

The subject site is located within an urban area and surrounded by development on all sites. The project is not located within an identified Fire Hazard Area as indicated on Figure IV-1 of the 1990 General Plan Community Protection and Safety Element (City of Escondido 1990), or Figure 5,7.2 of the 2000 General Plan Update EIR (City of Escondido 2000). The site is located within a High Fire Severity Zone based on current Fire Department maps, but is not located adjacent to any designated wildlands and the Fire Department indicated that appropriate fire service can be provided to the site. Based on the described conditions, the proposed project would not result in a significant exposure of people or structures to wildland fires.

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?*
- k. Otherwise substantially degrade water quality?*

The project site generally drains from the northwest to the south as overland flow to existing public/private facilities. No changes to the overall drainage patterns and directions would occur as a result of the proposed project. Development of the previous graded and landscape area to support the building would result in a minor increase of impervious surfaces and associated runoff. Any potential project related impacts from the proposed future development would be avoided or reduced below a level of significance through conformance with existing NPDES, City storm water standards and storm water design requirements. Therefore, future project implementation would result in a less than significant impacts related to runoff rates/amounts, associated flooding, hydromodification, or the capacity of existing/planned storm drain systems.

Water service is proposed to be provided by the Rincon del Diablo Municipal Water District, and sewer service would be provided by the City of Escondido. The project would not withdraw groundwater or otherwise substantially interfere with long-term groundwater recharge or the groundwater table level. Therefore, the proposed project would not result in any significant impacts to hydrology or water quality; result in a significant increase in runoff from the site; or adversely impacts surface water beneficial uses, water quality objectives, or 303(d) impaired water listings.

Surface Water Quality

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

Under the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued in 1990 to the County of San Diego and to the City of Escondido, as one of the co-permittees, all development and significant redevelopment is required to implement structural and on-structural non-point source pollution control measures know 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) for certain projects. The implementation of this permit system requires that specific management practices be implemented at the time of construction. Detailed BMPs would be determined as part of the storm water review process based on site-specific parameters, as may be required by the Engineering Division. Therefore, potential impacts would be avoided or reduced below a level of significance through conformance with existing NPDES and related City storm water standards. If groundwater is extraction/disposal is required during construction, the applicant and/or contractor would be required to conform to applicable criteria of the associated NPDES Groundwater Permit.

Long-term Operational Impacts

A final project Water Quality Technical Report (WQTR) would be required to be submitted for development of the subject site that is a priority project based on applicable NPDES and City SUSMP criteria, including areas of disturbance and the proposed construction/operation of roadways, parking areas, and restaurant facilities. The WQTR also identifies anticipated pollutants of concern from project development/operation that could potentially impact downstream receiving waters. In accordance with requirements under the NPDES Municipal Permit and related City standards (e.g., the City SUSMP) future projects would be required to implement appropriate measures to address potential long-term water quality concerns and ensure regulatory conformance. Specifically, this would include the

designation of drainage management practices (DMAs) pursuant to the City SUSMP, and implementation of appropriate integrated management practices (IMPs) and low impact development (LID) source control and treatment control (or structural) BMPs. Therefore, with implementation of appropriate measures as part and in conformance with the project WQTR, the proposed project would conform with all applicable regulatory requirements related to long-term water quality concerns and associated impacts would be avoided or reduced below a level of significance.

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

No aquatic, wetland or riparian habitat or sensitive wildlife species or are known or reported within the proposed development area. As described in Section VII, Biological Resources, the proposed development would not affect any environmentally sensitive areas or aquatic/riparian/wetland habitats, with no associated impacts from future project development. Appropriate mitigation measures have been included for any potential impacts to Ambrosia. The project area is outside the City of Escondido Focused Planning Areas as indicated on the MHCP maps. No conflicts with the provisions of the MHCP are expected.

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

The project site/development area is located outside the 100-year flood zone with no associated mapped 100-year floodplains occurring locally in the SanGIS database or on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). Therefore, no structures would impede or redirect flood flows. The site is not located within a mapped dam inundation area associated with the upstream Lake Wohlford and Dixon Reservoir containment structures/reservoirs (City of Escondido 2000, 1990). The City of Escondido Public Works Department maintains Dixon Lake and Lake Wohlford Dam Emergency Action Plans. Dam Emergency Action Plans contain information concerning the physical situation, affected jurisdictions, evacuation routes, unique institutions and event responses. Based on the location of the proposed project approximately 12 miles inland, no significant impacts related to tsunamis would result. No significant impacts related to seiches and associated flood hazards are anticipated to occur given the distance from the existing Lake Wohlford and Dixon Reservoirs, and channelization of Reidy Creek. Surrounding properties are developed and landscaped, and therefore the site is not subject to any anticipated mudflows.

X. LAND USE AND PLANNING

The City of Escondido General Plan designates the site as Estate II and is zoned Residential Estate-20 (RE-20). The primary purpose of this land-use designation is to provide for single-family dwellings in an estate setting. Care facilities are allowed within the RE-20 zone provided a Conditional Use Permit is issued by the City.

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?

There is sufficient area on the site to accommodate the proposed use. Adequate public facilities are available and water and sewer service can be provided to the project with nominal extension of nearby existing facilities. The proposed project would not disrupt or divide the physical arrangement of the area since public access to the project site currently is provided to the subject property with sufficient capacity to accommodate the proposed project. The proposed project would not change the designations of the existing streets, alter street patterns or designs, or require the development of any new roads. Development of the project and proposed improvements would not adversely alter or impact the existing circulation pattern throughout the surrounding neighborhood, nor preclude the development of surrounding parcels. The project's construction also would not create any new land use barriers, or otherwise divide or disrupt the physical arrangement of the surrounding community. Further, the configuration of the areas' existing street network and sidewalks would not be affected by the project.

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

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

The project would not conflict with any local policies or ordinances protecting biological resources since the site is within an urbanized area and surrounded by development on all sides. There are no protected or sensitive habitat or species known to be located on or adjacent to the site. Appropriate mitigation measures have been included should any sensitive habitat occur on the site or would be impacted by the project. The proposed project area is not designated on the City's Draft Multiple Habitat Conservation Plan (MHCP) Focus Planning Area or any other conservation planning area. Therefore, no detrimental land-use policy impacts would be produced by the proposed project.

XI. MINERAL RESOURCES

Significance Criteria and Impact Analysis

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

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

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

The subject site is not known to contain any known mineral deposits of value. Specifically, the General Plan designates the subject site for residential uses, but does not identify any related land uses or zoning categories associated with mineral extraction or processing. Therefore, the proposed project would not result in the loss of known valuable resources or change the existing availability of such mineral resources that would be of value to the region and residents of the state. No known locally important mineral resource recovery sites delineated on a local general plan, specific plan or other land-use plan are present within the project site or surrounding area.

XII. 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?*

The subject site is vacant and surrounded by single-family residential on the south and west, two fire stations on the east, and a church on the north. Residential uses and care facilities are considered sensitive to noise. The subject area is located within a projected Noise Contour of 60 CNEL or greater on the City's Noise Contour Map (General Plan Noise Contour Map, Figures 5.4-12 April 2000). The City's General Plan Noise Element contains policies which outline acceptable noise levels associated with each type of land use. A Noise Impact Analysis was prepared for the project by Urban Crossroads to evaluate the future on-site exterior noise environment and short-term construction noise level impacts. It is expected the primary source of noise impacts to the project site would be traffic noise from Interstate 15 and Felicita Road. Projected noise levels at the exterior building facades are modeled to range from 59.2 to 63.7 dBA CNEL. General Plan Policy E1.2 identifies the goal for outdoor noise levels in residential areas of 60 dBA CNEL or less. However, noise policy E1.2 recognizes that this goal may not necessarily be achievable...and should be applied where outdoor use is a major consideration such as the backyards and outdoor recreation areas.

The proposed project includes three noise sensitive outdoor recreation areas. However, two of these recreation areas will be fully surrounded by the building structure itself and will not be exposed to exterior noise levels exceeding 60 DBA CNEL. The only noise sensitive outdoor recreation area that will be exposed to unmitigated exterior noise levels of up to 63.7 dBA CNEL is located on the northern exterior building facade. The proposed six-foot-high perimeter sound wall around this recreation area would provide the additional noise reduction of approximately 5 dBA CNEL to conform to City of Escondido noise policies.

Interior Noise – The interior noise level reduction provided by the planned exterior wall and window assemblies are estimated to range from 28.4 to 31.6 dBA. To reduce expected traffic noise impact to conform to the 45 dBA CNEL interior noise standard, the project would be required to provide the required mitigation measures:

Mitigation Measures Noise.:

- 1. Provide standard windows with a STC rating of 26 or higher for all exterior windows. This shall be identified on the building plans.**
- 2. Provide a windows closed condition requiring a means of mechanical ventilation (e.g. air conditioning with appropriate air circulation incorporated into the ventilation system) for the building. The appropriate system shall be included with the building plans.**
- 3. All window and door assemblies used throughout the project shall be free of cut outs and**

openings and shall be well fitted and well weather stripped. This shall be noted on the building plans.

4. Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 x 4 studs or greater, 16" o.c. with R-13 insulation, a minimum 7/8" exterior surface of cement plaster and a minimum interior surface of 1/2" gypsum board.
5. Provide roof/ceiling system utilizing minimum 1/2" plywood sheathing that is well sealed to form a continuous barrier with minimum R-19 batt insulation in the joist cavities.

Operational Noise

The proposed project involves a residential care facility and by their nature and operational characteristics are relatively quiet land uses. Peak traffic volumes generally are light and the traffic is spread out throughout the day. Very few trips are anticipated during the evening and early morning hours. Use of the new building space would incrementally increase noise levels within the immediate area, but is not anticipated to result in any adverse noise impacts to surrounding uses. Noise from operation of the proposed building would result from employee use of the outdoor spaces, operation of heating, ventilation and air conditioning, and vehicle traffic within the parking lot. Mechanical equipment is proposed to be located on the roof of the facility behind parapet walls or within equipment wells. Appropriate setbacks and buffer areas from the adjacent residences to the north and west would be provided (approx. 100 foot setback from P/L). Loading and service areas for the project have been located towards the northern portion of the site away from any sensitive receptors located to the west. Due to the nature of the project, heavy-duty truck circulation and unloading is not anticipated. Escondido Disposal Trash Truck will occasionally access the site for solid waste disposal. Based on studies of parking lot activities and due to the relatively low number of spaces and parking lot events that would occur within a one-hour period, parking lot activities are not anticipated to create any significant impacts to adjacent residences and would not exceed maximum noise levels at the property boundaries.

