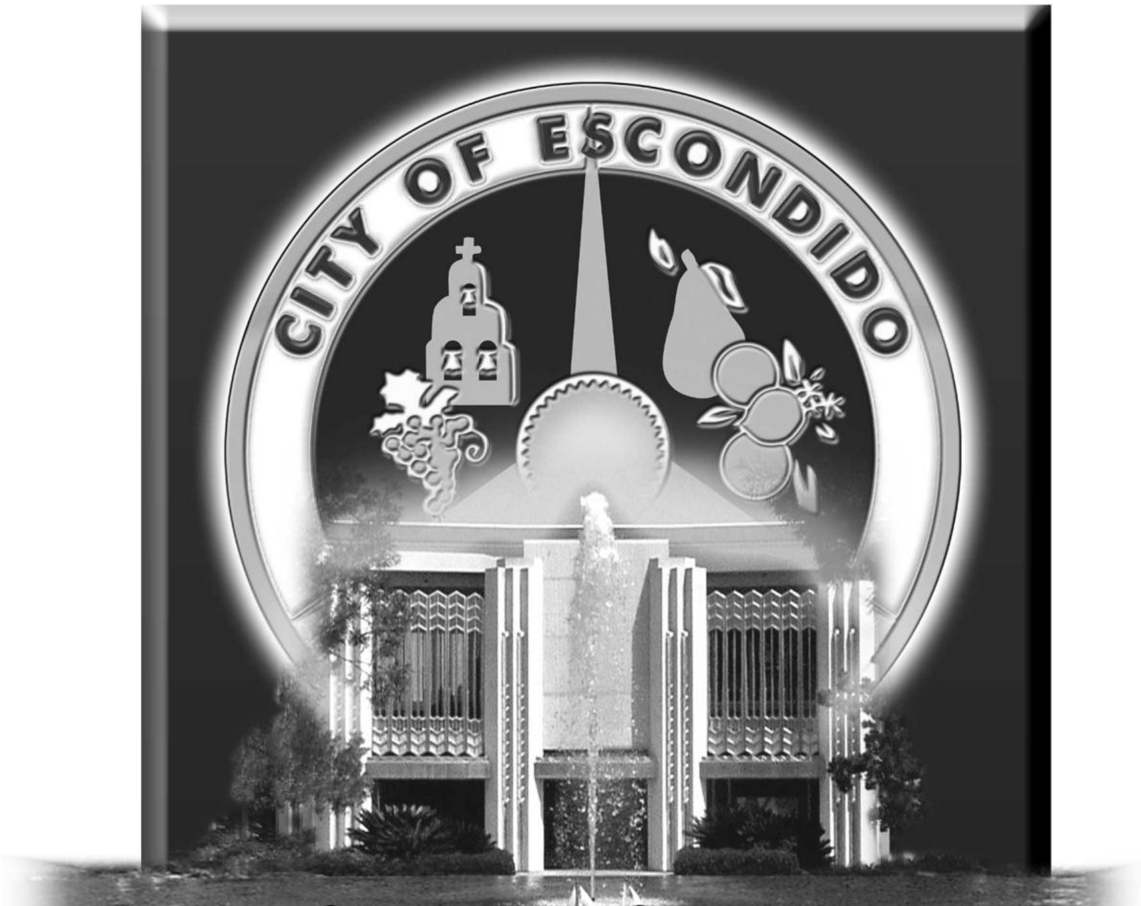

Council Meeting Agenda

December 12, 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	**Olga Diaz**
COUNCIL MEMBERS	**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**

Please refer to the back page for information on how to participate in this meeting.

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.

December 12, 2012
3:30 p.m. Meeting

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Morasco, 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 REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

a.
- Property: 720 N. Broadway
- Agency Negotiators: Clay Phillips, City Manager
- Negotiating parties: Escondido Chamber of Commerce
- Under negotiation: Price and terms of payment

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

a.
- Property: 2120 Harmony Grove Road
- Agency Negotiators: Charles Grimm, Assistant City Manager
- Negotiating parties: SR Commercial
- Under negotiation: Price and terms of payment

III. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

a. Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): **One Case**

ADJOURNMENT

December 12, 2012
4:30 p.m. Meeting

Escondido City Council

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, Abed

PRESENTATIONS: Asian Citrus Psyllid Outreach
Pam Slater-Price

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.*

COUNCIL MEMBERS' REPORTS/BRIEFING

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/Successor Agency/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: Regular Meeting of November 14, 2012**

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

   Staff Recommendation: Receive and File **(City Treasurer's Office: Kenneth C. Hugins)**

5. **ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPER FEES PER GOVERNMENT CODE SECTION 66006 –** Request Council receive and file the report.

   Staff Recommendation: Receive and File **(Finance Department: Gilbert Rojas)**

6. **ADOPTION OF POLICY REGARDING UNCOLLECTIBLE RECEIVABLES –** Request Council approve establishing policies for uncollectible receivables.

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

   RESOLUTION NO. 2012-172

7. **INITIATION OF AN OUT-OF-AGENCY SEWER SERVICE AGREEMENT, (CASE NO.: PHG 12-0021) –** Request Council approve an Out-of-Agency Service Agreement, for the provision of sewer service for one single family residence on a 0.22 acre lot experiencing septic failure at 714 North Avenue; and authorize staff to process an Irrevocable Offer of Annexation.

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

   RESOLUTION NO. 2012-184

8. **NOTICE OF COMPLETION FOR TRACT 833 RANCHO VISTAMONTE –** Request Council approve and accept the public improvements; and authorize staff to file a Notice of Completion for Tract 833 Rancho Vistamonte.

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

CONSENT CALENDAR CONTINUED

9. **NOTICE OF COMPLETION FOR MAPLE STREET PEDESTRIAN PLAZA PROJECT –** Request Council approve and accept the public improvements; and authorize staff to file a Notice of Completion for the Maple Street Pedestrian Plaza Project.

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

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

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

10. **REVISE MUNICIPAL CODE CHAPTER 25 ARTICLE 4 RELATING TO TRANSIENT OCCUPANCY TAX – Approved with a vote of 4/0/1, Waldron Absent, on November 14, 2012.**

ORDINANCE NO. 2012-19 (Adoption and Second Reading)

PUBLIC HEARINGS

11. **GENERAL PLAN HOUSING ELEMENT (CASE NO.: PHG 11-0028) –** Request Council adopt the General Plan Housing Element, CEQA Findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

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

RESOLUTION NO. 2012-173

CURRENT BUSINESS

12. **REVISIONS TO SECTION 23 (STREETS AND SIDEWALKS), ARTICLE 5 (PUBLIC IMPROVEMENT CONSTRUCTION, PUBLIC DEDICATION AND MAPPED STREETS) OF THE ESCONDIDO MUNICIPAL CODE –** Request Council approve an ordinance revising Section 23 (Streets and Sidewalks), Article 5 (Public Improvement Construction, Public Dedication and Mapped Streets) of the Escondido Municipal Code regarding public improvement construction and public dedications required when constructing new buildings or expanding buildings as a condition of obtaining a building permit.

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

ORDINANCE NO. 2012-21 (Introduction and First Reading)

13. **DISCUSSION AND POSSIBLE ACTION OR APPOINTMENT TO FILL COUNCIL VACANCY**

Staff Recommendation: None **(Mayor and Councilmembers)**

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

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ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	**Day**	**Time**	**Meeting Type**	**Location**
December 19	Wednesday	3:30 & 4:30pm	Council Meeting	Council Chambers
December 26	No Meeting	-	-	-
January 2	No Meeting	-	-	-
January 9	Wednesday	3:30 & 4:30pm	Council Meeting	Council Chambers
January 16	Wednesday	3:30 & 4:30pm	Council Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. 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 OF ESCONDIDO

November 14, 2012
3:30 p.m. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, November 14, 2012 in the Council Chambers at City hall with Mayor Abed presiding.

ATTENDANCE

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

ORAL COMMUNICATIONS

Roy Garrett, Escondido, distributed information and suggested the Council research proportional voting instead of voting districts.

Robroy Fawcett, Escondido, distributed information and urged Council to not use voting districts.

Joan Gardner, Escondido, requested the Council avoid voting districts.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to recess to Closed Session. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

I. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code §54956.9(a)

a. Case Name: <u>Agustin v. Jerry Douglas Conway; City of Escondido</u>
Case No: 37-2012-00052770-CU-PA-NC

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

a. Case Name: <u>Demetrio Gomez, et al. v. City of Escondido, et al.</u>
Case No: 37-2011-00060480-CU-CR-NC

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:42 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

November, 14 2012
4:30 p.m. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:46 p.m. on Wednesday, November 14, 2012 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

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

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

ORAL COMMUNICATIONS

Greg Dean, Escondido, indicated the branch library should be opened again.

Carolina Ruiz and Maribel Reyes, Escondido, gave a report on the Escondido Creek clean-up scheduled for December 1, 2012 and requested trash bags and gloves from the City.

Pam Stahl, Escondido, asked that Council appoint the candidate who received the third most votes to fill Councilmember Waldron's vacant seat.

Mike O'Connor, Escondido, urged the community to raise funds to help the victims of super storm Sandy.

Patricia Borchmann, Escondido, requested Council appoint the candidate that received the third highest number of votes to fill Councilmember Waldron's vacant seat.

Mark Skok, Escondido, voiced concern with the cost of a political mailer from the city.

COUNCIL MEMBERS' REPORTS/BRIEFING

Councilmember Diaz attended a meeting at the San Dieguito River Park where the Sikes Adobe received a grant for repairs; an event for retiring County Supervisor Pam Slater Price was scheduled for December 14, 2012. She attended an E-grip meeting sponsored by Compact on prevention of gangs and drug use, and attended the Memorial Day Service in Grape Day Park on November 11, 2012

Councilmember Gallo attended the Memorial Day service as Master of Ceremonies on November 11, 2012 and recognized Boy Scout Troop 655 who was in the audience.

Councilmember Morasco listed many of the events he attended that had taken place in the City; i.e. The Day of the Dead, the street fair and other private events including the Boy Scouts honoring Bob Schuster for all of his work with the Boy Scouts. He also attended a city event honoring city employees for their services and thanked the citizens who voted.

Mayor Abed indicated the Council would follow the same process as in 2010 to appoint a new Councilmember to replace Councilmember Waldron. The deadline to turn in an application is December 3, 2012. He attended a SANDAG Transportation Committee meeting where they discussed Regional Transportation Plan to prepare a regional complete street policy that includes a Bike Master Plan, which Escondido has already prepared. He also stated that Prop N had received national recognition, that the City was involved in a gang prevention program, and recognized officer Martinez who received the Blue Knight award.