Construction Noise

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. Noise levels within and adjacent to the specific construction sites would increase during the construction period, a peak noise levels would occur as heavy equipment occasionally pass by in close proximity to residential properties to the west and south. However, construction activities are not projected to exceed the limits established for construction activities. Construction would not cause long-term impacts since it would be temporary and daily construction activities would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. Upon completion of 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. Per City regulations, construction equipment can only be operated from 7:00 AM to 6:00 PM, Monday through Friday, and on Saturday from 9:00 AM to 5:00 PM. Construction equipment cannot be operated on Sundays or holidays. Operation of any construction equipment during non-allowable hours is permitted only by a variance from the City Manager.

- 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.

XIII. 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 increase due to the residential nature of the project. However, the increase would not be considered significant and the proposed facility would not adversely alter the location, distribution or population density within the area, nor would it adversely impact the City's housing demand. The project also would not result in the removal of any existing housing units. The project would not be considered growth inducing since the surrounding area already is developed, and adequate public facilities are available within the area to serve the project.

XIV. PUBLIC SERVICES

Significance Criteria and Impact Analysis

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

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

The City Fire Department has indicated their ability to adequately serve the proposed site with respect to day-to-day fire suppression and EMS facilities/services. The area currently is served by Fire Station No. 5, which is located on the adjacent parcel to the east along Felicita Avenue. Appropriate on-site/building improvements would be incorporated into the design of the building to conform to Fire and Building codes. Therefore, less than a significant impact would occur.

- ii. *Police protection*

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

iii. Schools

The City of Escondido is served by the EUSD (grades K-8) and the EUHSD (grades 9-12). Due to the nature of the project, the proposal would not result in any significant additional demand for school facilities/system.

iv. Parks

The proposed project would not result in a need to provide additional park or open space amenities since the project would not significantly increase population within the surrounding area. The project is not anticipated to increase the use of existing neighborhood or regional parks or other recreation facility that would cause a substantial physical deterioration. The proposal will not impact the quality or quantity of existing recreational opportunities. On-site recreational amenities are proposed to be provided to serve the resident's needs, Therefore, no significant impact to recreational resources would occur as a result of the proposed project.

v. Libraries

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

vi. Gas/Electric

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

XV. TRANSPORTATION/TRAFFIC

Significance Criteria and Impact Analysis

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

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measure, or other standards established by the county congestion management agency for designated roads or highways
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e. *Result in inadequate emergency access?*
- f. *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Significant Determination – To determine the project impacts to roadway segments and intersections, the City of Escondido has developed thresholds based on allowable increases in delay at intersections and volume to capacity ratios (v/c Ratio) for roadway segments. At intersections, the measurement of effectiveness (MOE) is based on allowable increases in delay. At roadway segments, the MOE is based on allowable increases in the volume-to-capacity (v/c) ratio. At intersections that are expected to operate at LOS E or F with the project, the allowable increase in delay is two seconds. If vehicle trips from a project cause the delay at an intersection to increase by more than two seconds, this would be considered a significant project impact that requires mitigation. Under this condition, the applicant would be responsible for mitigation to restore the operations of the intersection to LOS D or better. If an existing intersection is at LOS E or F, the intersection would be considered an existing deficiency and the applicant would be responsible for making a fair-share contribution toward intersection improvements to achieve a LOS D or better. A fair-share contribution is based on the project's proportionate traffic contribution to the overall traffic volumes entering an intersection. For roadway segments that are forecasted to operate at LOS MID D or worse and the increase in v/c ratio exceeds 2% this would be considered a significant project impact that requires mitigation. The City's Quality of Life standards set out under the City of Escondido General Plan indicates that any project that adds 200 ADT or more to a roadway segment that operates at a level of service of mid-D, E or F is considered a significant impact.

Existing Conditions – Access to the site is provided by Monticello Drive, which is a non-circulation element public street. Vehicle trips along this street segment generally are limited to the operation of the City of Escondido Fire Station No. 5 and the Cal Fire Station, and average daily trips are minimal. This street provides on-street parking on both sides and intersects Felicita Road on the east. Felicita Road is classified as a Collector Road (84' R-O-W) on the City's Circulation Element, but currently is developed and operates as a two-lane collector roadway with 5,600 ADT (LOS B) from Monticello Drive to Gamble Lane/Citracado Parkway. Felicita Road north of Gamble Lane/Citracado Parkway carries approximately 12,370 ADT with an LOS Mid-D. The buildout capacity of a Collector street with restricted on-street parking is 27,400 ADT at LOS "C" and 34,200 ADT at LOS "E." Gamble Lane from I-15 SB off-ramp to Felicita Road operates as a 3-lane Collector/Major Road with 11,160 ADT at LOS "B." Citracado Parkway east of Felicita Road operates as a 3- and 4-lane Collector/Major Road and operates at LOS "C" or better based on existing traffic volumes. The intersection of Felicita Road and Gamble Lane/Citracado Parkway is signalized. All study area intersections are calculated to currently operate at LOS C or better with the exception of I-15 SB off-ramp/Gamble Lane intersection, which is calculated currently to operate at LOS "D" in the PM peak hour.

City Fire Station No. 5 – This City Fire Station operates on a 24-hour/7-day basis and houses one fire engine and one brush engine. The facility responds to an average of 2.12 calls for service per day, which does not create a significant impact to traffic levels within the area.

Cal Fire Station – The Cal Fire Station has three fire safety staff on a 24-hour/7-day basis during the 8-month peak fire season and only one-person staffing on a 9-hour/5-day basis during the off-peak season (December 15 – April 15). There generally are a maximum of eight fire suppression personnel housed during a major forest fire emergency, which does not create a significant impact to traffic levels within the area.

Project Traffic – A Traffic Impact Analysis was prepared for the proposed project by Linscott Law and Greenspan to evaluate the potential impact of the project on the circulation system. The study analyzes a project a project up to 101 units to be conservative. **The proposed facility contains 85 units that would accommodate up to 125 clients.** Based on SANDAG vehicle traffic generation rates for the San Diego region, a proposed congregate care facility would generate up to 253 ADT (2.5 trips per unit) with 10 trips (6 inbound and 4 outbound) during the AM peak hour and 20 trips (10 inbound and 109 outbound) during the PM peak hour. The Engineering Division indicated the additional trips are not anticipated to result in any adverse impacts to the adjacent street segments or intersections since the streets would continue to operate a Level-of-Service “C” or better, which is consistent with the General Plan Circulation Element Goal, or the project would not add more than 200 trips onto a street segment that operates at LOS Mid-D. In addition, the relatively low amount of peak-hour trips would not adversely impact the levels of service on the areas intersections since the trips would not result in a delay of more than 2 seconds at any intersections that might operate at unacceptable levels. Therefore, no significant project impacts were identified and no mitigation measures are necessary for any direct or cumulative impacts.

Construction Traffic – Temporary traffic impacts would occur during site preparation/grading and construction activities. A moderate amount of grading is anticipated to prepare the site and equipment used for grading and excavation generally would remain on site and would not contribute to a substantial increase in traffic. Additional traffic would be associated with haul truck trips associated with the anticipated export of material, construction employee trips to and from the site, equipment delivery and removal, and other related activities. Each construction phase would have its own traffic intensity and duration. Approximately 7,500 cubic yards of export is anticipated as part of the grading operations. This equates to approximately 535 truckloads or 1,070 truck trips (one in and one out) during the rough grading operations. Potential impacts from hauling and construction operations would be avoided by requiring the project to coordinate and implement safety/traffic control measures with the City that minimize potential conflicts. In addition, construction traffic typically occurs during the off-peak hours. All traffic control measures would be implemented at the specific project level prior to the onset of construction activities. Therefore, impacts to LOS during temporary construction would be less than significant.

Design Features/Hazards/Emergency Access – The project does not include any design features or incompatible uses that would substantially increase hazards. The project location does not pose special hazards related to limited visibility or dangerous intersections. Appropriate access to the site would be provided by Monticello Drive. The proposed care facility would operate adjacent to two safely-operating fire stations. The project would be required to provide adequate fire lanes and turnaround areas for emergency vehicles as part of the project design.

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

Adopted Plans/Policies – The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. Bus service is not provided in the vicinity of the site. There currently are bike lanes within Felicita Avenue. The project would not impact existing or planned bicycle lanes. The project and any future phases would not result in inadequate emergency access, as determined by the Fire Department who would review any future development plans to ensure emergency service access is maintained.

Congestion Management – None of the adjacent streets is designated as a Congestion Management Program (CMP) Arterial.

would be appropriate for the proposed use and in conformance with the City of Escondido parking requirements. On-street parking along Monticello Drive also is not restricted.

XVI. UTILITIES AND SERVICE SYSTEMS

Significance Criteria and Impact Analysis

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

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

Solid Waste – Escondido Disposal, Inc. (EDI) currently provides solid waste removal service for the Escondido area. EDI also operates a solid waste transfer station at their Washington Avenue site where solid waste is consolidated into larger transfer trucks and taken to a class III landfill for disposal. Solid waste pick-up will be available for the site and any future development by EDI. The project would be required to incorporate appropriate trash enclosures and recycling bins into the trash facilities, which would minimize its contribution to landfill capacity in the region and less than significant impacts would occur since adequate capacity exists.

Sewer Service – Sewer service to the site would be provided by the City of Escondido wastewater facilities. Sewer service could be provided by the extension of mains within the adjoining street system or easements. Wastewater lines that would serve the site tie into the nearby Escondido pump station adjacent to the City Fire Station No. 5. The City's Utilities Division indicated the Hale Avenue Resource Recovery Facility (HARRF) has the capacity to handle the demand for service generated by future development of the Administration Building. The project also complies with established General Plan Quality-of-Life Standards for Sewer Service. The anticipated increase is would be relatively small and would have an insignificant impact to the existing facilities. The project also complies with established General Plan Quality-of-Life Standards for Sewer Service.

Water Service – The subject site is within the water service area of the Rincon del Diablo Municipal Water District (RDDMWD). The applicant will need to coordinate with the District to provide water service to the site and a will serve letter would be required prior to the issuance of development permits. **There is an existing twelve-inch RDDMWD line located near the intersection of Felicita Road and Hamilton Lane. The water line would need to be extended approximately 640 feet to the property in order to provide water service and the necessary fire flow to the site. There also is an existing eight-inch line located within Monticello Road. There is an existing eight-inch RDDMWD main located within Felicita Avenue east of the project site.**

Drainage Facilities – See analysis contained within Hydrology-Water Section No. IX.

SUMMARY OF MITIGATION MEASURES

Mitigation Measure Bio.:

1. To avoid any direct or indirect impacts to nesting birds, construction activities associated with the proposed project should not occur outside of the nesting/breeding season between February 1 and August 31 (January 1 for some raptors). If this is not possible, the applicant shall retain a qualified biologist to conduct a pre-construction survey no more than three days prior to the initiation of project activities to determine the presence or absence of nesting birds on and within an approximately 300-foot buffer surrounding the construction area (500 feet for raptors). If active raptor or other migratory bird nests are detected, project activities within the affected area should be postponed or appropriate mitigation incorporated (i.e., appropriate buffers, fencing, monitoring schedules, etc.). A bio-monitor also should be present on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged. Any buffers 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 the survey. The survey and any recommendations/mitigation measures shall be submitted to the Planning Division, and to CDF&G upon request. Weekly monitoring reports shall be submitted to the city during any required onsite monitoring. If no nesting raptors or migratory birds are detected during the pre-grading survey, no mitigation is required.
2. The applicant/developer shall retain the service of a qualified plant biologist prior to the issuance of grading permits to conduct a survey of the site to determine whether San Diego Ambrosia is present. The survey shall be scheduled to occur during the peak flowering season of San Diego Ambrosia to facilitate the accurate identification of the Ambrosia Species. The results of the survey shall be submitted to the Escondido Planning Division. If San Diego Ambrosia is found to be present, the applicant/developer shall initiate Section 10 consultation with the USFWS. If the applicant/developer's biologist identifies San Diego Ambrosia within the project area, the findings of the study also shall be submitted to the California Department of Fish and Game (including a written description and map). Appropriate permits shall be obtained from CDF&G as may be required for the removal of San Diego Ambrosia. The applicant/developer shall submit evidence of the appropriate permits issued by the Agencies, as may be required, prior to the approval of grading plans and issuance of grading permits.

Mitigation Measures Noise.:

1. Provide standard windows with a STC rating of 26 or higher for all exterior windows. This shall be identified on the building plans.
2. Provide a windows closed condition requiring a means of mechanical ventilation (e.g. air conditioning with appropriate air circulation incorporated into the ventilation system) for the building. The appropriate system shall be included with the building plans.
3. All window and door assemblies used throughout the project shall be free of cut outs and openings and shall be well fitted and well weather stripped. This shall be noted on the building plans.

- 4. Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 x 4 studs or greater, 16" o.c. with R-13 insulation, a minimum 7/8" exterior surface of cement plaster and a minimum interior surface of 1/2" gypsum board.**
- 5. Provide roof/ceiling system utilizing minimum 1/2" plywood sheathing that is well sealed to form a continuous barrier with minimum R-19 batt insulation in the joist cavities.**

MANDATORY FINDINGS OF SIGNIFICANCE

The project is not expected to have any significant impacts, either long-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. The project will not degrade the quality of the environment for plant or animal communities since the project will not cause fish and wildlife populations to drop below self-sustaining levels nor reduce the number or restrict the range of endangered plants or animals. The project will not materially degrade levels of service of the adjacent streets, intersection or utilities, nor have a significant impact on the City's Quality of Life Standards. Therefore, in staff's opinion, the proposed project would not have a significant individual or cumulative impact to the environment with the implementation of established mitigation measures.

Materials Use in Preparation of this Analysis

Escondido General Plan and Environmental Impact Report (Escondido 1990)

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

Escondido Zoning Code and Land Use Maps

SANDAG Summary of Trip Generation Rates

Escondido Historic Sites Survey

City of Escondido

Public Works Department	Engineering Division
Traffic Division	Building Division
Fire Department	Police Department
Planning Division	City Managers' Office

Discussion with Mr. Joe Cully, Hazardous Substances Scientist, Cleanup Operations Division
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF TOXIC SUBSTANCES
AND CONTROL (DTSC), April 26, 2012

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

Draft MHCP maps (Multiple Habitat Conservation Program)

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

Phase I Environmental Site Assessment Report prepared by Partners Engineering and Science, Inc. 2011.

Phase 1 Environmental Site Assessment and Phase II limited Groundwater Assessment Report prepared by SECOR, June 19, 1997.

Review of Remedy Complete, Fact Sheet for Chatham Site, November 2005, DTSC

Escondido Drainage Master Plan (1995).

Escondido Water Master Plan (2000)

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

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

California Department of Conservation (CDC) 2008 Farmland Mapping and Monitoring Program (FMMP)

1990 and 2000 General Plan Noise Contour Exhibits

Traffic Impact Analysis prepared by Linscott Law and Greenspan, November 29, 2011.

The California Air Pollution Control Officers Association (CAPCOA) guide to addressing greenhouse gas

(GHG) emissions from projects subject to the California Environmental Quality Act (CEQA) 2008.

City of Escondido Draft Climate Action Plan (Jan. 2012)

Draft Environmental Impact Report (EIR) for the Escondido General Plan Update and Climate Action Plan (Jan. 2012).

Initial Study-Negative Declaration adopted for the San Marcos Forest Fire Station Relocation Project, February 2002.

Noise Impact Analysis prepared by Urban Crossroads, April 18, 2012 (revised)

Environmental Noise Assessment prepared by Illingworth and Rodkin, Sept. 2007. Specifically parking lot activities for a Lowe's Store.

Attachment "A" MITIGATION MONITORING REPORT

PROJECT NAME: Monticello Assisted Living
PROJECT DESCRIPTION: 125 Bed Residential Care Facility (approx. Conditional Use Permit)
PROJECT LOCATION: 2323 Felicita Road (APN 238-101-38)
 (Note: address will change with issuance of building permits)
CONTACT PERSON: Matthew Parks (Torrey Pines Development)
PHONE NUMBER: (858) 335-1817 or 858-227-9209

NEG. NEC. NO. N/A
ASSOC. CASE NO.: PHG 11-0033
APPROVAL BODY/DATE: Planning Commission
PROJECT MANAGER: Jay Paul, Assoc. Planner
 (760) 839-4537

Phase at which the Mitigation Measures are to be Implemented

Prior to Grading Permit and/or Building Permit Issuance

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
Biology: Avoid impacts to nesting birds	1. To avoid any direct or indirect impacts to nesting birds, construction activities associated with the proposed project should not occur outside of the nesting/breeding season between February 1 and August 31 (January 1 for some raptors). If this is not possible, the applicant shall retain a qualified biologist to conduct a pre-construction survey not more than three days prior to the initiation of project activities to determine the presence or absence of nesting birds on and within an approximately 300-foot buffer surrounding the construction area (500 feet for raptors). If active raptor or other migratory bird nests are detected, project activities within the affected area should be postpone or appropriate mitigation incorporated (i.e., appropriate buffers, fencing, monitoring schedules, etc.). A bio-monitor also should be present on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged. Any buffers 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 the survey. The survey and any recommendations/mitigation measures shall be submitted to the Planning Division, and to CDF&G upon request. Weekly monitoring reports shall be submitted to the city during any required onsite monitoring. If no nesting raptors or migratory birds are detected during the pre-grading survey, no mitigation is required.	IV. Biological Resources	Project Applicant Planning Division Field Engineering		

<p>Avoid Impacts to Ambrosia</p>	<p>2. The applicant/developer shall retain the service of a qualified plant biologist prior to the issuance of grading permits to conduct a survey of the site to determine whether San Diego Ambrosia is present. The survey shall be scheduled to occur during the peak flowering season of San Diego Ambrosia to facilitate the accurate identification of the Ambrosia Species. The results of the survey shall be submitted to the Escondido Planning Division. If San Diego Ambrosia is found to be present, the applicant/developer shall initiate Section 10 consultation with the USFWS. If the applicant/developer's biologist identify San Diego Ambrosia within the project area, the findings of the study also shall be submitted to the California Department of Fish and Game (including a written description and map). Appropriate permits shall be obtained from CDF&G as may be required for the removal of San Diego Ambrosia. The applicant/developer shall submit evidence of the appropriate permits issued by the Agencies, as may be required, prior to the approval of grading plans and issuance of grading permits.</p>	<p>IV Biological Resources</p>	<p>Project Applicant Planning Division</p>	
<p>Noise: Avoid Noise Impacts from Interstate 15 and adjacent roadways</p>	<ol style="list-style-type: none"> 1. Provide standard windows with a STC rating of 26 or higher for all exterior windows. This shall be identified on the building plans. 2. Provide a windows closed condition requiring a means of mechanical ventilation (e.g. air conditioning with appropriate air circulation incorporated into the ventilation system) for the building. The appropriate system shall be included with the building plans. 3. All window and door assemblies used throughout the project shall be free of cut outs and openings and shall be well fitted and well weather stripped. This shall be noted on the building plans. 4. Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 x 4 studs or greater, 16" o.c. with R-13 insulation, a minimum 7/8" exterior surface of cement plaster and a minimum interior surface of 1/2" gypsum board. 5. Provide roof/ceiling system utilizing minimum 1/2" plywood sheathing that is well sealed to form a continuous barrier with minimum R-19 batt insulation in the joist cavities. 	<p>XII. Noise</p>	<p>Project Applicant Planning Division Building Division</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>		

RESOLUTION NO. 2012-144

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AN APPEAL OF A PLANNING
COMMISSION DECISION TO DENY A
CONDITIONAL USE PERMIT FOR A
RESIDENTIAL-CARE FACILITY

Applicant: Torrey Pines Development
Planning Case No. PHG 11-0033

WHEREAS, pursuant to Article 61 of the Escondido Zoning Code, the Planning Commission did, on July 24, 2012, consider, and by Resolution No. 5965, deny an application for a Conditional Use Permit to construct a two-story, approximately 75,913 SF residential-care facility (Monticello Assisted Living) on a vacant 4.31-acre parcel of residentially-zoned land. The project site is located west of Felicita Road, south of Citracado Parkway, north of Hamilton Lane, addressed as 2323 Felicita Road (APN 238-101-38); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration was issued for the proposed project on May 9, 2011. The City Council has determined the project would not have any significant impacts to the environment since all project related impacts have been mitigated; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code and applicable State law, and that a public hearing was held regarding the appeal and that all persons desiring to speak did so; and

WHEREAS, this City Council has reviewed and considered the proposed Conditional Use Permit and Appeal of the Planning Commission decision, the staff

report(s), a copy of which are on file in the Planning Department, and recommendations of the Planning Commission and appropriate agencies, and public testimony presented at the Council hearing; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Appeal of the Planning Commission decision and approve the Conditional Use Permit, adopt the Mitigated Negative Declaration and Mitigation Monitoring Report.