CONSENT CALENDAR

Councilmember Diaz removed items 11, 13 and 14 and Councilmember Gallo removed item 9 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 9, 11, 13 and 14. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of October 3, 2012**
   Regular Meeting of October 17, 2012

4. **EAST VALLEY COMMUNITY CENTER: COMPUTER LAB AND TECHNOLOGY CENTER AND BUDGET ADJUSTMENT** – Request Council accept a Cox Communications donation in the amount of $25,000 for construction costs at the Escondido Technology Center; and authorize a budget adjustment in the amount of $25,000. (File No. 0430-80)

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

5. **PARK IMPROVEMENT PROJECTS AND BUDGET ADJUSTMENT** – Request Council approve a budget adjustment in the amount of $415,275 to receive and expend Housing-Related Park Program grant funds and to expend Park Development Funds. (File No. 0430-80)

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

6. **THE ELMS HOUSING DEVELOPMENT** – Request Council authorize the Housing Division to amend previous developer agreements; authorize the Mayor and City Clerk to execute, on behalf of the City, the document amendments in a form acceptable to the City Attorney; approve the existing loan documents and escrow instructions, signed by past authorized representatives of the City/CDC, in order to grant two vacant properties located at 537 N. Elm and the adjacent vacant lot to San Diego Habitat for Humanity, to record loan documents for the use of HOME/CHDO funds; and authorize Karen Youel, Management Analyst/Housing to sign new escrow documents. (File No. 0875-55)

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

a. RESOLUTION NO. 2012-181
b. RESOLUTION NO. 2012-182

7. **AUTHORIZATION TO RE-CHASSIS ONE (1) EXISTING AMBULANCE** – Recommend Council authorize Emergency Vehicle Group (EVG) out of Anaheim, California to re-chassis one (1) existing ambulance in the current fleet instead of purchasing one (1) new ambulance. (File No. 0470-35)

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

8. **REJECT ALL BIDS FOR TWO LINE TRUCKS AND AUTHORIZE RE-ADVERTISEMENT** – Request Council approve rejecting all bids for two line trucks and authorize staff to re-advertise. (File No. 0470-45)

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

RESOLUTION NO. 2012-177

9. **ALL-WAY STOP REQUEST FOR JUNIPER STREET AT NINTH AVENUE** – Request Council amend the Traffic Schedules for stop intersections. (File No. 1050-50)

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

RESOLUTION NO. 2012-180

Councilmember Gallo commented that community effort on this item solved the problem

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to amend the Traffic Schedules for an All-way Stop for Juniper Street at Ninth Avenue and adopt Resolution No. 2012-180. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

10. **FISCAL YEAR 2011-12 UNITED STATES DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP PROGRAM AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept FY 2012 Bulletproof Vest Partnership Program funds in the amount of $1,863 from the United States Department of Justice; authorize the Chief of Police to execute grant documents; and authorize staff to establish budgets to spend funds to purchase body armor for front-line law enforcement. (File No. 0480-70)

Staff Recommendation: Approval **(Police Department: Cory Moles)**

11. **FISCAL YEAR 2008 CALIFORNIA OFFICE OF TRAFFIC SAFETY "AVOID DRIVING UNDER THE INFLUENCE (DUI) CAMPAIGN" GRANT MODIFICATION AND BUDGET ADJUSTMENT** – Request Council authorize the Police Department to accept additional grant funds in the amount of $10,000 from the San Diego Sheriff's Department for overtime expenses related to the California Office of Traffic Safety "Avoid DUI Campaign" Grant Program; and approve a budget adjustment needed to spend grant funds. (File No. 0480-70)

Staff Recommendation: Approval **(Police Department: Cory Moles)**

Councilmember Diaz asked for clarification of this grant

Police Lieutenant Tom Albergo answered that this grant had been available for four years and explained how it worked.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to authorize the Police Department to accept additional grant funds in the amount of $10,000 from the San Diego Sheriff's Department for overtime expenses related to the California Office of Traffic Safety "Avoid DUI Campaign" Grant Program; and approve a budget adjustment needed to spend grant funds. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

12. **SOLE SOURCE AUTHORIZATION FOR RADIO PURCHASES** – Request Council authorize the Police Department to purchase Project 25 ("P25") compliant portable radios and upgraded accessories from Motorola, Inc. by utilizing San Diego County's Regional Communication System ("RCS") cooperative purchasing contract. (File No. 0470-35)

Staff Recommendation: Approval **(Police Department: Cory Moles)**

RESOLUTION NO. 2012-185

13. **ADDITIONAL STANDARDS FOR TAXICAB OPERATORS** – Request Council consider amending sections of the Escondido Municipal Code to update standards required of taxicab operators and drivers in the City. (File No. 0680-50

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

ORDINANCE NO. 2012-22 (Introduction and First Reading)

Councilmember Diaz asked that future agenda items be placed on a two-meeting notice basis and requested that the requirement of the driver owning 10 taxis be deleted from the ordinance.

Councilmember Gallo gave examples of his experiences in taxis.

Daniel Perez, Escondido, voiced concern with over regulation of small business owners and urged Council to not pass the ordinance.

MOTION: Moved by Councilmember Gallo and seconded by Mayor Abed to consider amending sections of the Escondido Municipal Code to update standards required of taxicab operators and drivers in the City. Ayes: Abed and Gallo. Noes: Diaz and Morasco. Absent: Waldron. Motion failed.

14. AMENDMENT TO ESCONDIDO MUNICIPAL CODE SECTION 2-24 (SELECTION OF DEPUTY MAYOR) – Request Council consider the Escondido Municipal Code (EMC) section 2-24 to allow the selection of the deputy mayor to be conducted pursuant to City Council Rules of Procedure. (File No. 0680-50

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

ORDINANCE NO. 2012-23 (Introduction and First Reading)

Councilmember Diaz asked that agenda items brought forth by Councilmembers list the two initiating Councilmembers names on them.

Mayor Abed recessed the meeting at 5:41 p.m.

Mayor Abed reconvened the meeting at 6:00 p.m.

Constance Swanson, Escondido, voiced concern with the ordinance and requested that Council appoint Councilmember Diaz as Deputy Mayor.

Pat Mues, Escondido, urged Council to not pass the ordinance and continue the way the Deputy Mayor is currently appointed.

Pamela Stahl, Escondido, voiced concern with the proposed change on the appointment of Deputy Mayor.

Roy Garrett, Escondido, indicated the current law stated the Councilmember with the longest tenure would be appointed Deputy Mayor.

Benjamin Cueva, Escondido, stated that Councilmember Diaz should be Deputy Mayor.

Chris Nava, Escondido, expressed concern with the proposed ordinance.

Mark Skok, Escondido, indicated Councilmember Diaz should be appointed Deputy Mayor and urged Council to retain the current rotation method.

Laura Kohl, Escondido, urged Council to maintain current policy.

Daniel Perez, Escondido, stated this ordinance would divide the community.

COUNCIL ACTION: NO ACTION WAS TAKEN ON THIS ITEM

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

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

PUBLIC HEARINGS

15. **LOCAL REGISTER DESIGNATION AND MILLS ACT CONTRACT FOR A RESIDENCE ON A HILLTOP AT 2985 SU SIEMPRE PLACE (CASE HP-12-0001) –** Request Council approve listing the structure at 2985 Su Siempre Place on the City's Local Register and approve the Historic Property Preservation Agreement (commonly referred to as the "Mills Act Contract") for the subject property. (File No. 0880-10)

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

RESOLUTION NO. 2012-183

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

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

Carol Rea, Escondido, urged Council to approve the Mills Act contract request.

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

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve listing the structure at 2985 Su Siempre Place on the City's Local Register, approve the Historic Property Preservation Agreement (commonly referred to as the "Mills Act Contract") for the subject property and adopt Resolution No. 2012-183. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

CURRENT BUSINESS

16. **CALPERS CONTRACT AMENDMENT-MISCELLANEOUS EMPLOYEES –** Request Council approve the second reading of the CalPERS Contract Amendment for Miscellaneous Employees: Section 20475, Different Levels of Benefits – 2% @ 60; and Section 20037 – Three Year Final Compensation. **Approved on October 17, 2012, with a vote of 4/1/0, Morasco voting no.** (File No. 0720-40)

ORDINANCE NO. 2012-20 (Adoption and Second Reading)

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve the second reading of the CalPERS Contract Amendment for Miscellaneous Employees: Section 20475, Different Levels of Benefits – 2% @ 60; and Section 20037 – Three Year Final Compensation and adopt Ordinance No. 2012-20. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

17. **REVISE MUNICIPAL CODE CHAPTER 25 ARTICLE 4 RELATING TO TRANSIENT OCCUPANCY TAX –** Request Council approve amending the Escondido Municipal Code Chapter 25, Taxation, Article 4, Transient Occupancy Tax. (File No. 0680-50

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

ORDINANCE NO. 2012-19 (Introduction and First Reading)

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

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve amending the Escondido Municipal Code Chapter 25, Taxation, Article 4, Transient Occupancy Tax and introduce Ordinance No. 2012-19. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

18. **UPDATE AND REQUEST FOR COUNCIL GUIDANCE CONCERNING THE WATER PURCHASE AGREEMENT FOR THE CARLSBAD DESALINATION PROJECT** – Request Council accept the report from staff concerning the proposed Water Purchase Agreement between the San Diego County Water Authority (SDCWA) and Poseidon Resources for a future Carlsbad Desalination Project; and provide guidance to the City's SDCWA Board representative concerning the SDCWA Board of Directors' vote on the Purchase Agreement, which may occur as early as November 29, 2012. (File No. 1320-55)

    Staff Recommendation: Provide guidance to the City's representative on the SDCWA Board **(Utilities Department: Christopher McKinney)**

Christopher McKinney, Utilities Director, gave the staff report and presented a series of slides and introduced Marilyn Daley, San Diego County Water Authority Representative, who was available to answer questions.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to accept the report from staff concerning the proposed Water Purchase Agreement between the San Diego County Water Authority (SDCWA) and Poseidon Resources for a future Carlsbad Desalination Project; and provide guidance to the City's SDCWA Board representative concerning the SDCWA Board of Directors' vote on the Purchase Agreement, which may occur as early as November 29, 2012. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

19. **APPROVE STAFFING THE SEVENTH ENGINE COMPANY, THE PURCHASE AND STAFFING OF ONE ADDITIONAL AMBULANCE AND THE COST TO HIRE NON-SAFETY PERSONNEL** – Request Council approve an increase in the Fire Department Operating Budget for FY 2012-13 in the amount of $847,355 to hire three (3) additional safety personnel to staff the Seventh Engine Company, twenty-four (24) non-safety personnel to staff additional ambulances and the associated start-up and operational costs; and an increase to the Fire Department Operating Budget for FY 2013-14 in the amount of $1,204,330 to maintain personnel and on-going operational costs. (File No. 0430-30)

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

RESOLUTION NO. 2012-179

Fire Chief Michael Lowry and Division Chief Russ Knowles gave the staff report and presented a series of slides.

Chip Paulson, Firefighters Association Vice President, urged Council to approve Option 1.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve Option 2 at a cost of $1,082,786 and adopt Resolution No. 2012-179. Ayes: Abed, Gallo and Morasco. Noes: Diaz. Absent: Waldron. Motion carried.

20. **ESCONDIDO SUCCESS CENTER PROJECT** – Request Council receive the status report and provide direction to staff. (File No. 0110-20)

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

Jerry Van Leeuwen, Community Services Director, gave the staff report and presented a series of slides. He introduced Mark Nanzer, Workforce Partnership, and Patty Huerta, Escondido Education Compact, who were available to answer questions.

COUNCIL ACTION: Provided direction to staff.

21. MAPLE STREET PLAZA: OPERATIONS AND MAINTENANCE – Request Council provide direction to staff regarding the on-going operation of the Maple Street Plaza and possible closure *of the northern section to through traffic.* (File No. 1050-15)

Staff Recommendation: Provide direction **(City Manager's Office: Charles Grimm)**

Charles Grimm, Assistant City Manager, gave the staff report and presented a series of slides.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo to approve Option 2 showing the drive-through parallel to Maple Street. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Absent: Waldron. Motion carried.

FUTURE AGENDA

22. 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

ADJOURNMENT

Mayor Abed adjourned the meeting at 9:10 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. ______ File No. ______
Ord No. ______

Agenda Item No.: 4
Date: December 12, 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 September 30, 2012

RECOMMENDATION:

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

PREVIOUS ACTION:

The Investment Report for the quarter ended June 30, 2012, was filed with the City Clerk's Office on August 13, 2012 and presented to the City Council on August 22, 2012.

BACKGROUND:

From July 1, 2012, to September 30, 2012, the City's investment portfolio decreased from $143.5 million to $111.8 million. The adjusted average yield increased from 1.43% to 1.46%. An excess of cash payment outflows over cash receipt inflows for the quarter resulted in a decrease of $31.7 million in the book value of the investment portfolio. Major components of the net $31.7 million decrease are:

		IN MILLIONS
Sales Tax Allocations		5.6
Construction Project Reimbursements		3.4
County Redevelopment Trust Allocations		1.6
County Property Tax Allocation		.7
Franchise Fee Receipts		.6
Debt Service Payments		(20.7)
Tax Increment Residual Balance Payment		(10.2)
County Water Authority Payments		(6.1)
CALPERS Contributions		(3.4)
Employee Health and Welfare benefits payments		(2.1)
California Center for the Arts Management Fee		(.7)
Loan funding to UHC		(.4)
Net Decrease to Investment Portfolio	$	(31.7)

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

- Summary of Investment Allocation Graph as of September 30, 2012
- Summary of General Obligation Bond Proceeds Balance as of September 30, 2012
- Summary of Investment Portfolio Yield for the last 12 months
- Summary and Detailed Reports of Investment Portfolio – July 2012 through September 2012
- Schedule of Investments Matured and Sold – July 2012 through September 2012
- Schedule of Funds Managed by Outside Parties as of September 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. In July 2012, an unanticipated $10.2 million payment to the county for the return of residual CDC tax increment was the primary reason for a decrease in the balance of the current portfolio investments. At August 31, 2012, short term portfolio investments were $7.7 million less than the City Investment Policy requirement of 50 percent of the FY 12-13 general fund operating budget. The current portfolio investments were subsequently increased in September 2012 through excess monthly cash flows and sales of certain long term portfolio investments. At September 30, the current portfolio investments balance exceeded the City's $38 million investment policy requirement by $6.5 million. As of September 30, 2012, the City is in compliance with all requirements of the City Investment Policy.