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 Findings of Fact, attached as Exhibit "A" and incorporated by this reference, were made by said Council.
3. That upon consideration of the Findings, all material in the staff report(s) public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council approves said appeal of the Planning Commission decision, and approves said Conditional Use Permit and adopts the Mitigated Negative Declaration, as reflected on plans and documents on file in the offices of the City Clerk and Planning Division, and subject to Conditions of Approval set forth as Exhibit "B" and incorporated by this reference.

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

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

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

EXHIBIT "A"
FINDINGS OF FACT
PHG11-0033

Conditional Use Permit Appeal

1. Granting this Conditional Use Permit for the proposed residential-care facility is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located since the proposed use would not create any adverse traffic or noise impacts to surrounding properties, as indicated in the staff report and environmental document prepared for the project. The loading and service areas have been oriented away from adjacent residential properties. Noise attenuation and screening walls would be provided for specific outdoor recreation areas. Outdoor lighting would be designed in accordance with the City's outdoor lighting requirements, which would minimize potential glare and spillover to adjacent properties. Appropriate setbacks and landscape buffer areas would be provided, especially from residential properties. Appropriate access, on-site circulation and parking would be provided. The project will not diminish the Quality-of-Life Standards of the General Plan as the project would not degrade the levels of service on adjacent street and intersections, and adequate public facilities would be provided (as discussed in the staff report prepared for the project).
2. The proposed CUP for a residential care facility on the subject site is consistent with the goals and policies of the General Plan since residential-care facilities are conditionally permitted within residential zones, and have been located throughout Escondido in various residential zones. General Plan goals and policies allow for the construction of compatible non-residential and residential type uses provided effective measures are integrated into the design to adequately mitigate potential impacts to the neighborhood. As described in the section above and in the Planning Commission staff report and Mitigated Negative Declaration, the proposed project would not create any special problems or create a nuisance or cause deterioration of bordering land uses. The proposed new buildings would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities, and adequate public facilities would be provided (as discussed in the staff report prepared for the project). Any potential impacts to biological resources have been mitigated to less than a significant level. The project has been designed and sited to minimize any potential impacts to visual resources and viewshed corridors. The proposed project has been designed to provide housing needs for older adults, while preserving the integrity of the neighborhood character, which contains a variety of residential, non-residential and public uses/buildings.
3. This proposal is in response to services required by the community since residential-care facilities provide housing and services for the community and their specific client needs.
4. In accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration was issued for the project (in draft form) for 30-day public review on May 9, 2012. The Initial Study indicated the proposed project may result in potential significant impacts to Biological Resources and Noise. The Mitigated Negative Declaration contains appropriate mitigation measures to reduce identified impacts to less than a significant level. Staff feels the environmental document adequately addresses all project impacts. A copy of the Initial Study and Supplemental Comments is attached with this report. Staff received comments from the California Department of Fish and Game (CDF&G), Department of Toxic Substance Control (DTSC) and Native American Heritage Commission, which have been included in the Planning Commission staff report for consideration. Several comments/recommendations related to biological resources, permitting and hazardous materials have been incorporated into the project conditions. The Final Mitigated Negative Declaration attached with this report incorporates any additional language in order to clarify certain issues and/or to respond to relevant comments received during the public review process from various City Departments, outside agencies and the public. Some of the mitigation measures related to biological resources were modified to incorporate CDF&G comments. However, these modifications do not significantly alter the initial mitigation measures.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 11-0033

General

1. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Department, Building Division, and Fire Department.
2. All uses, hours of operation, and activities shall be substantially consistent with the Details of Request and conditions of approval contained within this report.
3. Appropriate fire access and ADA compliant paths of travel shall be provided from the public way, parking areas and to all accessible areas of the lower floor and outdoor spaces, as may be required by the Fire Department and Building Division.
4. A minimum of 42 striped parking spaces shall be provided in conjunction with this development. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
5. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Planning Division. A final color palate shall be submitted with the building plans for final approval by the Planning Division prior to issuance of building permits for the facility.
6. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
7. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
8. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
9. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75). A lighting plan shall be submitted with the building plans demonstrating conformance with the Outdoor Lighting requirements. Details of the outdoor lights (including, design, height, color, output-lumens, etc.) and any necessary shielding shall be included with the building plans.
10. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.

11. This CUP shall become null and void unless utilized within twenty-four months (2 years) of the effective date of approval.
12. There shall be no outdoor loud speaker system, horns or whistles used in conjunction with the subject building.
13. The subject site shall be designed to conform to current regional storm water requirements to the satisfaction of the Engineering Department.
14. All retaining walls and screen walls shall be constructed of decorative materials and include a decorative cap and pilaster where appropriate to break up any long expanse of walls. Any proposed chain-link fencing shall be black clad vinyl coated. The location and design of any walls and fencing shall be noted on the building plans and the final landscape plans.
15. Prior to the issuance of grading plans, a soils test shall be performed to test the site for any known contaminants. Appropriate sampling also is required prior to the disposal of an excavated soil. If the soil is contaminated, it shall be properly disposed in accordance with appropriate Federal, State and local requirements. A copy of the soils analysis shall be submitted to the City with findings and any recommendations.
16. If during construction/grading, soils and/or groundwater contamination is suspected, construction/grading in the area should cease and appropriate health and safety procedures shall be implemented. Appropriate remediation shall be required in accordance with appropriate Federal, State and local requirements. Prior to grading, the applicant shall submit a safety plan/protocol to the Planning Division regarding potential interaction and working safety due to any contaminated groundwater.
17. The applicant shall submit evidence of a Section 1600 notification to the California Department of Fish and Game. Prior to grading and issuance of building permits, the final determination from the CDF&G shall be submitted to the Planning Division. Any required measures/conditions shall be implemented as required by the Department.
18. Prior to the issuance of grading and building plans, impacts to non-native grassland at a min. ration of 0.5:1 shall be provided with the purchase of non-native grassland credits from an approved preserve for the final area of grassland disturbed on the site. A final calculation of the impacted non-native grassland area shall be submitted prior to the issuance of grading permits.
19. Mitigation Measures Noise - In order to reduce expected traffic noise impact to conform to the 45 dBA CNEL interior noise standard the following measures, as recommended in the Noise Impact Analysis prepared by Urban Crossroads, April 18, 2012 (revised) shall be incorporated into the design of the project and clearly identified in the building plans:
 - a. Provide standard windows with a STC rating of 26 or higher for all exterior windows. This shall be identified on the building plans.
 - b. Provide a windows closed condition requiring a means of mechanical ventilation (e.g. air conditioning with appropriate air circulation incorporated into the ventilation system) for the building. The appropriate system shall be included with the building plans.
 - c. All window and door assemblies used throughout the project shall be free of cut outs and openings and shall be well fitted and well weather stripped. This shall be noted on the building plans.

- d. Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 x 4 studs or greater, 16" o.c. with R-13 insulation, a minimum 7/8" exterior surface of cement plaster and a minimum interior surface of 1/2" gypsum board.
 - e. Provide roof/ceiling system utilizing minimum 1/2" plywood sheathing that is well sealed to form a continuous barrier with minimum R-19 batt insulation in the joist cavities.
20. Mitigation Measure Biology – To avoid any direct or indirect impacts to nesting birds, construction activities associated with the proposed project should not occur outside of the nesting/breeding season between February 1 and August 31 (January 1 for some raptors). If this is not possible, the applicant shall retain a qualified biologist to conduct a pre-construction survey nor more than three days prior to the initiation of project activities to determine the presence or absence of nesting birds on and within an approximately 300-foot buffer surrounding the construction area (500 feet for raptors). If active raptor or other migratory bird nests are detected, project activities within the affected area should be postpone or appropriate mitigation incorporated (i.e., appropriate buffers, fencing, monitoring schedules, etc.). A bio-monitor also should be present on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged. Any buffers 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 the survey. The survey and any recommendations/mitigation measures shall be submitted to the Planning Division, and to CDF&G upon request. Weekly monitoring reports shall be submitted to the city during any required onsite monitoring. If no nesting raptors or migratory birds are detected during the pre-grading survey, no mitigation is required.
21. Mitigation Measure Biology - The applicant/developer shall retain the service of a qualified plant biologist prior to the issuance of grading permits to conduct a survey of the site to determine whether San Diego Ambrosia is present. The survey shall be scheduled to occur during the peak flowering season of San Diego Ambrosia to facilitate the accurate identification of the Ambrosia Species. The results of the survey shall be submitted to the Escondido Planning Division. If San Diego Ambrosia is found to be present, the applicant/developer shall initiate Section 10 consultation with the USFWS. If the applicant/developer's biologist identify San Diego ambrosia within the project area, the findings of the study also shall be submitted to the California Department of Fish and Game (including a written description and map). Appropriate permits shall be obtained from CDF&G as may be required for the removal of San Diego Ambrosia. The applicant/developer shall submit evidence of the appropriate permits issued by the Agencies, as may be required, prior to the approval of grading plans and issuance of grading permits.
22. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,101.50 for a project with a Negative Declaration. In addition, these fees include an additional authorized County administrative handling fee of \$50.00 (Total Fee of \$2,151.50). Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code

provide that no project shall be operative, vested, or final until all the required filing fees are paid.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of Grading or Building permits, and shall be equivalent or superior to the concept plan attached as exhibit(s) to the satisfaction of the Planning Division. A plan check fee will be required at the time of submittal in accordance with the prevailing fee schedule. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Ordinance 93-12. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. A final tree survey shall be submitted with the first submittal of the grading plans which indicates the location, size (trunk diameter) and type of trees on the site. The removal of mature trees shall be incorporated into the landscape plan with the replacement of specimen-size trees (min. 24" box) at a minimum ratio of 1:1. The removal of oak trees shall be replaced at a minimum ratio of 2:1 with specimen-sized oak trees of min. 5:1 with 15 gallon oak trees. Appropriate native and drought-tolerant type materials shall be incorporated into the plan. Appropriate screening materials shall be incorporated into the southern landscape planter areas.
3. Prior to occupancy of the facility, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
4. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