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 September 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 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,

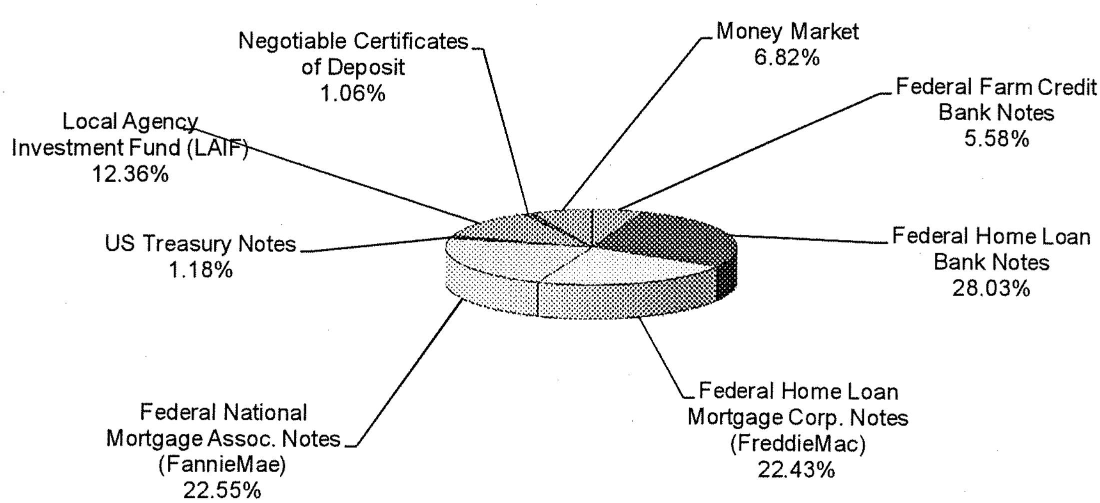
Ken Hugins

Kenneth C. Hugins
City Treasurer

City of Escondido
Summary of Investment Allocation
as of September 30, 2012

Investment Type	Book Value	Market Value	Percent of Portfolio at Market
Federal Farm Credit Bank Notes	$ 6,191,684.01	$ 6,373,030.00	5.58%
Federal Home Loan Bank Notes	31,285,668.38	31,995,861.40	28.03%
Federal Home Loan Mortgage Corp. Notes (FreddieMac)	24,706,247.10	25,607,120.00	22.43%
Federal National Mortgage Assoc. Notes (FannieMae)	25,210,226.21	25,739,033.00	22.55%
US Treasury Notes	1,303,708.17	1,348,360.00	1.18%
Local Agency Investment Fund (LAIF)	14,111,648.54	14,111,648.54	12.36%
Negotiable Certificates of Deposit	1,205,000.00	1,204,873.79	1.06%
Money Market	7,782,256.53	7,782,256.53	6.82%
Total Investment Portfolio - September 2012	**$111,796,438.94**	**$114,162,183.26**	**100%**
2004 Election General Obligation Bond Proceeds held separately in LAIF	$ 50,287.39	$ 50,287.39	
Reported Total Investments- September 2012	**$111,846,726.33**	**$114,212,470.65**	
Total Investment Portfolio - June 2012	**$143,516,076.73**	**$145,700,282.10**	
2004 Election General Obligation LAIF- June 2012	**$ 50,000.00**	**$ 50,000.00**	
Reported Total Investments- June 2012	**$143,566,076.73**	**$145,750,282.10**	
Change from Prior Quarter	**$ (31,719,350.40)**	**$ (31,537,811.45)**	
Portfolio Effective Duration	**1.960**		
Portfolio Effective Duration - (Excluding LAIF and Money Market)	**2.480**		

Summary of Investment Allocation as of September 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 September 30, 2012

Description	other Interest Earnings	(*) LAIF Interest Earnings	(*) LAIF Interest Withdrawals	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
April to June 2012 Interest		287.39			50,287.39
Ending Balance, 9/30/2012	**$ -**	**$ 7,830,381.73**	**$ (7,780,094.34)**	**$ (84,477,032.55)**	**$ 50,287.39**

(*) 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 September 30, 2012

Date		Book Value	Yield
Sep-12	$	111,846,726.33	1.4620%
Aug-12	$	112,046,477.07	1.5500%
Jul-12	$	134,726,370.24	1.4790%
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%

Average Annual Investment Portfolio Yield 1.5956%

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 7/31/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund	17,111,648.54	17,111,648.54	17,111,648.54	17,111,648.54	1	0.363
Federal Agency Coupon Securities	108,521,000.00	112,711,842.99	113,266,081.33	110,875,258.79	935	1.703
LAIF - Public Safety Facility Bonds	50,287.39	50,287.39	50,287.39	50,287.39	1	0.363
Money Market Account	4,180,222.50	4,180,222.50	4,180,222.50	4,180,222.50	1	0.2
Negotiable Certificate of Deposit	1,205,000.00	1,205,000.00	1,202,741.99	1,205,000.00	428	0.55
Treasury Coupon Securities	1,300,000.00	1,307,507.81	1,353,903.00	1,303,953.02	809	2.492
Total / Average	132,368,158.43	136,566,509.23	137,164,884.75	134,726,370.24	779	1.479

Kenneth C. Hugins

Kenneth C. Hugins, City Treasurer

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 7/31/2012

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	17,111,648.54	17,111,648.54	17,111,648.54	1	0.363
Sub Total / Average				**17,111,648.54**	**17,111,648.54**	**17,111,648.54**	**1**	**0.363**
Federal Agency Coupon Securities								
FFCB 2.4 3/15/2016	31331KEK2	FFCB	3/24/2011	1,000,000.00	1,058,050.00	1,004,594.84	1323	2.265
FFCB 4.25 7/8/2013	31331Y2Q2	FFCB	3/23/2010	2,000,000.00	2,075,280.00	2,043,553.12	342	1.84
FFCB 4.55 3/4/2015	31331SNP4	FFCB	6/18/2010	1,000,000.00	1,107,187.50	1,055,973.50	946	2.26
FFCB 4.75 9/30/2015	31331GCR8	FFCB	9/30/2010	1,000,000.00	1,134,375.00	1,098,089.07	1156	1.52
FFCB 5.1 4/25/2017	31331XWK4	FFCB	5/31/2012	1,080,000.00	1,293,116.40	1,285,780.75	1729	0.968
FFCB 5.2 3/20/2013	31331VTY2	FFCB	5/14/2008	1,000,000.00	1,031,640.00	1,007,629.41	232	3.87
FHLB 1 6/9/2017	313379FW4	FHLB	6/29/2012	3,000,000.00	3,023,190.00	3,007,661.79	1774	0.946
FHLB 1.25 8/27/2012	3133XYF91	FHLB	5/10/2010	2,000,000.00	2,001,640.00	1,999,985.21	27	1.26
FHLB 1.35 8/28/2012	3133XX4Z7	FHLB	3/23/2010	2,000,000.00	2,001,780.00	2,000,074.33	28	1.303
FHLB 1.375 10/26/2012	3133XXLX3	FHLB	3/23/2010	2,000,000.00	2,005,740.00	1,999,763.23	87	1.426
FHLB 1.375 12/11/2015	313371NW2	FHLB	12/29/2010	1,000,000.00	1,029,780.00	968,899.27	1228	2.36
FHLB 1.625 12/11/2015	313371VF0	FHLB	12/29/2010	1,000,000.00	1,033,010.00	976,947.83	1228	2.355
FHLB 1.625 12/9/2016	313371PV2	FHLB	12/29/2011	1,500,000.00	1,551,390.00	1,529,442.31	1592	1.16
FHLB 1.625 9/28/2015	313371 6Z4	FHLB	9/30/2010	1,000,000.00	1,035,770.00	1,002,543.36	1154	1.541
FHLB 1.63 8/20/2015	313370NE4	FHLB	3/24/2011	1,000,000.00	1,037,050.00	990,678.32	1115	1.95
FHLB 1.75 12/14/2012	3133XVNT4	FHLB	3/24/2010	1,000,000.00	1,005,680.00	1,000,748.27	136	1.543

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 7/31/2012

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	1,036,150.00	1,006,713.77	1137	1.525
FHLB 1.875 8/30/2013	3133XXL21	FHLB	3/23/2010	3,000,000.00	3,052,680.00	2,999,216.92	395	1.9
FHLB 2 10/28/2013	3133XYDK8	FHLB	5/7/2010	1,000,000.00	1,021,562.50	1,001,376.30	454	1.885
FHLB 2 9/14/2012	3133XUK93	FHLB	5/5/2010	3,000,000.00	3,006,600.00	3,002,351.16	45	1.35
FHLB 2.3 12/8/2016	313371ZU3	FHLB	12/29/2011	500,000.00	531,975.00	522,961.14	1591	1.21
FHLB 2.5 6/13/2014	3133XWE70	FHLB	6/7/2012	3,000,000.00	3,122,220.00	3,118,145.38	682	0.382
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	5/5/2010	1,050,000.00	1,077,793.50	1,058,666.00	409	1.86
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	3/24/2010	3,000,000.00	3,079,410.00	3,021,968.04	409	1.945
FHLB 3.125 3/11/2016	3133XXP43	FHLB	3/24/2011	3,000,000.00	3,275,820.00	3,084,898.81	1319	2.291
FHLB 3.125 3/8/2013	3133XPBB9	FHLB	6/17/2009	1,535,000.00	1,561,755.05	1,541,105.91	220	2.43
FHLB 3.25 9/12/2014	3133XUMR1	FHLB	6/18/2010	1,000,000.00	1,061,320.00	1,023,984.49	773	2.06
FHLB 4 6/16/2015	3133XTYD2	FHLB	9/30/2010	1,000,000.00	1,101,520.00	1,069,593.02	1050	1.485
FHLB 4.625 10/10/2012	3133XML66	FHLB	10/29/2008	2,000,000.00	2,017,340.00	2,001,683.91	71	4.15
FHLB 4.875 12/13/2013	3133XHW57	FHLB	3/24/2010	1,350,000.00	1,434,753.00	1,398,865.53	500	2.108
FHLMC 1.25 5/12/2017	3137EADF3	FHLMC	5/31/2012	4,000,000.00	4,081,440.00	4,048,953.70	1746	0.987
FHLMC 2 8/25/2016	3137EACW7	FHLMC	8/31/2011	3,000,000.00	3,158,437.50	3,094,821.73	1486	1.197
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	3,000,000.00	3,210,750.00	3,048,291.37	1396	2.054
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	6/1/2011	2,500,000.00	2,675,625.00	2,554,393.81	1396	1.9
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	5,000,000.00	5,351,250.00	5,080,258.67	1396	2.055
FHLMC 3 7/28/2014	3137EACD9	FHLMC	6/18/2010	5,000,000.00	5,262,800.00	5,106,773.58	727	1.88