ENGINEERING CONDITIONS OF APPROVAL
Monticello Assisted Living Facility
PHG11-0033

GENERAL

1. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of plans and the issuance of Building Permits.
2. All improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the Director of Engineering Services.
3. An engineered improvement plan prepared by a Registered Civil Engineer is required for all public improvements. The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

STREET IMPROVEMENTS AND TRAFFIC

1. Pedestrian access routes shall be provided into the project to the satisfaction of the Director of Engineering Services.
2. The developer shall install a 135 watt street light at the project entrance at the end of the Monticello Drive public right-of-way.
3. The developer may be responsible for a 2-inch grind and overlay of Monticello Drive and Felicita Road beyond utilities trench limits due to any utility trenches necessary in these roadways. The determination of the extent of the grind and overlay shall be to the satisfaction of the Director of Engineering Services.
4. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer, the Field Engineer and the Fire Department. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. Site grading and erosion control plans prepared by a Registered Civil Engineer are required for all onsite improvements and shall be submitted to the Engineering Department. Grading Plans are subject to approval by the Planning, Fire and Engineering Departments prior to issuance of a Grading Permit.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.

3. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
4. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his/her recommendations.
5. Erosion control, including riprap, interim sloping planting, gravelbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
6. San Diego County Health Department will be required to sign the grading plan indicating that the proposed grading and retain wall construction meets County Health leach field setback requirements and is not expected to impact the existing leach fields located within the adjacent properties.
7. Any existing wells to be abandoned shall be capped per the San Diego County Health Department Requirements, and shall be shown on the grading plan as such.
8. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the Director of Engineering Services.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
10. A General Construction Activity Storm Water Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the Director of Engineering Services and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.

2. The project shall limit drainage flows to their pre-construction rates. Details and calculations for detention basins shall be submitted in the drainage study and approved as part of the grading plan check.
3. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval together with the final improvement and grading plans. The Water Quality Technical Report shall include hydro-modification calculations, post construction storm water treatment measures and maintenance requirements.
4. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
6. The on-site trash enclosure area shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the Director of Engineering Services.
7. All storm drain systems constructed with this project shall be considered private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the property owner.

WATER SUPPLY

1. Fire hydrants together with a minimum eight (8") inch public water main system shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection.

SEWER

1. No trees or deep rooted plants shall be planted within 15' of sewer mains or laterals.
2. All onsite sewer mains and laterals will be considered a private sewer system. The property owner will be responsible for all maintenance of this private sewer system to the public manhole and main at the end of the Monticello Drive right-of-way.
3. Sewer laterals and private mains shall be 6" PVC minimum and shall be designed and constructed per current UPC.

EASEMENTS AND DEDICATIONS

1. Necessary public emergency access easements shall be granted to the City to the satisfaction of the Director of Engineering Services and the Fire Department.
2. All existing and proposed easements, both private and public, affecting subject property shall be shown and labeled on the grading and improvement plans.

Material necessary for processing a dedication or easement shall include: a current grant deed or title report, a legal description and plat of the dedication or easement signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final documents.

REPAYMENTS AND FEES

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

SURVEYING AND MONUMENTATION

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded.
2. A current preliminary title report shall be submitted with the grading plans.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the project boundary or along fronting streets shall be relocated underground in accordance with the City's Utilities Under-grounding Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and under-grounding. All new utilities shall be constructed underground.

Attachment "A"

MITIGATION MONITORING REPORT

PROJECT NAME: Monticello Assisted Living
PROJECT DESCRIPTION: 125 Bed Residential Care Facility
 Conditional Use Permit
PROJECT LOCATION: 2323 Felicita Road (APN 238-101-38)
 (Note: address will change with issuance of building permits)
CONTACT PERSON: Matthew Parks (Torrey Pines Development)
PHONE NUMBER: (858) 335-1817 or 858-227-9209

Phase at which the Mitigation Measures are to be Implemented

Prior to Grading Permit and/or Building Permit Issuance

NEG. NEC. NO. N/A
ASSOC. CASE NO.: PHG 11-0033
APPROVAL BODY/DATE: City Council 8-22-12
PROJECT MANAGER: Jay Paul, Assoc. Planner
 (760) 839-4537

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
Biology: Avoid impacts to nesting birds	1. To avoid any direct or indirect impacts to nesting birds, construction activities associated with the proposed project should not occur outside of the nesting/breeding season between February 1 and August 31 (January 1 for some raptors). If this is not possible, the applicant shall retain a qualified biologist to conduct a pre-construction survey nor more than three days prior to the initiation of project activities to determine the presence or absence of nesting birds on and within an approximately 300-foot buffer surrounding the construction area (500 feet for raptors). If active raptor or other migratory bird nests are detected, project activities within the affected area should be postpone or appropriate mitigation incorporated (i.e., appropriate buffers, fencing, monitoring schedules, etc.). A bio-monitor also should be present on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged. Any buffers 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 the survey. The survey and any recommendations/mitigation measures shall be submitted to the Planning Division, and to CDF&G upon request. Weekly monitoring reports shall be submitted to the city during any required onsite monitoring. If no nesting raptors or migratory birds are detected during the pre-grading survey, no mitigation is required.	IV. Biological Resources	Project Applicant Planning Division Field Engineering		Resolution No. <u>2012-144</u> Exhibit <u>B</u> Page <u>9</u> of <u>11</u>

<p>Avoid Impacts to Ambrosia</p> <p>Noise: Avoid Noise Impacts from Interstate 15 and adjacent roadways</p>	<p>2. The applicant/developer shall retain the service of a qualified plant biologist prior to the issuance of grading permits to conduct a survey of the site to determine whether San Diego Ambrosia is present. The survey shall be scheduled to occur during the peak flowering season of San Diego Ambrosia to facilitate the accurate identification of the Ambrosia Species. The results of the survey shall be submitted to the Escondido Planning Division. If San Diego Ambrosia is found to be present, the applicant/developer shall initiate Section 10 consultation with the USFWS. If the applicant/developer's biologist identify San Diego ambrosia within the project area, the findings of the study also shall be submitted to the California Department of Fish and Game (including a written description and map). Appropriate permits shall be obtained from CDF&G as may be required for the removal of San Diego Ambrosia. The applicant/developer shall submit evidence of the appropriate permits issued by the Agencies, as may be required, prior to the approval of grading plans and issuance of grading permits.</p>	<p>IV. Biological Resources</p> <p>Project Applicant Planning Division</p>	
	<p>1. Provide standard windows with a STC rating of 26 or higher for all exterior windows. This shall be identified on the building plans.</p> <p>2. Provide a windows closed condition requiring a means of mechanical ventilation (e.g. air conditioning with appropriate air circulation incorporated into the ventilation system) for the building. The appropriate system shall be included with the building plans.</p> <p>3. All window and door assemblies used throughout the project shall be free of cut outs and openings and shall be well fitted and well weather stripped. This shall be noted on the building plans.</p> <p>4. Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 x 4 studs or greater, 16" o.c. with R-13 insulation, a minimum 7/8" exterior surface of cement plaster and a minimum interior surface of 1/2" gypsum board.</p> <p>5. Provide roof/ceiling system utilizing minimum 1/2" plywood sheathing that is well sealed to form a continuous barrier with minimum R-19 batt insulation in the joist cavities.</p>	<p>XII. Noise</p> <p>Project Applicant Planning Division Building Division</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>		

RENT REVIEW BOARD

For City Clerk's Use:

APPROVED **DENIED**

Reso No. RRB _____ File No. _____

Ord No. RRB _____

Agenda Item No.: 11
Date: August 22, 2012

TO: Honorable Chairman and Members of the Rent Review Board
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: Short-form Rent Increase Application for Green Tree Mobile Estates

RECOMMENDATION:

- Consider the short-form rent increase application submitted for Green Tree Mobile Home Estates.
- If approved, adopt Rent Review Board Resolution No. 2012-08 granting an increase of seventy-five percent (75%) of the change in CPI, or 2.989% (an average of \$15.07) for the period December 31, 2009, through December 31, 2011.

INTRODUCTION:

Green Tree Mobile Estates ("Park") has filed a short-form rent increase application. The Board is asked to consider the application, 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 (Section 12). 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:

Green Tree Mobile Estates is an all-ages Park located at 1301 S. Hale Avenue. The Park contains 104 spaces, and 86 of the spaces are subject to rent control. Of the remaining spaces, one home is occupied by the Park Manager, and the others are either vacant, on long-term leases or have homes that are leased by the Park. The current average space rent for all spaces under rent control is \$505.34.

Common facilities include a clubhouse, billiard room, swimming pool and shuffleboard courts. There are laundry facilities available for a fee as well as a vehicle storage area.

PARK OWNER'S REQUEST:

Under the short-form policy guidelines, the Park owner is requesting an increase of seventy-five percent (75%) of the change in the Consumer Price Index (CPI) covering the period of

December 31, 2009, through December 31, 2011. The average increase requested is \$15.07 per space, per month, which is a 2.989% increase for the two year period.

The application meets the eligibility criteria for submittal of a short-form rent increase application. The last rent increase for the Park was granted in September of 2003. The Rent Review Board granted an increase equal to 75% of the change in the CPI for the two-year period of December 31, 2000, to December 31, 2002, for an increase of 5.73% of the base rent per space, per month. An additional application for rent increase was submitted in March 2006. This application was denied.

RESIDENT MEETING AND COMMENTS:

Residents of Mobile Park West were invited to attend a meeting in their clubhouse on July 11, 2012, at 6:00 p.m., at which time staff reviewed the short-form hearing and code inspection procedures. Terre Catalano, the Owner's representative, the Park manager and various Park staff/representatives of Hawkeye Management, and the resident co-representative Michelle Stevens, attended the meeting. In addition, there were approximately 20 residents in attendance. Among the issues raised were the conditions of landscaping and trees and the need for additional lighting in the rear of the park. Non-physical issues included: the need for additional and clear communication between the residents of the Park and management, the rules around the use of the clubhouse, pool hours and the possibility of having resident keys made for the pool, speeding in the Park, recent theft in the Park, gophers and feral cats. One resident with a long-term lease attended and asked questions about the differences between long-term and short-term leases. The residents also discussed issues that had existed under the previous management company.

There were additional meetings between the Park owner's representative and the resident representatives to discuss Park issues and the upcoming rent control hearing. Specific items discussed included installation of additional stop signs, extension of pool hours, and heating the pool year round, purchase of new pool furniture, creation of pool keys for residents, extension of clubhouse hours and publication of a notice about clubhouse rules and regulations, improvements to the clubhouse, including the interior, exterior and kitchen, installation of air conditioning in the clubhouse, repurposing the billiards room and shuffleboard court, outsourcing of park project and treating each other with respect. Negotiations between Park management and residents have produced a Memorandum of Understanding between the Park and the residents (Exhibit "B"). Ms. Catalano and Mr. Don Greene (as resident co-representative) will address the Board at the hearing on August 22, 2012 to discuss their agreement.

CODE INSPECTION REPORT:

An inspection of Park's common areas by the City's Code Enforcement Division noted several violations of the Health and Safety Code. The Park was re-inspected on August 9, 2012; all violations have been corrected. A copy of the Code Report is attached as Exhibit "A." The applicant representative has received a copy of both reports.

ADDITIONAL FACTORS AFFECTING THE APPLICATION:

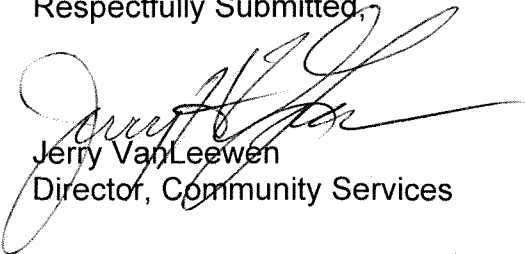
In conformance with the Rent Review Board Guidelines, a decision of the Board granting the requested increase will be finalized by adoption of a Resolution confirming the findings of the public hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon decision of the Board.

The 90-day notice of a rent increase, if granted, may be sent to the residents by the Park owner immediately upon the adoption of the Resolution. The implementation of any rent increase is further subject to clearance of all Health and Safety Code violations noted in the Code Inspection report.

STAFF RECOMMENDATION:

- Consider the short-form rent increase application submitted for Green Tree Mobile Estates.
- If approved, adopt Rent Review Board Resolution No. 2012-08 granting an increase of seventy-five percent (75%) of the change in CPI, or 2.989% (an average of \$15.07) for the period December 31, 2009 through December 31, 2011.

Respectfully Submitted,




Jerry Van Leewen
Director, Community Services



DATE: July 24, 2012

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: BRIAN GUSTAFSON, CODE ENFORCEMENT MANAGER 

SUBJECT: GREEN TREE MOBILE ESTATES

Green Tree Mobile Estates was inspected on July 24, 2012, with the lighting inspection conducted the morning of July 19, 2012, as a result of an application for rent increase having been filed. There were eight general violations along with two lighting violations found during the inspection and the report is attached.

A resident meeting was held on July 11, 2012 (attended by twenty residents, five members of the Green Tree staff and Karen Youel from Housing).

There were no code enforcement cases in this park during the past year.

CC: Barbara Redlitz, Director of Community Development
Karen Youel, Rent Control Administration



July 25, 2012

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Green Tree Mobile Estates

Park Owner: Fritz and Betty Neumann
466 I Street
Chula Vista, CA 92010

Park Manager: Lorrie Douthitt **Phone:** (760) 741-9231

Inspection Date: 07/24/12 **Inspector:** S. Moore/D. Hippert

The following report is based on inspection of the mobile home park conducted under provisions outlined in the California Code of Regulations, Title 25, Division I, Chapter 2 and the Escondido Zoning Code, Article 45. This inspection report only addresses health and safety issues related to the common facilities and areas in the mobile home park for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. Repair the deteriorated wood on the eaves of the clubhouse. Repair the dry rot on the exterior wall of the pool shower enclosure and remove the deteriorated wood particle board inside the enclosure. **25 CCR 1605 (b) (6), 25 CCR 1605 (i)**

2. Repair the latch on the sliding glass door in the billiard room. **25 CCR 1605 (a) (6), 25 CCR 1608 (g) (2)**

3. Remove the stored materials in front of the water heater inside the laundry storage room. **25 CCR 1246 (b) per CPC, 2010 ed., 502.6 & 505.3**
4. Remove the mildew or other moisture stains under the kitchen sink cabinet. Repair/replace the stove and oven in the clubhouse kitchen or have them removed. **25 CCR 1605 (a) (6)**
5. Replace the plastic cover on the electric box above the laundry building door and replace the non-working light bulbs inside the laundry room. Replace the cover over the electrical receptacle on the southwest corner of the roof over the shuffleboard court. **25 CCR 1605 (d) (1)**
6. Remove the discarded material and debris inside the storage compartment outside the clubhouse. **25 CCR 1605 (a) (6)**
7. Remove the piles of leaves, gravel, and other debris inside the RV storage lot. Remove the cans of paint or store them in accordance with fire code safety requirements. **25 CCR 1120 (b)**
8. Repair the driveway and drainage way near the entrance to the guest parking lot. **25 CCR 1116 (a), 25 CCR 1102 (a)**

**Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection: 07/19/12)**

1. Repair/replace the park entrance light atop the concrete post at the west side of the driveway and repair/replace the light fixture adjacent to space 1. Repair/replace the light fixture behind the laundry building. (light flickers on and then off)
2. Trim vegetation away from the light fixtures next to the following spaces: 15, 34, 40, 43 and 81. Trim the tree branches around the light fixture in the guest parking lot.



Code Enforcement Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

August 9, 2012

Fritz and Betty Neumann
466 I Street
Chula Vista, CA 92010

Green Tree Mobile Estates
1301 S. Hale Ave.
Escondido, CA 92029
Attn: Lorrie Douthitt, Park Manager

Dear Sir/Madam,

This notice is to formally advise you that all violations noted during the rent control inspections on July 19 and 24, 2012 have been corrected.

We appreciate having the parks cooperation during this process. Our mutual efforts are important in maintaining safe and healthy parks in our city. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian D. Gustafson".

Brian D. Gustafson
Code Enforcement Manager

CC: City Council/Rent Review Board
Karen Youel, Rent Control Administrator

**California Department of Public Health
Compliance Form**

**Anti-Entrapment Devices and Systems
for Public Pools and Spas**

County of San Diego Department of
Environmental Health Food and
Housing Division
(858) 505-6659

Permit # FR
Plan Check #
Date

Use one form for each pump or multiple pumps under the same drain cover
ALL SECTIONS OF THIS FORM MUST BE COMPLETED.

This form is to be used to verify compliance with modifications pursuant to the new Health and Safety Code sections 116064.1 and 116064.2. Under Section 116064.2 (a) of the Health and Safety Code, effective January 1, 2010, the owner of a public swimming pool shall file this form within 30 days following the completion of construction or installation of anti-entrapment devices or systems in swimming pools. Contact your local Environmental Health Department and Building Department for any necessary plan approval and permits prior to construction or remodel.

Site Information

Facility Name: Green Tree Mobile Estates Pool Identification (if more than 1 pool/spa at site): n/A
 Facility Address: 1301 S. Hale Ave City: Escondido St: CA Zip: 92029
 Owner Name: Hawkeye Asset Management Owner's Phone #: 949 497 9967
 Owners Address: 1121 Gleneyre City: Laguna Beach St: CA Zip: 92651

Was pool constructed on/ after January 1, 2010?: Yes No

Pump Information

- Recirculation Pump
Make/Model: 3/4 HP Whisper 10 H.P. 3/4
- Jet / Booster Pump
Make/Model: _____ H.P. _____
- Other Pump:
Make/Model: _____ H.P. _____
- Feature Pump
Make/Model: _____ H.P. _____

Main Drain (includes all suction outlets except Skimmer Equalizer Lines)

Manufacturer of approved drain cover: Aqua Star Model Number: 11064 Install date: 7/12/11
 GPM rating: Floor 104 Wall 0 Installed on Floor Wall
 Manufacturer of approved drain cover: _____ Model Number: _____ Install date: _____
 GPM rating: Floor _____ Wall _____ Installed on Floor Wall Main drain/Jet suction pipe size is _____ inches

Check One:

- Split main drain(s) (Minimum 3 ft. between covers, hydraulically balanced and symmetrically plumbed)
- Single drain – Unblockable (size and shape that a human body cannot sufficiently block to create a suction entrapment)
- Single drain – Not unblockable (one of the following secondary devices is required: safety vacuum release system, suction limiting vent system, gravity drainage system, auto pump shut-off system, or other equally or more effective system approved by enforcement agency)
 Type of secondary device installed: Vac Alert Install date: 12/26/09
 Manufacturer of approved device: Vac Alert Model/Part Number: n/A
 Safety vacuum release system bears the following performance standard markings: ATSM F2387 ASME/ANSI standard A12.19.17

Skimmer Equalizer Line(s)

Manufacturer of approved suction fitting: _____ Model Number: _____ Install date _____
 GPM rating: Floor _____ Wall _____ Installed on Floor Wall : _____
 Skimmer equalizer line(s) pipe size were found to be _____ inches Number of Skimmers: _____

THE ABOVE HAS BEEN FIELD VERIFIED TO COMPLY WITH MANUFACTURER'S INSTALLATION REQUIREMENTS BY THE INSTALLER

I declare that I hold an active California State Contractor license # 720658 with classification C-61 or a California State Professional Engineer license # N/A with qualified experience working on public swimming pools and that the information provided above is true to the best of my knowledge. I understand that if I improperly certify this information, I shall be subject to potential disciplinary action at the discretion of the licensing authority in accordance with California Health & Safety Code Section 116064.2.