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 7/31/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLMC 5 2/16/2017	3137EAAM1	FHLMC	2/16/2012	5,000,000.00	5,955,100.00	5,872,875.05	1661	1.048
FHLMC 5.5 8/20/2012	3137EAAV1	FHLMC	5/28/2009	3,000,000.00	3,008,460.00	3,005,770.68	20	1.86
FNMA 0.5 5/27/2015	3135G0KM4	FNMA	6/29/2012	5,000,000.00	5,015,625.00	5,001,396.61	1030	0.49
FNMA 1.25 1/30/2017	3135G0GY3	FNMA	1/24/2012	3,000,000.00	3,064,170.00	3,004,251.26	1644	1.217
FNMA 1.25 4/27/2017	3135G0JA2	FNMA	5/31/2012	2,000,000.00	2,031,060.00	2,013,658.67	1731	1.102
FNMA 1.25 9/28/2016	3135G0CM3	FNMA	9/29/2011	5,000,000.00	5,112,350.00	4,990,964.07	1520	1.295
FNMA 1.375 11/15/2016	3135G0ES8	FNMA	12/29/2011	2,000,000.00	2,059,020.00	2,014,950.08	1568	1.195
FNMA 2.375 7/28/2015	31398AU34	FNMA	9/30/2010	1,000,000.00	1,058,400.00	1,025,744.43	1092	1.48
FNMA 2.375 7/28/2015	31398AU34	FNMA	3/24/2011	2,000,000.00	2,116,800.00	2,024,175.38	1092	1.951
FNMA 4.375 7/17/2013	31359MSL8	FNMA	5/5/2010	1,000,000.00	1,039,375.00	1,024,416.87	351	1.75
FNMA 4.625 10/15/2014	31359MWJ8	FNMA	6/18/2010	1,000,000.00	1,094,980.00	1,055,836.42	806	1.972
FNMA 4.75 2/21/2013	31359MQV8	FNMA	7/23/2009	2,000,000.00	2,049,820.00	2,028,969.37	205	2.055
FNMA 4.75 2/21/2013	31359MQV8	FNMA	4/25/2008	2,000,000.00	2,049,820.00	2,009,525.58	205	3.811
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/25/2008	1,000,000.00	1,000,130.00	1,000,065.19	2	3.7
FNMA 5 8/2/2012	31359MYQ0	FNMA	4/22/2008	2,000,000.00	2,000,260.00	2,000,134.51	2	3.66
FNMA 5.38 10/2/2013	31364GBF5	FNMA	5/5/2010	1,006,000.00	1,064,830.88	1,045,136.77	428	1.93
Sub Total / Average				**108,521,000.00**	**113,266,081.33**	**110,875,258.79**	**935**	**1.703**
LAIF - Public Safety Facility Bonds								
LAIF LGIP	LGIP7018	LAIF	6/30/2011	50,287.39	50,287.39	50,287.39	1	0.363
Sub Total / Average				**50,287.39**	**50,287.39**	**50,287.39**	**1**	**0.363**

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 7/31/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
Money Market Account								
Bank of America MM	MM0555	Bank of America	5/31/2011	4,180,222.50	4,180,222.50	4,180,222.50	1	0.2
Sub Total / Average				**4,180,222.50**	**4,180,222.50**	**4,180,222.50**	**1**	**0.200**
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	469	0.5
Beal Bank USA 0.6 6/12/2013	07370VAG3	Beal Bank USA	6/13/2012	245,000.00	244,011.69	245,000.00	316	0.6
Discover Bank 0.5 11/12/2013	254671AP5	Discover Bank	5/9/2012	245,000.00	245,000.00	245,000.00	469	0.5
GoldmanSachs 0.55 8/15/2013	38143AJY2	GoldmanSachs	2/15/2012	225,000.00	223,730.30	225,000.00	380	0.55
Huntington Nat 0.6 12/16/2013	446438QU0	Huntington Nat	6/15/2012	245,000.00	245,000.00	245,000.00	503	0.6
Sub Total / Average				**1,205,000.00**	**1,202,741.99**	**1,205,000.00**	**428**	**0.550**
Treasury Coupon Securities								
T-Note 2.125 5/31/2015	912828NF3	Treasury	6/18/2010	1,000,000.00	1,051,875.00	1,003,931.83	1034	1.978
T-Note 4.25 9/30/2012	912828HE3	Treasury	10/5/2007	300,000.00	302,028.00	300,021.19	61	4.203
Sub Total / Average				**1,300,000.00**	**1,353,903.00**	**1,303,953.02**	**809**	**2.492**
Total / Average				**132,368,158.43**	**137,164,884.75**	**134,726,370.24**	**779**	**1.479**

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 8/31/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund	7,111,648.54	7,111,648.54	7,111,648.54	7,111,648.54	1	0.377
Federal Agency Coupon Securities	98,521,000.00	102,213,502.99	103,277,268.64	100,794,543.68	997	1.656
LAIF - Public Safety Facility Bonds	50,287.39	50,287.39	50,287.39	50,287.39	1	0.377
Money Market Account	1,581,173.09	1,581,173.09	1,581,173.09	1,581,173.09	1	0.2
Negotiable Certificate of Deposit	1,205,000.00	1,205,000.00	1,203,783.85	1,205,000.00	397	0.55
Treasury Coupon Securities	1,300,000.00	1,307,507.81	1,351,179.50	1,303,824.37	778	2.492
Total / Average	109,769,109.02	113,469,119.82	114,575,341.01	112,046,477.07	909.00	1.55

Kenneth C. Hugins

Kenneth C. Hugins, City Treasurer

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 8/31/2012

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	7,111,648.54	7,111,648.54	7,111,648.54	1	0.377
Sub Total / Average				**7,111,648.54**	**7,111,648.54**	**7,111,648.54**	**1.00**	**0.377**
Federal Agency Coupon Securities								
FFCB 2.4 3/15/2016	31331KEK2	FFCB	3/24/2011	1,000,000.00	1,058,520.00	1,004,487.18	1292	2.265
FFCB 4.25 7/8/2013	31331Y2Q2	FFCB	3/23/2010	2,000,000.00	2,068,125.00	2,039,605.32	311	1.84
FFCB 4.55 3/4/2015	31331SNP4	FFCB	6/18/2010	1,000,000.00	1,104,180.00	1,054,139.27	915	2.26
FFCB 4.75 9/30/2015	31331GCR8	FFCB	9/30/2010	1,000,000.00	1,132,390.00	1,095,458.65	1125	1.52
FFCB 5.1 4/25/2017	31331XWK4	FFCB	5/31/2012	1,080,000.00	1,294,628.40	1,282,091.22	1698	0.968
FFCB 5.2 3/20/2013	31331VTY2	FFCB	5/14/2008	1,000,000.00	1,027,260.00	1,006,609.96	201	3.87
FHLB 1 6/9/2017	313379FW4	FHLB	6/29/2012	3,000,000.00	3,037,230.00	3,007,527.91	1743	0.946
FHLB 1.375 10/26/2012	3133XXLX3	FHLB	3/23/2010	2,000,000.00	2,003,560.00	1,999,847.60	56	1.426
FHLB 1.375 12/11/2015	313371NW2	FHLB	12/29/2010	1,000,000.00	1,030,650.00	969,684.39	1197	2.36
FHLB 1.625 12/11/2015	313371VF0	FHLB	12/29/2010	1,000,000.00	1,033,800.00	977,529.77	1197	2.355
FHLB 1.625 12/9/2016	313371PV2	FHLB	12/29/2011	1,500,000.00	1,554,660.00	1,528,869.00	1561	1.16
FHLB 1.625 9/28/2015	3133716Z4	FHLB	9/30/2010	1,000,000.00	1,036,570.00	1,002,475.03	1123	1.541
FHLB 1.63 8/20/2015	313370NE4	FHLB	3/24/2011	1,000,000.00	1,037,770.00	990,937.49	1084	1.95
FHLB 1.75 12/14/2012	3133XVNT4	FHLB	3/24/2010	1,000,000.00	1,004,330.00	1,000,577.71	105	1.543
FHLB 1.75 9/11/2015	313370JB5	FHLB	9/30/2010	1,000,000.00	1,040,010.00	1,006,530.72	1106	1.525
FHLB 1.875 8/30/2013	3133XXL21	FHLB	3/23/2010	3,000,000.00	3,049,320.00	2,999,278.38	364	1.9

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 8/31/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLB 2 10/28/2013	3133XYDK8	FHLB	5/7/2010	1,000,000.00	1,020,400.00	1,001,282.32	423	1.885
FHLB 2 9/14/2012	3133XUK93	FHLB	5/5/2010	3,000,000.00	3,001,560.00	3,000,731.47	14	1.35
FHLB 2.3 12/8/2016	313371ZU3	FHLB	12/29/2011	500,000.00	532,780.00	522,513.75	1560	1.21
FHLB 2.5 6/13/2014	3133XWE70	FHLB	6/7/2012	3,000,000.00	3,118,230.00	3,112,775.14	651	0.382
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	5/5/2010	1,050,000.00	1,075,914.00	1,058,009.16	378	1.86
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	3/24/2010	3,000,000.00	3,074,040.00	3,020,302.98	378	1.945
FHLB 3.125 3/11/2016	3133XXP43	FHLB	3/24/2011	3,000,000.00	3,273,930.00	3,082,903.46	1288	2.291
FHLB 3.125 3/8/2013	3133XPBB9	FHLB	6/17/2009	1,535,000.00	1,558,040.35	1,540,245.54	189	2.43
FHLB 3.25 9/12/2014	3133XUMR1	FHLB	6/18/2010	1,000,000.00	1,059,550.00	1,023,022.62	742	2.06
FHLB 4 6/16/2015	3133XTYD2	FHLB	9/30/2010	1,000,000.00	1,099,860.00	1,067,538.37	1019	1.485
FHLB 4.625 10/10/2012	3133XML66	FHLB	10/29/2008	2,000,000.00	2,009,080.00	2,000,948.68	40	4.15
FHLB 4.875 12/13/2013	3133XHW57	FHLB	3/24/2010	1,350,000.00	1,429,734.38	1,395,835.87	469	2.108
FHLMC 1.25 5/12/2017	3137EADF3	FHLMC	5/31/2012	4,000,000.00	4,094,400.00	4,048,084.54	1715	0.987
FHLMC 2 8/25/2016	3137EACW7	FHLMC	8/31/2011	3,000,000.00	3,168,690.00	3,092,843.62	1455	1.197
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	5,000,000.00	5,359,900.00	5,078,476.42	1365	2.055
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	3,000,000.00	3,215,940.00	3,047,219.00	1365	2.054
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	6/1/2011	2,500,000.00	2,679,950.00	2,553,185.93	1365	1.9
FHLMC 3 7/28/2014	3137EACD9	FHLMC	6/18/2010	5,000,000.00	5,250,781.25	5,102,220.65	696	1.88
FHLMC 5 2/16/2017	3137EAAM1	FHLMC	2/16/2012	5,000,000.00	5,954,650.00	5,856,584.18	1630	1.048
FNMA 0.5 5/27/2015	3135G0KM4	FNMA	6/29/2012	5,000,000.00	5,017,100.00	5,001,354.58	999	0.49

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 8/31/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FNMA 1.25 1/30/2017	3135G0GY3	FNMA	1/24/2012	3,000,000.00	3,082,560.00	3,004,171.10	1613	1.217
FNMA 1.25 4/27/2017	3135G0JA2	FNMA	5/31/2012	2,000,000.00	2,038,750.00	2,013,414.06	1700	1.102
FNMA 1.25 9/28/2016	3135G0CM3	FNMA	9/29/2011	5,000,000.00	5,141,050.00	4,991,148.36	1489	1.295
FNMA 1.375 11/15/2016	3135G0ES8	FNMA	12/29/2011	2,000,000.00	2,063,480.00	2,014,654.51	1537	1.195
FNMA 2.375 7/28/2015	31398AU34	FNMA	3/24/2011	2,000,000.00	2,114,700.00	2,023,489.08	1061	1.951
FNMA 2.375 7/28/2015	31398AU34	FNMA	9/30/2010	1,000,000.00	1,057,350.00	1,025,013.59	1061	1.48
FNMA 4.375 7/17/2013	31359MSL8	FNMA	5/5/2010	1,000,000.00	1,035,800.00	1,022,260.39	320	1.75
FNMA 4.625 10/15/2014	31359MWJ8	FNMA	6/18/2010	1,000,000.00	1,091,350.00	1,053,688.86	775	1.972
FNMA 4.75 2/21/2013	31359MQV8	FNMA	4/25/2008	2,000,000.00	2,042,080.00	2,008,085.13	174	3.811
FNMA 4.75 2/21/2013	31359MQV8	FNMA	7/23/2009	2,000,000.00	2,042,080.00	2,024,588.63	174	2.055
FNMA 5.38 10/2/2013	31364GBF5	FNMA	5/5/2010	1,006,000.00	1,060,535.26	1,042,302.09	397	1.93
Sub Total / Average				**98,521,000.00**	**103,277,268.64**	**100,794,543.68**	**997.00**	**1.656**
LAIF - Public Safety Facility Bonds								
LAIF LGIP	LGIP7018	LAIF	6/30/2011	50,287.39	50,287.39	50,287.39	1	0.377
Sub Total / Average				**50,287.39**	**50,287.39**	**50,287.39**	**1.00**	**0.377**
Money Market Account								
Bank of America MM	MM0555	Bank of America	5/31/2011	1,581,173.09	1,581,173.09	1,581,173.09	1	0.2
Sub Total / Average				**1,581,173.09**	**1,581,173.09**	**1,581,173.09**	**1.00**	**0.200**
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	438	0.5

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 8/31/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
Beal Bank USA 0.6 6/12/2013	07370VAG3	Beal Bank USA	6/13/2012	245,000.00	244,477.68	245,000.00	285	0.6
Discover Bank 0.5 11/12/2013	254671AP5	Discover Bank	5/9/2012	245,000.00	245,000.00	245,000.00	438	0.5
GoldmanSachs 0.55 8/15/2013	38143AJY2	GoldmanSachs	2/15/2012	225,000.00	224,306.17	225,000.00	349	0.55
Huntington Nat 0.6 12/16/2013	446438QU0	Huntington Nat	6/15/2012	245,000.00	245,000.00	245,000.00	472	0.6
Sub Total / Average				**1,205,000.00**	**1,203,783.85**	**1,205,000.00**	**397.00**	**0.550**
Treasury Coupon Securities								
T-Note 2.125 5/31/2015	912828NF3	Treasury	6/18/2010	1,000,000.00	1,050,312.50	1,003,813.95	1003	1.978
T-Note 4.25 9/30/2012	912828HE3	Treasury	10/5/2007	300,000.00	300,867.00	300,010.42	30	4.203
Sub Total / Average				**1,300,000.00**	**1,351,179.50**	**1,303,824.37**	**778.00**	**2.492**
Total / Average				**109,769,109.02**	**114,575,341.01**	**112,046,477.07**	**909**	**1.549**

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 9/28/2012

Description	Face Amount/Shares	Cost Value	Market Value	Book Value	Days To Maturity	YTM @ Cost
California Local Agency Investment Fund	14,111,648.54	14,111,648.54	14,111,648.54	14,111,648.54	1	0.348
Federal Agency Coupon Securities	85,441,000.00	88,816,332.19	89,715,044.40	87,393,825.70	935	1.759
LAIF - Public Safety Facility Bonds	50,287.39	50,287.39	50,287.39	50,287.39	1	0.348
Money Market Account	7,782,256.53	7,782,256.53	7,782,256.53	7,782,256.53	1	0.2
Negotiable Certificate of Deposit	1,205,000.00	1,205,000.00	1,204,873.79	1,205,000.00	369	0.55
Treasury Coupon Securities	1,300,000.00	1,307,507.81	1,348,360.00	1,303,708.17	750	2.492
Total / Average	109,890,192.46	113,273,032.46	114,212,470.65	111,846,726.33	740	1.462

Kenneth C. Hugins

Kenneth C. Hugins, City Treasurer

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 9/28/2012

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	14,111,648.54	14,111,648.54	14,111,648.54	1	0.348
Sub Total / Average				**14,111,648.54**	**14,111,648.54**	**14,111,648.54**	**1.00**	**0.35**
Federal Agency Coupon Securities								
FFCB 2.4 3/15/2016	31331KEK2	FFCB	3/24/2011	1,000,000.00	1,057,210.00	1,004,389.93	1264	2.265
FFCB 4.25 7/8/2013	31331Y2Q2	FFCB	3/23/2010	2,000,000.00	2,062,080.00	2,036,039.57	283	1.84
FFCB 4.55 3/4/2015	31331SNP4	FFCB	6/18/2010	1,000,000.00	1,101,040.00	1,052,482.55	887	2.26
FFCB 4.75 9/30/2015	31331GCR8	FFCB	9/30/2010	1,000,000.00	1,129,130.00	1,093,082.79	1097	1.52
FFCB 5.2 3/20/2013	31331VTY2	FFCB	5/14/2008	1,000,000.00	1,023,570.00	1,005,689.17	173	3.87
FHLB 1.375 10/26/2012	3133XXLX3	FHLB	3/23/2010	2,000,000.00	2,001,660.00	1,999,923.80	28	1.426
FHLB 1.375 12/11/2015	313371NW2	FHLB	12/29/2010	1,000,000.00	1,029,750.00	970,393.52	1169	2.36
FHLB 1.625 12/11/2015	313371VF0	FHLB	12/29/2010	1,000,000.00	1,035,410.00	978,055.39	1169	2.355
FHLB 1.625 12/9/2016	313371PV2	FHLB	12/29/2011	1,500,000.00	1,559,475.00	1,528,351.17	1533	1.16
FHLB 1.625 9/28/2015	3133716Z4	FHLB	9/30/2010	1,000,000.00	1,036,100.00	1,002,413.32	1095	1.541
FHLB 1.63 8/20/2015	313370NE4	FHLB	3/24/2011	1,000,000.00	1,037,110.00	991,171.58	1056	1.95
FHLB 1.75 12/14/2012	3133XVNT4	FHLB	3/24/2010	1,000,000.00	1,003,080.00	1,000,423.65	77	1.543
FHLB 1.75 9/11/2015	313370JB5	FHLB	9/30/2010	1,000,000.00	1,039,350.00	1,006,365.39	1078	1.525
FHLB 1.875 8/30/2013	3133XXL21	FHLB	3/23/2010	3,000,000.00	3,045,840.00	2,999,333.89	336	1.9
FHLB 2 10/28/2013	3133XYDK8	FHLB	5/7/2010	1,000,000.00	1,019,140.00	1,001,197.44	395	1.885
FHLB 2.3 12/8/2016	313371ZU3	FHLB	12/29/2011	500,000.00	530,105.00	522,109.66	1532	1.21
FHLB 2.5 6/13/2014	3133XWE70	FHLB	6/7/2012	3,000,000.00	3,113,790.00	3,107,924.59	623	0.382
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	5/5/2010	1,050,000.00	1,074,097.50	1,057,415.89	350	1.86
FHLB 2.625 9/13/2013	3133XUPZ0	FHLB	3/24/2010	3,000,000.00	3,068,850.00	3,018,799.05	350	1.945
FHLB 3.125 3/11/2016	3133XXP43	FHLB	3/24/2011	3,000,000.00	3,264,720.00	3,081,101.21	1260	2.291

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 9/28/2012

Description	CUSIP/Ticker	Issuer	Settlement Date	Face Amount/Shares	Market Value	Book Value	Days To Maturity	YTM @ Cost
FHLB 3.125 3/8/2013	3133XPBB9	FHLB	6/17/2009	1,535,000.00	1,554,709.40	1,539,468.42	161	2.43
FHLB 3.25 9/12/2014	3133XUMR1	FHLB	6/18/2010	1,000,000.00	1,057,690.00	1,022,153.85	714	2.06
FHLB 4 6/16/2015	3133XTYD2	FHLB	9/30/2010	1,000,000.00	1,097,570.00	1,065,682.56	991	1.485
FHLB 4.625 10/10/2012	3133XML66	FHLB	10/29/2008	2,000,000.00	2,002,260.00	2,000,284.60	12	4.15
FHLB 4.875 12/13/2013	3133XHW57	FHLB	3/24/2010	1,350,000.00	1,425,154.50	1,393,099.40	441	2.108
FHLMC 2 8/25/2016	3137EACW7	FHLMC	8/31/2011	3,000,000.00	3,164,610.00	3,091,056.94	1427	1.197
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	5,000,000.00	5,362,600.00	5,076,866.64	1337	2.055
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	5/25/2011	3,000,000.00	3,217,560.00	3,046,250.40	1337	2.054
FHLMC 2.5 5/27/2016	3137EACT4	FHLMC	6/1/2011	2,500,000.00	2,681,300.00	2,552,094.94	1337	1.9
FHLMC 3 7/28/2014	3137EACD9	FHLMC	6/18/2010	5,000,000.00	5,240,850.00	5,098,108.33	668	1.88
FHLMC 5 2/16/2017	3137EAAM1	FHLMC	2/16/2012	5,000,000.00	5,940,200.00	5,841,869.85	1602	1.048
FNMA 0.5 5/27/2015	3135G0KM4	FNMA	6/29/2012	3,000,000.00	3,009,300.00	3,000,789.97	971	0.49
FNMA 1.25 1/30/2017	3135G0GY3	FNMA	1/24/2012	3,000,000.00	3,079,590.00	3,004,098.69	1585	1.217
FNMA 1.25 4/27/2017	3135G0JA2	FNMA	5/31/2012	2,000,000.00	2,037,020.00	2,013,193.12	1672	1.102
FNMA 1.25 9/28/2016	3135G0CM3	FNMA	9/29/2011	5,000,000.00	5,136,000.00	4,991,314.81	1461	1.295
FNMA 1.375 11/15/2016	3135G0ES8	FNMA	12/29/2011	2,000,000.00	2,062,160.00	2,014,387.55	1509	1.195
FNMA 2.375 7/28/2015	31398AU34	FNMA	9/30/2010	1,000,000.00	1,055,530.00	1,024,353.47	1033	1.48
FNMA 2.375 7/28/2015	31398AU34	FNMA	3/24/2011	2,000,000.00	2,111,060.00	2,022,869.20	1033	1.951
FNMA 4.375 7/17/2013	31359MSL8	FNMA	5/5/2010	1,000,000.00	1,032,710.00	1,020,312.61	292	1.75
FNMA 4.625 10/15/2014	31359MWJ8	FNMA	6/18/2010	1,000,000.00	1,088,140.00	1,051,749.13	747	1.972
FNMA 4.75 2/21/2013	31359MQV8	FNMA	7/23/2009	2,000,000.00	2,035,360.00	2,020,631.84	146	2.055
FNMA 4.75 2/21/2013	31359MQV8	FNMA	4/25/2008	2,000,000.00	2,035,360.00	2,006,784.07	146	3.811
FNMA 5.38 10/2/2013	31364GBF5	FNMA	5/5/2010	1,006,000.00	1,056,803.00	1,039,741.75	369	1.93
Sub Total / Average				**85,441,000.00**	**89,715,044.40**	**87,393,825.70**	**935.00**	**1.76**

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 9/28/2012

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	50,287.39	50,287.39	50,287.39	1	0.348
Sub Total / Average				**50,287.39**	**50,287.39**	**50,287.39**	**1.00**	**0.35**
Money Market Account								
Bank of America MM	MM0555	Bank of America	5/31/2011	7,782,256.53	7,782,256.53	7,782,256.53	1	0.2
Sub Total / Average				**7,782,256.53**	**7,782,256.53**	**7,782,256.53**	**1.00**	**0.20**
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	410	0.5
Beal Bank USA 0.6 6/12/2013	07370VAG3	Beal Bank USA	6/13/2012	245,000.00	245,067.94	245,000.00	257	0.6
Discover Bank 0.5 11/12/2013	254671AP5	Discover Bank	5/9/2012	245,000.00	245,000.00	245,000.00	410	0.5
GoldmanSachs 0.55 8/15/2013	38143AJY2	GoldmanSachs	2/15/2012	225,000.00	224,805.85	225,000.00	321	0.55
Huntington Nat 0.6 12/16/2013	446438QU0	Huntington Nat	6/15/2012	245,000.00	245,000.00	245,000.00	444	0.6
Sub Total / Average				**1,205,000.00**	**1,204,873.79**	**1,205,000.00**	**369.00**	**0.55**
Treasury Coupon Securities								
T-Note 2.125 5/31/2015	912828NF3	Treasury	6/18/2010	1,000,000.00	1,048,360.00	1,003,707.48	975	1.978
T-Note 4.25 9/30/2012	912828HE3	Treasury	10/5/2007	300,000.00	300,000.00	300,000.69	2	4.203
Sub Total / Average				**1,300,000.00**	**1,348,360.00**	**1,303,708.17**	**750.00**	**2.49**
Total / Average				**109,890,192.46**	**114,212,470.65**	**111,846,726.33**	**740.00**	**1.46**