Contractor/Engineer Name: Mike Jagmin Company Name: Agua City Pools
 Company Address: POB 2307
 City: EL Cajon State: CA Zip Code: 92021
 Contractor/Engineer Phone #: 619-440-2525 Cell Phone #: 619-440-2525
 Contractor/Engineer FAX #: _____ Email: acpools@cox.net

Mike Jagmin Contractor / Engineer name (print) Michael P. Jagmin Contractor / Engineer name (sign) 7/12/11 Date

MOBILEHOME PARK RENT REVIEW

RESIDENT REPRESENTATIVE REPORT FORM

Park Name GreenTree Mobile Estates
Date of Inspection 7/18/12
Resident Representative Michelle Stevens

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.

Michelle Stevens
Print Name of Resident Representative

Michelle Stevens
Signature

7/18/12
Date

#56 760-658-6441
Space # / Phone Number

760-420-5499
cell

CPI
SAN
DIRECT
750/
0/12

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.

There is no one knowledgeable/or willing to handle utility issues or other maintenance/emergency problems 24/7. Maintenance is outsourced as is other park services.

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

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

Drainage problems are causing problems with property line block walls. Many lots have drainage problems.

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

In most cases it is. Whenever a resident brings a light outage to management's attention, it is handled.

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

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

Ceramic tiles falling from pool walls, ceiling in pool shower falling, possible mold - Rod on Club house visible termite damage. Why are there two post installed to hold eaves. Strong mold smell in Club house.

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 - Where is it?

Other questions, comments or concerns:

- ① Residents still do not have pool keys as ~~was ordered by the Mayor of the City of Escondido. Safety of children still at risk.~~
- ② Metal fence along/between pool + shuffleboard court is rusted, needs paint & sanding.
- ③ Speed control
- ④ Rats, Ground Squirrels, Gophers. Big Problem.
- ⑤ A/C in Club House.
- ⑥ Notice to resident on use of Club House
- ⑦ Furniture in Clubhouse -
- ⑧ Pool furniture + Umbrellas NEED throughout the years residents have supplied furniture for both Club House & Pool.
- ⑨ Pool hours have been shortened. No meeting, no notice - Not acceptable
- ⑩ Trees - Trees - Trees -
- ⑪ Black walls missing cap stones ugly - falling down.
- ⑫ Owner and management purchasing homes leaving lots vacant and renting them out.

(over)

(13) Not informing New Home Purchasers adequately the difference between lease and rent control - month to month.

(14) A pool that is 45+ years old for a park with a maximum capacity of 15 people for a park with over 300 people.

GREEN TREE MOBILE ESTATES

Short-form Application for Rent Increase

To be heard August 22, 2012 at 7:00 p.m.

City of Escondido Rent Review Board Hearing

RESIDENT/PARK MANAGEMENT CONCERNS AND RESOLUTIONS AGREEMENT

The authorized resident representatives, Michelle Stevens, Sheri Fischer and Don Greene (Resident Advocate) (hereinafter "Resident Representatives"), and the park management representatives from Hawkeye Asset Management, Authorized Agents for Green Tree Mobile Estates, Terre Catalano (Senior Vice President of Asset Management/DRE#01917932), Jaime Belanger (Chief Operating Officer/DRE#01916562) and Lorrie Douthitt (onsite Park Manager) ("hereinafter "Park Representatives") (collectively "Parties"), were present at the scheduled Resident Representatives/Park Management meeting on August 1, 2012 at 4:00 p.m. at Green Tree Mobile Estates (hereinafter "Park"), in accordance with the City of Escondido Rent Control Ordinance.

At the beginning of the meeting, Ms. Stevens, Ms Fischer and Mr. Greene indicated to Park Management that the issues at hand were all of the resident issues to be addressed. As a result of the Parties meeting, communicating and corresponding, the concerns have been addressed and resolved to the satisfaction of both parties as reflected in this Resident/Park Management Concerns and Resolutions Agreement (hereinafter "Agreement"). Consequently, and by way of a vote of the residents taken on the evening of Thursday, August 9, 2012, it is agreed that the residents will not protest the short-form application rent increase request at the City of Escondido Rent Review Board Hearing scheduled for August 22, 2012 at 7:00 p.m.

Below are the concerns which were presented to Park Management and the way in which the issues were resolved:

1. **STOP SIGNS:** The Resident Representatives requested that more "Stop" signs be installed in the Park to control speeding in the Park.

The Parties have agreed to resolve the concern by posting more "Stop" signs in the Park. The new "Stop" signs have received by the Park and will be posted after proper notification to the residents of their installation. In addition, Park Management has already retained a security company as an additional security measure.

2. **POOL HOURS:** The Resident Representatives requested that the pool hours be extended.

The Parties have agreed to resolve the concern by extending the pool hours to 8:00 a.m. to 9:00 p.m. seven (7) days a week. The extended hours were implemented effectively immediately. A notice was served on all of the residents in the Park on August 3, 2012 advising them of the change and new signage was posted at the pool area.

3. **HEATING THE POOL**: The Resident Representatives requested that the pool be heated year round.

The Parties have agreed to resolve the concern by heating the pool year round. The change was implemented effectively immediately. A notice was served on all of the residents in the Park on August 3, 2012 advising them of the change.

4. **POOL FURNITURE**: The Resident Representatives requested that the pool furniture be replaced.

The Parties have agreed to resolve the concern by purchasing new pool furniture. The furniture has been ordered by Park Management and its delivery has been promised by August 20, 2012.

5. **POOL ACCESS**: The Resident Representatives requested that all of the residents in the Park be given keys to the pool area and the pool area's access be made more secure.

The Parties have agreed to resolve the concern by replacing the lock and hinges to the pool gate.

6. **CLUBHOUSE HOURS**: The Resident Representatives requested that the clubhouse hours be extended.

The Parties have agreed to resolve the concern by extending the hours to 8:00 a.m. to 9:00 p.m. seven (7) days a week. The extended hours were implemented effectively immediately. A notice was served on all of the residents in the Park on August 3, 2012 advising them of the change.

7. **CLUBHOUSE NOTICE**: The Resident Representatives requested that a notice be served to all of the residents in the Park notifying them of the new pool and clubhouse hours and clarification of the use of the clubhouse pursuant to the existing Park Rules and Regulations.

The Parties have agreed to resolve the concern by serving the appropriate notice. The notice was served on all of the residents in the Park on August 3, 2012.

8. **CLUBHOUSE KITCHEN**: The Resident Representatives requested that the clubhouse interior be made more attractive.

The Parties have agreed to resolve the concern by remodeling the kitchen in the clubhouse. The kitchen has received a makeover with the cabinets having been replaced with new custom-made cabinetry and the appliances having been replaced with new stainless steel appliances.

9. **CLUBHOUSE INTERIOR**: The Resident Representatives requested that the clubhouse interior be made more attractive.

The Parties have agreed to resolve the concern by painting the interior of the clubhouse and installing new flooring. The Parties agreed to not set a date certain with regards to its completion.

10. **CLUBHOUSE EXTERIOR**: The Resident Representatives requested that the clubhouse exterior be made more attractive.

The Parties have agreed to resolve the concern by allowing Park Management to address the exterior within a reasonable period of time.

11. **CLUBHOUSE AIR CONDITIONING**: The Resident Representatives requested that the air conditioning in the clubhouse be improved.

The Parties have agreed to resolve the concern by allowing Park Management to work on the proper solution to the air conditioning. A new air conditioning unit or new swamp coolers will most likely be installed, ideally, before the hearing. The Parties agreed to not set a date certain with regards to its completion.

12. **SHUFFLEBOARD AREA**: The Resident Representatives requested that the shuffleboard area in the Park be repurposed.

The Parties have agreed to resolve the concern by allowing Park Management to hold a resident meeting in the Park where all of the residents can voice their opinions as to issues regarding this area. Park Management is willing to work with the residents and agrees to make changes in this area. The Parties agreed that the resident meeting would be conducted after the City of Escondido Rent Review Board Hearing scheduled for August 22, 2012.

13. **OUTSOURCING**: The Resident Representatives raised their concern that the Park was hiring outside vendors to complete necessary projects. They felt that onsite staff could complete some of the projects within the Park.

The Parties have agreed to resolve the concern by allowing Park Management to exercise their expertise and make decisions as appropriate with regards to the completion of projects in the Park. Park Management may be required to hire licensed contractors and other qualified individuals to complete projects at times. Park Management is committed to "best practices" with regards to work in the Park.

14. **TREATING EACH OTHER WITH RESPECT**: The Resident Representatives raised their concern that, they felt, at times, Park Management was reported to have not treated the residents with respect.

The Parties have agreed to resolve the concern by, at all times, treating each other with respect. Open dialogs took place in which the Parties were able to express their grievances with each other. A better understanding and more compassion for each was the result.

15. **PARK OWNER'S CONTACT INFORMATION**: The Resident Representatives raised their concern that some residents have not obtained the Park Owner's contact information.

The Parties have agreed to resolve the concern by having the information readily available. The information was also already provided to one of the Resident Representatives, again, for certainty.

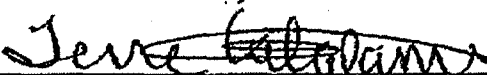
The purpose of Agreement is to have the terms in writing, to assure follow through by the Parties and to make the terms part of the record of the City of Escondido Rent Review Board Hearing scheduled for August 22, 2012.

This Agreement contains the entire agreement between the Parties and supercedes any and all other agreements, either oral or written, between the Parties. Any oral representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing, signed by the Parties.