Tracker
City of Escondido
Transactions Summary
Transaction Summary Report - by Action
Group By: Action Matured and Sold Investments
Portfolio / Report Group: All Portfolios
From 7/1/2012 To 9/28/2012

Description	CUSIP/Ticker	Settlement Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Matured						
FHLB 1.25 8/27/2012	3133XYF91	8/27/2012	2,000,000.00	2,000,000.00	-	2,000,000.00
FHLB 1.35 8/28/2012	3133XX4Z7	8/28/2012	2,000,000.00	2,000,000.00	-	2,000,000.00
FHLB 2 7/13/2012	3133XTHE9	7/13/2012	1,000,000.00	1,000,000.00	-	1,000,000.00
FHLB 2 9/14/2012	3133XUK93	9/14/2012	3,000,000.00	3,000,000.00	-	3,000,000.00
FHLMC 5.5 8/20/2012	3137EAAV1	8/20/2012	3,000,000.00	3,000,000.00	-	3,000,000.00
FNMA 5 8/2/2012	31359MYQ0	8/2/2012	1,000,000.00	1,000,000.00	-	1,000,000.00
FNMA 5 8/2/2012	31359MYQ0	8/2/2012	2,000,000.00	2,000,000.00	-	2,000,000.00
T-Note 4.625 7/31/2012	912828GZ7	7/31/2012	275,000.00	275,000.00	-	275,000.00
Sub Total / Average			**14,275,000.00**	**14,275,000.00**	**0**	**14,275,000.00**
Sell						
FFCB 5.1 4/25/2017	31331XWK4	9/20/2012	1,080,000.00	1,286,604.00	22,185.00	1,308,789.00
FHLB 1 6/9/2017	313379FW4	9/20/2012	3,000,000.00	3,022,500.00	10,833.33	3,033,333.33
FHLMC 1.25 5/12/2017	3137EADF3	9/20/2012	4,000,000.00	4,078,400.00	17,777.78	4,096,177.78
FNMA 0.5 5/27/2015	3135G0KM4	9/20/2012	2,000,000.00	2,004,000.00	3,138.89	2,007,138.89
Sub Total / Average			**10,080,000.00**	**10,391,504.00**	**53,935.00**	**10,445,439.00**

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

Type of Funds / Institution	Market Value	Reserve Fund Interest Rate	Reserve Fund Type of Investment	Maturity Date
BOND FUNDS				
BANK OF NEW YORK:				
1993 Vineyard Golf Course Certificates of Participation	$ 700,504.67	0.160%	Money Market/ FHLB Discount Note	
2001 Reidy Creek Golf Course Lease Revenue Bonds (issued April 2001)	542,438.03	0.160%	Money Market/ FHLB Discount Note	
1992 Community Development Commission Revenue Bond	347,283.65	0.136%	Money Market/ FHLB Discount Note	
2007 COP - Water Project (Certificates issued September 2007)	7,951,688.31	0.010%	Money Market	
2004A Wastewater Bond (1996 Wastewater Refunding)	2,023,546.71	0.160%	Money Market/ FHLB Discount Note	
2004B Wastewater Bond - Brine Project	3,586,377.07	0.047%	Money Market/ FHLB Discount Note	
2001 Community Facility District (Hidden Trails)	230,012.33	0.159%	Money Market/ FHLB Discount Note	
2006 Community Facility District (Eureka Ranch)	1,925,584.69	0.105%	Money Market/ FHLB Discount Note	
1986-1R/98 Auto Parkway Assessment District	335,881.11	0.158%	Money Market/ FHLB Discount Note	
1998-1 Rancho San Pasqual Assessment District	342,627.75	0.159%	Money Market/ FHLB Discount Note	
2012 JPFA Revenue Bonds (Water System Financing)	20,004,904.91	0.348%	Money Market; LAIF	
2012 JPFA Revenue Bonds (Wastewater System Financing)	25,006,476.23	0.348%	Money Market; LAIF	
TOTAL FUNDS MANAGED BY OUTSIDE PARTIES	$ 62,997,325.46			

ESCONDIDO
City of Choice

CITY COUNCIL

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Reso No. ______________ File No.__________
Ord No. ______________

Agenda Item No.: 5
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance

SUBJECT: Annual Financial Report on Capital Funds funded by Developer Fees per Government Code Section 66006

RECOMMENDATION:
City Council accepts and files the report.

FISCAL ANALYSIS:
No impact.

GENERAL PLAN ANALYSIS:
No impact.

PREVIOUS ACTION:
None.

BACKGROUND:
The California Government Code Section 66006 requires local agencies to annually report certain financial information related to capital funds which were established to track fees charged in connection with the approval of a development project. The information required by the Government Code includes the beginning and ending balance for the fiscal year, the fee charged, interest, other income, the amount of expenditure by public facility and any refunds made to developers pursuant to the Code. The fiscal year 2011/2012 information is included for your consideration and acceptance.

The attached report provides the information required by the Government Code for the five development fees which fall under this disclosure requirement. No refunds have been made nor are any required. The report does not show the future plans for monies in the funds. More information on these funds and all other capital project funds are available in the Five Year Capital Improvement Program which was adopted by Council for fiscal year 2012/2013 and in the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012, which will be provided to you near the end of January.

Respectfully submitted,

Gilbert Rojas
Director of Finance

CITY OF ESCONDIDO
Financial Information Report
Capital Funds Funded by Developer Fees and Subject to Gov. Code Sec. 66006
Fiscal Year Ended June 30, 2012

	Beginning Fund Balance	Developer Fee Revenue	Interest Earned	Other Revenue and Transfers-In	Capital Expenditures and Transfers-Out	Ending Fund Balance	FYE 2012 Appropriation Balance	Fees as a Percentage of Total Project's Funding
PARK DEVELOPMENT FUND	$501,925	$51,333	$4,105	$0	($301,415)	$255,948	$0	

Fee: $4,129.00 per Dwelling Unit

Capital Expenditures and Transfers Out:

Project No.	Expenditure Description	Expenditures	Current Approp	
501805	Ryan Park - Parking Lot	38,364	0	100%
501101	Sports Center Community Room	144,389	0	100%
501806	Sports Center Office	118,663	0	92%
	Total Expenditures and Appropriations:	$301,416	$0	

	Beginning Fund Balance	Developer Fee Revenue	Interest Earned	Other Revenue and Transfers-In	Capital Expenditures and Transfers-Out	Ending Fund Balance	FYE 2012 Appropriation Balance	Fees as a Percentage of Total Project's Funding
TRAFFIC IMPACT FUND	$1,229,390	$164,673	$16,824	$0	$0	$1,410,887	$836,000	

Fee: City-wide Traffic Fee
Residential - $285/Average Daily Trip (ADT)
Non-residential - $42/Average Daily Trip (ADT)

Regional Transportation Congestion Improvement Program (RTCIP) Fee
Residential - $2,123/Residential Dwelling Unit

Capital Expenditures and Transfers Out:

Project No.	Expenditure Description	Expenditures	Current Approp	
661001	Citracado, West Valley to Harmony Grove	-	836,000	100%
	Total Expenditures and Appropriations:	$0	$ 836,000	

CITY OF ESCONDIDO
Financial Information Report
Capital Funds Funded by Developer Fees and Subject to Gov. Code Sec. 66006
Fiscal Year Ended June 30, 2012

	Beginning Fund Balance	Developer Fee Revenue	Interest Earned	Other Revenue and Transfers-In	Capital Expenditures and Transfers-Out	Ending Fund Balance	FYE 2012 Appropriation Balance	Fees as a Percentage of Total Project's Funding
PUBLIC ART FUND	$865,428	$41,893	$10,796	$11,604	($420,768)	$508,953	$453,847	

Fee: $0.30 per sq. ft. of building area

Other Revenue and Transfers In:

Other Revenue Description	
Insurance Recoveries	11,604
Total Other Revenue and Transfers In:	$11,604

Capital Expenditures:

Project No.	Expenditure Description	Expenditures	Current Approp	
421101	California Center for the Arts Museum Courtyard	18,766	-	100%
421202	Maple Street Pedestrian Plaza Art	243,750	114,615	10%
420119	Niki de Saint Phalle Art	5,912	24,943	86%
420019	Public Art - Administration	16,884	-	100%
421501	Public Art - Gateways	115,909	11,024	100%
427201	Public Art - Maintenance Program	17,455	107,545	100%
421001	Public Art - Pedestrian Pathfinders	252	150,115	100%
427905	Public Art - Repair and Relocate Eucalyptus Leaf Court	1,840	13,805	91%
421201	Queen Califia Power	-	30,000	100%
429999	Contingency	-	1,800	100%
	Total Expenditures and Appropriations:	$ 420,768	$ 453,847	

	Beginning Fund Balance	Developer Fee Revenue	Interest Earned	Other Revenue and Transfers-In	Capital Expenditures and Transfers-Out	Ending Fund Balance	FYE 2012 Appropriation Balance
STORM DRAIN FUND	$402,830	$145,700	$6,171	$0	($103,760)	$450,941	$176,031

Fee: Single-Family Residential $1,071.00 per Dwelling Unit
Multi-Family Residential $428.00 per Dwelling Unit
Non-Residential $0.70 per sq. ft.

Capital Expenditures:

Project No.	Expenditure Description	Expenditures	Current Approp	
679908	Storm Drain - La Honda Drive	-	176,031	100%
672001	Storm Drain - Maple Street Pedestrian Plaza	98,000	-	100%
799501	Fees 11 Available for Developer Reimbursements	5,760	-	100%
	Total Expenditures and Appropriations:	$103,760	$176,031	

CITY OF ESCONDIDO
Financial Information Report
Capital Funds Funded by Developer Fees and Subject to Gov. Code Sec. 66006
Fiscal Year Ended June 30, 2012

	Beginning Fund Balance	Developer Fee Revenue	Interest Earned	Other Revenue and Transfers-In	Capital Expenditures and Transfers-Out	Ending Fund Balance	FYE 2012 Appropriation Balance	Fees as a Percentage of Total Project's Funding
PUBLIC FACILITIES	$4,314,419	$551,336	$58,356	$0	($677,032)	$4,247,079	1,338,927	

Fee: Residential $4,533 per Dwelling Unit
Commercial $2.13 per square foot
Industrial $1.61 per square foot

Capital Expenditures:

Project No.	Expenditure Description	Expenditures	Current Approp	
100239	Computer Aided Dispatch	172,681	281,359	35%
127201	CRW Upgrade and Enhancement	167,013	9,987	96%
150059	Digital Imaging Storage - Police	326	3,915	100%
160169	Fire Records Management System	-	50,000	100%
153009	GIS Public Internet Server	10,693	14,280	100%
136401	Hi-Resolution Imagery Acquisition	-	23,485	100%
414101	Joslyn Senior Center Craft Room Remodel	8,025	6,975	100%
410039	Joslyn Senior Center Remodel	908	13,717	100%
400029	Library Books Circulation	166,055	86,540	100%
101201	Tenant Improvmts Harmony Grove	151,331	848,669	100%
	Total Expenditures and Appropriations:	$677,032	$1,338,927	

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. ______________ File No.__________
Ord No. ______________

Agenda Item No.: 6
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance

SUBJECT: Adoption of Policy Regarding Uncollectible Receivables

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-172

FISCAL ANALYSIS:

The adoption of this policy will assure that the City's financial statements do not overstate City assets. In addition, writing off uncollectible receivables does not mean that the City will stop our collection effort.

BACKGROUND:

The City has several types of receivables generated from operations. Some examples are Library fines, water bills, code enforcement violations, property damage, fire re-inspections, grease trap violation and paramedic bills. In the course of business sometimes these receivables are deemed uncollectible after pursuit by City collection staff and/or a city contracted collection agency. This proposed policy sets the standards of when the City should take them off our financial records. The City will still pursue all amounts due thru a collection company. This policy will allow the Finance Director and City Manager to approve write offs under $5,000 after a diligent effort to collect. All amounts over $5,000 will be submitted to the City Council as a group at least once a fiscal year.

Respectfully submitted,

Gilbert Rojas
Director of Finance

Agenda Item No.: 6
Date: December 12, 2012

RESOLUTION NO 2012-172

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ESTABLISHING POLICIES FOR UNCOLLECTIBLE RECEIVABLES

WHEREAS, the City of Escondido administers programs and provides services which require the payment of money and the making of arrangements for payments, which includes payment over time, varying amounts of payment, and payment pursuant to other specific conditions; and

WHEREAS, the administration of such financial matters requires procedures for handling receivables and other amounts due to the City which either have the potential to become or have actually become uncollectable; and

WHEREAS, established policies and procedures will reflect the value of such receivables, provide for the timely identification of losses, and thereby assure that City collection resources are not wasted, and City staff time and other resources are used efficiently and economically; and

WHEREAS, such matters are routinely administered on a day-to-day basis by professionals in the City's Finance Department, acting under the authority of the City Manager and the City Council wishes to both establish guidelines as well as vest certain discretion in such officials with respect to the matter of receivables; and

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

1. That the above recitations are true.

2. The Write-off Policies and Procedures set forth on Exhibit "A," which is attached and incorporated by this reference, is hereby established as the policy of the City of Escondido, and shall be duly administered by the City's Finance Department acting under the authority of the City Manager.

CITY OF ESCONDIDO

SUBJECT: WRITE-OFF POLICY AND PROCEDURES

PURPOSE:

This directive establishes policy and procedure regarding uncollectible receivables and other amounts due to the City. The policy is intended to enable the City to reflect the value of its receivables and ensure that resources are used efficiently and not devoted to the recovery of uncollectible receivables. The timely identification of losses is an essential element in appropriately measuring the value of the City's assets. The write-off process is a critical component of that measurement.

POLICY:

City Council may decline to pursue collection of any debt owed to the City and may set limits allowing the Director of Finance to write-off amounts under such a prescribed limit.

No less than annually, the Director of Finance will present to the City Council all proposed write-offs above $5,000 where collection efforts have been exhausted. Amounts due under $5,000 will be written off if requested by the Finance Manager and approved by the Director of Finance and the City Manager.

The following criteria will be used for write-off recommendations.

1. Accounts under $25 and delinquent for over one year.
2. Forgiveness of debt as approved by the City Council.
3. Costs of further recovery actions will exceed estimated recovery amounts.
4. Accounts that have been subjected to a diligent internal collection effort and then forwarded to a collection agency for additional service.
5. Accounts owed by companies no longer in business and for which collection efforts have failed.
6. Court judgments forwarded to outside collection agency for servicing.
7. Discharged Chapter 7 bankrupt accounts, excluding non-dischargeable debts, i.e., traffic fines, DUI. Bankruptcy Chapters 13 or 11 will have amounts written off if claim filed is denied by the bankruptcy court.
8. Loans junior to first mortgages that have been foreclosed or sold as short sales.
9. Costs of retaining real property will exceed estimated recovery amounts.
10. Accounts of deceased persons, if the estate cannot pay the debt.
11. Accounts that cannot be substantiated by evidence or are legally without merit.
12. Accounts returned by collection agency as uncollectible, for which no other collection remedy is possible or prudent.

GUIDELINES FOR DUE DILIGENCE DOCUMENTATION:

Collections Officer must verify when accounts are received:

The departments having outstanding accounts receivable must keep adequate documentation to ensure that due diligence in collection efforts has been exercised.

- Statements or invoices are mailed monthly
- Services have been discontinued for delinquent customers
- Follow-up and/or collection letters must be mailed for all past due accounts with copies maintained for each account
- Departments submitting accounts for write-off must follow up on account status.

GENERAL PROCEDURES:

The initial collection for a payment will be made by the applicable individual department. Departments will submit accounts for collection to the Collection Officer if: (1) the balance remains unpaid for 30 days and there has been no customer response, or (2) there is a customer response but no payment has been received by the issuing department within sixty days.

Departments will:

1. Provide documentation for balance outstanding.
2. Submit recommendation and reasons to support collection or write-off of an account.
3. Provide full information on account, including contact names, correspondence and other pertinent information.
4. Submit package to Collections Officer after 30 days of no contact by the customer or 60 days when no payment has been received.
5. Collections Officer will begin process incorporating previously referenced policy standards.

HOUSING PROCEDURES:

For outstanding housing loans, the City's Housing Division will initiate the authorization of the loan write-off. All write-offs of loan balances will be reviewed and authorized by the City Attorney. The Housing Division will:

1. Provide documentation for loan (copies of promissory notes).
2. Provide full information on account, including contact names, correspondence and other pertinent information.
3. Contact the City Attorney's office to negotiate settlements in full, foreclosures or short sales, or other settlement arrangements.
4. Submit recommendation and reasons to support write-off of an account.

COLLECTIONS DIVISION:

Accounts receivable write-off request form will be submitted to the Finance Manager at the completion of each quarterly fiscal cycle. This request must include an itemized list of the uncollectible accounts to be written off, the justification for the write-off, including documentation of collection efforts, the Revenue Code Description and be approved by the Finance Manager. Collection efforts may include copies of invoices, collection letters, returned mail, notes from telephone contact, small claims court judgment, etc.

CRITERIA FOR DENIAL OF WRITE-OFF REQUEST:

1. Insufficient collection efforts have been made or demonstrated.
2. Existence of a lien and future collection is possible.
3. Knowledge that the debt will be collected in the future.
4. Other specific facts and circumstances resulting in a determination that further collection efforts are not in the City's best interests, as determined by the City Manager or the City Attorney.

AUTHORIZATION TO WRITE-OFF

Customer Account Number:______________________________ Date:______________________

Customer Name:____

Amount: $___________________________

Write-off Reason Codes (check one)

☐ WFD- Forgiveness of debt/waiver*

☐ WPS- Past statute for collection

☐ WTS- Balance too small to pursue

☐ WBK- Bankruptcy discharge

☐ WDD- Debtor deceased

☐ WEJ- Judgment expired

☐ Sent to outside collection agency

***MUST PROVIDE DETAILED EXPLANATION OF DEBT FORGIVENESS OR WAIVER**

Requestor:____ _______________ Date

Signature Approvals:

$5,000.00+________________________ Council _____________ Date of Council Meeting

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
APPROVED DENIED
Reso No. ______ File No. ______
Ord No. ______

Agenda Item No.: 7
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: Resolution to Document Initiation of an Out-of-Agency Sewer Service Agreement, Case Number PHG12-0021

RECOMMENDATION:

Adopt Resolution 2012-184 making application to LAFCO for an Out-of-Agency Sewer Service Agreement for connection to the City's sewer system, and authorizing staff to process an Irrevocable Offer of Annexation.

PROJECT DESCRIPTION:

A request for an Out-of-Agency Service Agreement, including an Irrevocable Offer of Annexation, for the provision of sewer service for one single family residence on a 0.22 acre lot experiencing septic failure at 714 North Avenue (APN 224-153-1500). The property was previously prezoned RE-20 as part of Planning case no. 2005-17-PZ.

FISCAL ANALYSIS:

The property owner will be required to pay fees to cover all administrative costs and staff time for processing the extension of sewer service. The applicant would pay a fair share cost of future annexation. A bond would not presently be requested.

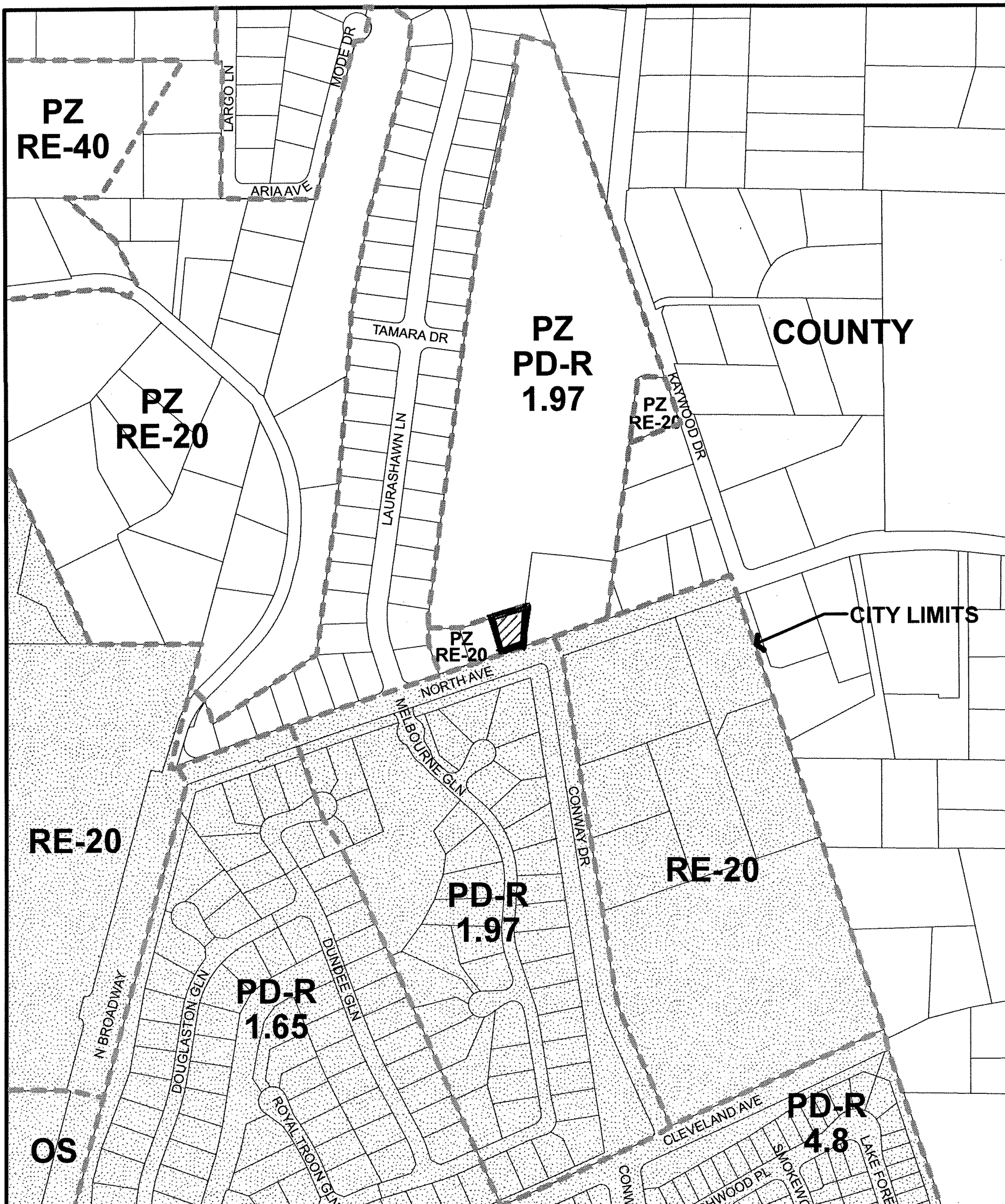
BACKGROUND:

On April 5, 2006, the City Council approved the initiation of an Annexation/Prezoning of the existing residence together with adjacent improved and unimproved lots. These actions were associated with a failed subdivision on the 16.48 acre parcel to the north known as Tract 916. The present applicant has a letter from the County's Department of Environmental Health, documenting eminent failure of the existing residence's septic system. An existing City sewer line with adequate capacity runs in front of the subject property along North Avenue. Because LAFCO now requires a resolution of action, staff is requesting that the Council adopt Resolution No. 2012-184 authorizing staff to make application to LAFCO for an Out-of-Agency Service Agreement and to process an Irrevocable Offer of Annexation.