It is agreed, by and between the Parties that this Agreement may be executed in counterpart in which case each such counterpart shall be effective as though it is an original and each such counterpart shall be deemed one and the same Agreement. It is also agreed, by and between the Parties, that any signature signed in counterpart via facsimile or email shall be deemed an original signature.

THE PARTIES TO THIS AGREEMENT HAVE READ, CONSIDERED, SIGNED AND RECEIVED A COPY OF THE AGREEMENT AND UNDERSTAND ITS TERMS AND AGREE BY EXECUTION HEREOF, DO HEREBY AGREE TO ABIDE BY ALL OF ITS TERMS AND CONDITIONS.

Dated: 08/13/12

By: 
Terre Catalano, Senior Vice President of Asset Management
Hawkeye Asset Management, Authorized Agent for Green
Tree Mobile Estates

Dated: 08/13/12

By: 
Jaime Belanger, Chief Operating Officer
Hawkeye Asset Management, Authorized Agent for Green
Tree Mobile Estates

Dated: 8/14/12

By: 
Michelle Stevens, Authorized Resident Representative

Dated: _____

By: _____
Don Greene, Authorized Resident Representative
Resident Advocate

RESOLUTION NO. RRB 2012-08

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A
RENT INCREASE FOR GREEN TREE
MOBILE ESTATES

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

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

WHEREAS, a short-form rent increase application pursuant to Section 12 of the Rent Review Board Guidelines was filed on June 20, 2012, by James Kosik and Terre Catalano, the owner's representatives of the Green Tree Mobile Estates (the "Park"). The Park is located at 1301 S. Hale Avenue in Escondido; and

WHEREAS, this is the eleventh (11th) rent increase application filed by the Park since the Ordinance became effective in 1988. The last rent increase was granted by the Rent Review Board Resolution 2003-09RR on September 29, 2003, for an increase of 5.73%, or approximately \$18.00 per space, per month; and

WHEREAS, at the time of the current application, the average monthly rent per space was \$505.34 for 86 spaces subject to the rent increase. The owner requested a rent increase in the amount of 75% of the change in the Consumer Price Index (CPI) for the period December 31, 2009, through December 31, 2011, in accordance with the

Rent Review Board short-form policy guidelines. The application estimated this amount to be an average of \$15.07 (an increase of 2.989%) per space, per month; and

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

WHEREAS, on July 24, 2012, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed. It noted Health and Safety Code violations in the Park; and

WHEREAS, on August 22, 2012, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, residents of the Park, and other residents of the community at large; and

WHEREAS, after all present had been given an opportunity to speak, the hearing was closed. Following an opportunity for discussion among the Board members, and clarifying questions to the parties and Staff, the Board voted to grant an average rent increase of \$15.07 per space, per month, for the 86 spaces which are subject to the rent increase.

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

1. That the above recitations are true.
2. That the Board has heard and considered all of the reports and testimony presented, and has considered the facts as outlined in the short-form Guidelines ("Guidelines").
3. That following the Guidelines, an increase based on 75% of the change in

the Consumer Price Index (CPI) for San Diego County from December 31, 2009, through December 31, 2011, would amount to an increase of 2.989%, which averages \$15.07 per space, per month, for the 86 spaces that are subject to the rent increase.

4. That the Board concluded that an increase of \$15.07 per space, per month, is consistent with the Guidelines, and is fair, just, and a reasonable increase in light of the information presented by all parties.

5. That the increase may not be implemented until after the health and safety code violations noted in the Inspection Report have been corrected, signed off, and are in compliance with the various state and local code sections as noted in the Inspection.

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12

Date: August 22, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: Keys to Housing: Ending Family Homelessness Initiative Presentation

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-140 endorsing the Keys to Housing, Housing Tool Box, which is a compilation of strategies from which stakeholders can identify action items that can be incorporated into their own plans.

FISCAL ANALYSIS:

This action will have no impact on the general fund.

BACKGROUND:

The Keys to Housing Initiative began under the auspices of San Diego Grantmakers (SDG), a nonprofit membership association of organizations that carry out \$25,000 or more annually of charitable giving. One of SDG's services is the facilitation of collaborative efforts among its members based on similar funding interests, in this case homelessness. Since May 2010, with the input of dozens of community partners, the Homelessness Working Group and an Advisory Board of 16 elected officials from multiple jurisdictions, a regional vision was created for ending family homelessness that incorporates best practices, develops strategies for families at risk of homelessness, and encourages coordination of services and policies across communities. Of the 16 elected officials making up the Advisory Board, Councilmember Dias serves as the invited representative for Escondido. As a result, the Keys to Housing toolbox, contains five key areas for action with eight core outcomes that can be used as a planning tool for organizations and communities, and an interactive website with hundreds of resources to help end family homelessness. Keys to Housing has been endorsed by community groups, organizations, the regional office of the U.S. Department of Housing and Urban Development, and the U. S. Interagency Council on Homelessness.

Respectfully submitted,


Jerry Van Leeuwen
Director of Community Services

RESOLUTION NO. 2012-140

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ENDORING THE KEYS TO HOUSING
ADVISORY COUNCIL AND STEERING
COMMITTEE'S HOUSING TOOLBOX, WHICH
IDENTIFIES REGIONAL STRATEGIES AND
ACTIONS TO ADDRESS FAMILY
HOMELESSNESS

WHEREAS, affordable housing, education and employment have been proven to positively impact the ability of families to maintain stable homes and productive participation in the community; and

WHEREAS, housing, education and employment are also recognized as keys in the prevention of and recovery from homelessness; and

WHEREAS, over the past two years, homeless prevention and rapid re-housing services have proven effective in preventing and ending homelessness for nearly 2,000 households in our local communities; and

WHEREAS, the City of Escondido supports homeless individuals and families through participation on regional boards and commissions which ensure support for the services and programs which constitute Escondido's Continuum of Care, including financial support for a Regional Winter Shelter Program; and

WHEREAS, in compliance with state law and the 2013 Housing Element, the City of Escondido will provide a zoning designation that permits an emergency shelter for homeless persons by right; and

WHEREAS, the United States Interagency Council on the Homeless has established a goal of ending family homelessness by 2020; and

WHEREAS, in May 2010 the San Diego Grantmakers Homelessness Working Group was established to address episodic homelessness in the San Diego region, and to advise the Keys to Housing Advisory Council and Steering Committee; and

WHEREAS, as a result of the efforts of the Working Group, the Keys to Housing Advisory Council and Steering Committee developed a Housing Toolbox to end family homelessness based on best practices; and

WHEREAS, the Housing Toolbox is a compilation of strategies from which stake holders can identify action items that can be incorporated into their own plans.

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

1. That the above recitations are true.
2. That the City Council hereby endorses the Housing Toolbox, will join with other jurisdictions and organizations to take action, and will measure progress in achieving the goal of ending family homelessness by 2020

ORDINANCE NO. 2012-16R

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING AN AMENDMENT TO THE
CONTRACT BETWEEN THE CITY OF
ESCONDIDO AND THE BOARD OF
ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

SECTION 1. That an amendment to the contract between the City Council of the City of Escondido and the Board of Administration of the California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto as Exhibit "A", and by such reference made a part hereof as though herein set out in full.

SECTION 2. That the Mayor of the City of Escondido is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. That this Ordinance shall take effect 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least one time in a newspaper of general circulation, published and circulated in the City of Escondido and thenceforth and thereafter the same shall be in full force and effect.



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Escondido

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective November 1, 1958, and witnessed August 6, 1958, and as amended effective August 1, 1964, December 1, 1968, July 1, 1973, January 1, 1974, February 7, 1975, July 1, 1977, November 1, 1978, August 1, 1980, July 1, 1982, June 28, 1987, December 25, 1988, June 25, 1989, May 27, 1990, January 1, 1991, June 1, 1991, October 9, 1993, January 20, 1996, May 25, 1996, January 2, 1998, July 12, 1998, July 11, 1999, January 9, 2000, November 12, 2000, June 24, 2001, September 26, 2004, July 1, 2007 and May 27, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 17 are hereby stricken from said contract as executed effective May 27, 2012, and hereby replaced by the following paragraphs numbered 1 through 17 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members and age 50 for local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after November 1, 1958 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
 - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
 - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
 - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

- (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
- a. Local Fire Fighters (herein referred to as local safety members)
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
- a. **PROGRAM PERSONNEL HIRED ON OR AFTER JULY 1, 1973;
AND**
 - b. **BUS DRIVERS HIRED ON OR AFTER FEBRUARY 7, 1975.**
6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. This contract shall be a continuation of the contract of the Escondido Community Development Commission, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred July 1, 1996.
8. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after July 1, 2007 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1973, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

9. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after July 1, 2007 shall be determined in accordance with Section 21354.3 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1973, termination of Social Security, for members whose service has been included in Federal Social Security (3% at age 60 Full and Modified).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member entering membership in the fire classification on or prior to May 27, 2012 and for those local police members entering membership in the police classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited current service as a local fire member entering membership for the first time in the fire classification after May 27, 2012 and for those local police members entering membership for the first time in the police classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
12. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21574 (Fourth Level of 1959 Survivor Benefits).
 - b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
 - c. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From November 1, 1978 and until June 28, 1987, the normal local safety member contribution rate shall be 2.75%. Legislation repealed said Section effective September 29, 1980.
 - d. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
 - e. Section 20042 (One-Year Final Compensation) for local miscellaneous members, and for those local fire members entering membership on or prior to May 27, 2012 and local police members entering membership on or prior to the effective date of this amendment to contract.

- f. Section 20965 (Credit for Unused Sick Leave).
- g. Section 21024 (Military Service Credit as Public Service).
- h. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for local police members only.
- i. Section 21548 (Pre-Retirement Option 2W Death Benefit).
- j. Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local fire members entering membership for the first time in the fire classification after May 27, 2012.

Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local police members entering membership for the first time in the police classification after the effective date of this amendment to contract.

- 13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on August 1, 1980. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
- 14. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
- 15. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

FUTURE CITY COUNCIL AGENDA ITEMS
August 16, 2012

*AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617*

AUGUST 29, 2012
No Meeting (5th Wednesday)

SEPTEMBER 5, 2012
No Meeting (Labor Day)