Respectfully submitted,

Barbara J. Redlitz
Director of Community Development

Paul K. Bingham
Assistant Planner II



NORTH AVENUE-CLEM OUT-OF-AGENCY SERVICE AGREEMENT AND IRREVOCABLE OFFER TO ANNEX
PHG 12-0021

RECORDING REQUESTED BY AND
PLEASE RETURN TO:

Name City of Escondido
Address 201 North Broadway
City & State Escondido, CA 92025
[X] *This document benefits permitee. Recording fee required.*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Affects Assessor's Parcel No. 224-153-1500 File No. PHG12-0021

AGREEMENT BETWEEN THE CITY OF ESCONDIDO AND THE TONI L. CLEM 2011 TRUST REGARDING SEWER SERVICE AND OFFER OF ANNEXATION

This agreement is hereby made this ___________ day of _________________, 2012 for the purposes of reference only, and effective as of the date last executed by the parties, between the TONI L. CLEM 2011 TRUST (hereinafter referred to as "Owner") and the City of Escondido (hereinafter referred to as "City"), collectively, the "Parties".

RECITALS

A. *Property and Ownership.* Owner of property commonly located on the north side of North Avenue, just west of the intersection of North Avenue and Conway Drive which is identified by the San Diego County Tax Assessor as parcel number shown in the upper left hand corner of this page, the legal description of which is more fully set forth in Exhibit "A", which is incorporated by reference ("Property"). Property is in the unincorporated territory adjacent or proximal to the City boundary in part of an area which could not logically and reasonably be annexed to the City at this time.

B. *Request for Connection of Sewer System.* Owner has submitted a request to the City Engineer for permission to connect to City's sewer system. A copy of the plans and specifications and accompanying maps designating the proposed sewer connection ("Proposed Connection") has been submitted to the City Engineer.

C. *No Duty to Serve.* Owner acknowledges that the City is under no duty to serve the Owner's property with sewer service because it is outside the jurisdictional responsibility of City.

D. *Willingness to Serve on Conditions.* City is willing to serve Owner's property with sewer service on the continued fulfillment of conditions, including Owner's concerted good faith effort to annex the Property to the City at such time as the City directs, as follows:

1. Prezoning, Annexation Application, and Authority to Connect

1.1 Annexation Application

Upon completion of pre-zoning and associated environmental review, Owner shall file an Annexation Application with the Local Agency Formation Commission (LAFCO) and pay associated fees.

1.2 Authority to Connect

Construction to implement the Proposed Connection may proceed upon execution of this agreement by the City and upon City's receipt of LAFCO approval of the provision of services no later than 120 days following City Council approval of this Agreement.

a. Owner agrees to construct the Proposed Connection in conformance with all applicable Federal, State, County, and City laws and regulations, including, without limitation, building and health and safety codes.

b. No construction of the Proposed Connection and related Improvements shall be undertaken without the written approval of the City Engineer and a plumbing permit from the agency in whose jurisdiction the Property is located, and a permit from the Agency owning the right-of-way in which the sewer main is located.

c. No sewer service shall be provided to any property beyond the City's boundary until written approval of that specific service has been received by the City Engineer.

2. Owner Irrevocable Offer of Annexation

Owner hereby makes an Irrevocable Offer of Annexation to City and Owner agrees to waive any right of protest in the annexation of the property to the City provided for under the annexation laws of the State of California. This waiver shall be binding on the Owner, and on Owner's heirs, successors-in-interest, and assigns.

3. Resolution of Application or Annexation Petition

At such time as the City determines that annexation of the property is logical and likely to succeed, City shall, at its discretion, adopt a Resolution of Application to annex the property, or direct the Owner to file a petition with LAFCO for annexation of the Property. If directed to file a petition, Owner agrees to promptly file a formal petition for annexation. Upon such notification, Owner agrees to diligently and in good faith prosecute petition to completion with the goal of obtaining the annexation of the Property to the City.

4. LAFCO Filing Fees.

Owner shall be responsible, at their sole cost, for all LAFCO filing fees, if any.

5. Application for Prezoning

Owner understands that as a condition to annexation, Owner must apply to the City to have the property pre-zoned ("Application for Prezone"), a discretionary act which will require environmental review. At such time as the City may require the filing of an Application and Petition, Owner agrees to file a formal application for prezoning with the City ("Prezone Application"), complete an application for an initial study, and comply with all other rules and regulations of the City. Owner agrees to diligently and in good faith prosecute the Application for Prezone to completion with the goal of prezoning the Property.

6. City Filing Fees.

Owner shall be responsible, at their sole cost, for all City imposed fees.

7. Failure of Annexation

Owner acknowledges and agrees that if the City determines that the annexation failed or was unreasonably delayed because the Owner failed to exercise good faith and best efforts to cause or assist in permitting the annexation to occur, any connection to the City's sewer system permitted or authorized by this agreement may be disconnected at the sole option of City and upon reasonable notice to the Owner to provide for alternative service.

8. General Provisions

8.1 Agreement and Covenants Run with the Land.

The burden of the covenants herein contained to be performed by the Owner are for the benefit of interests in land owned by the City, including interests in sewer easements and public rights-of-way that are adjacent and proximal to the Property. The burden of such covenants touch and concern the Property. It is the intent of the parties, and the parties hereby agree, that these covenants shall be binding upon Owner, and upon all successors, heirs, transferees and assigns of the Owner, and shall run with the Ownership of the land which said covenants burden.

8.2 Remedy

Among such other remedies as are available to the Parties, this Agreement shall be specifically enforceable by the Parties.

8.3 Payment of Costs

8.3.1 Owner agrees to pay all costs associated with complying with any or all Federal, State, County, or City laws and regulations, including, without limitation, the cost of obtaining any permits and certificates. Owner further agrees to pay any and all fines imposed by any governmental entity for any reason.

8.3.2 Any and all costs associated with the construction and attachment to City's sewer system for the Proposed Connection and related construction and/or improvements shall be borne solely by Owner.

8.3.3 Any connection to the City's sewer system may be disconnected at the sole option of City. If a connection is disconnected for any reason, Owner agrees to pay the full cost for such disconnection and to bear the full cost of any damages and injuries resulting from such disconnection.

8.4 Payment of Charges

At and during such time that the Property is connected to the City's sewer system, Owner agrees to pay any and all current and future charges related to the Proposed Connection, and all fees and charges for sewer service.

8.5 Dedication

Owner irrevocably dedicates to the City a sewer easement to the extent that the Proposed Connection requires extending the sewer main onto Owner's

Property. The location and description of such easement shall be memorialized in a future grant deed.

8.6 Future Connections and Annexations

8.6.1 Owner agrees not to oppose, or file a written or oral protest petition, or otherwise protest any existing or future connections into the sewer lateral or the City's sewer system for any other adjacent property.

8.6.2 Owner agrees not to oppose, or file a written or oral protest petition, or otherwise protest any current or future procedures to annex their property or an other adjacent property at the Conducting Authority level of annexation proceedings. Nothing herein shall affect the right to the Owner to vote in an annexation election that may be called.

8.7 Indemnity

Owner indemnifies and holds harmless the City from any and all liability, claims, costs (including reasonable attorneys' fees), damages, expenses and causes of action resulting from any construction performed under or otherwise related to performance of this Agreement.

8.8 Future Sewer Service

Upon connection to the City's sanitary sewer system, Owner agrees to accept service from City subject to any appropriate ongoing City sewer service charges and/or sewage pumping charges.

8.9 Amendment

This Agreement may only be amended by the written consent of all of the Parties at the time of such amendment.

8.10 Attorneys' Fees

If either Party commences an action against the other Party arising out of or in connection with this Agreement, the prevailing Party shall be entitled to have and recover from the losing Party reasonable attorneys' fees and costs of suit, and, if the City is awarded such attorneys' fees and costs, such award shall constitute a lien upon the Property "Prevailing Party" means the Party awarded substantially the relief sought.

8.11 Authority

City and Owner represent that the individuals signing this Agreement have full right and authority to bind their respective Party to this Agreement.

8.12 Entire Agreement

This Agreement supersedes any prior agreement and contains the entire agreement of the Parties on the matters covered. No other agreement, statement or promise made by any Party or by any employee, officer or agent of any Party that is not in writing and signed by all Parties shall be binding.

8.13 Exhibits and Recitals

All Recitals set forth above and all exhibits to which reference is made are deemed incorporated in this Agreement, whether or not actually attached.

8.14 Further Assurances

Each party hereto agrees to perform any further acts and to execute and deliver any further documents which may be reasonably necessary to carry out the provisions of this Agreement.

8.15 Governing Law

This Agreement has been executed in and shall be governed by the laws of the State of California.

8.16 Invalidity

If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

8.17 Notices

All notices and demands shall be given in writing by personal delivery or first-class mail, postage prepaid. Notices shall be addressed as appears below for the respective Party provided that, if any Party gives notice of a change of name or address, notices to the giver of that notice shall thereafter be given as demanded in that notice. Notices shall be deemed received seventy-two (72) hours after deposit in the United States mail.

8.18 Waivers.

The waiver by the City of the performance of any covenant, condition or promise shall not invalidate this Agreement, nor shall it be considered a waiver by City of any other covenant, condition or promise.

[Signature Page follows]

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:______________________________

____
Christopher W. McKinney, Director of Utilities City of Escondido

Date:______________________________

____
Michael D. Ott, Executive Officer LAFCO

The Toni L. Clem 2011 Trust

714 North Avenue

Escondido, CA 92029
(Property owner's name & address)

Date:______________________________

____
(Property owner's signature)

(Attach notary acknowledgment for signatories, acknowledgments 8 ½" X 11")

APPROVED AS TO FORM:

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

By: ______________________

NOTES:
a. Each owner as reflected on the preliminary title report must sign.
b. Owner is to submit a check or money order payable to County of San Diego equal to the total of $9.00 for the first page and $3.00 for each page thereafter including notary acknowledgments for all signatories.
c. Exhibits are as follows: Exhibit A is the legal description.

EXHIBIT "A"

THAT PORTION IN BLOCK 410 OF RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO GRAHAM MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF NORTH AVENUE (66.00 FEET WIDE) DISTANT THEREON NORTH 70 DEGREES 20' 20" EAST, 190.00 FEET FROM THE SOUTHEASTERLY CORNER OF LOS LOMAS RANCHOS UNIT NO. 1, ACCORDING TO THE MAP THEREOF NO. 5151, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, APRIL 5, 1963; THENCE ALONG THE NORTHWESTERLY LINE OF SAID NORTH AVENUE, NORTH 70 DEGREES 20' 20" EAST 54.96 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 63 DEGREES 13' 42" AN ARC DISTANCE OF 22.07 FEET; THENCE TANGENT TO SAID CURVE, NORTH 07 DEGREES 06' 38" EAST, 110.00 FEET; THENCE SOUTH 70 DEGREES 20' 20" WEST, 122.76 FEET TO A LINE THAT BEARS NORTH 19 DEGREES 39' 40" WEST FROM THE POINT OF BEGINNING; THENCE ALONG LINE SOUTH 19 DEGREES 19' 40" EAST, 110.00 FEET TO THE POINT OF BEGINNING.

Agenda Item No.: 7
Date: December 12, 2012

RESOLUTION NO. 2012-184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, MAKING APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR AN OUT-OF-AGENCY SERVICE AGREEMENT AND IRREVOCABLE OFFER OF ANNEXATION FOR THE RESIDENTIAL PROPERTY ADDRESSED AS 714 NORTH AVENUE, APN 224-153-1500

Planning Case No. PHG12-0021

WHEREAS, the City Council of the City of Escondido desires to make application for the hereafter described out-of-agency service agreement and irrevocable offer of annexation; and

WHEREAS, Pursuant to CEQA Section 15319(a), "Annexation of Existing Facilities and lots for Exempt Facilities" the project is Categorically Exempt.

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 application and proposal is hereby made to the Local Agency Formation Commission of the County of San Diego for the following out-of-agency service agreement and irrevocable offer of annexation:

a. This proposal is made pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the Government Code of the State of California.

b. The following changes of organization are proposed:

1) Out-of-agency service agreement and irrevocable offer of annexation of territory shown in Exhibit "A" and legally described on Exhibit "B," both attached to this resolution and incorporated by these references.

c. This out-of-agency service agreement and irrevocable offer of annexation is necessary in order for the area to receive urban services available from the City of Escondido.

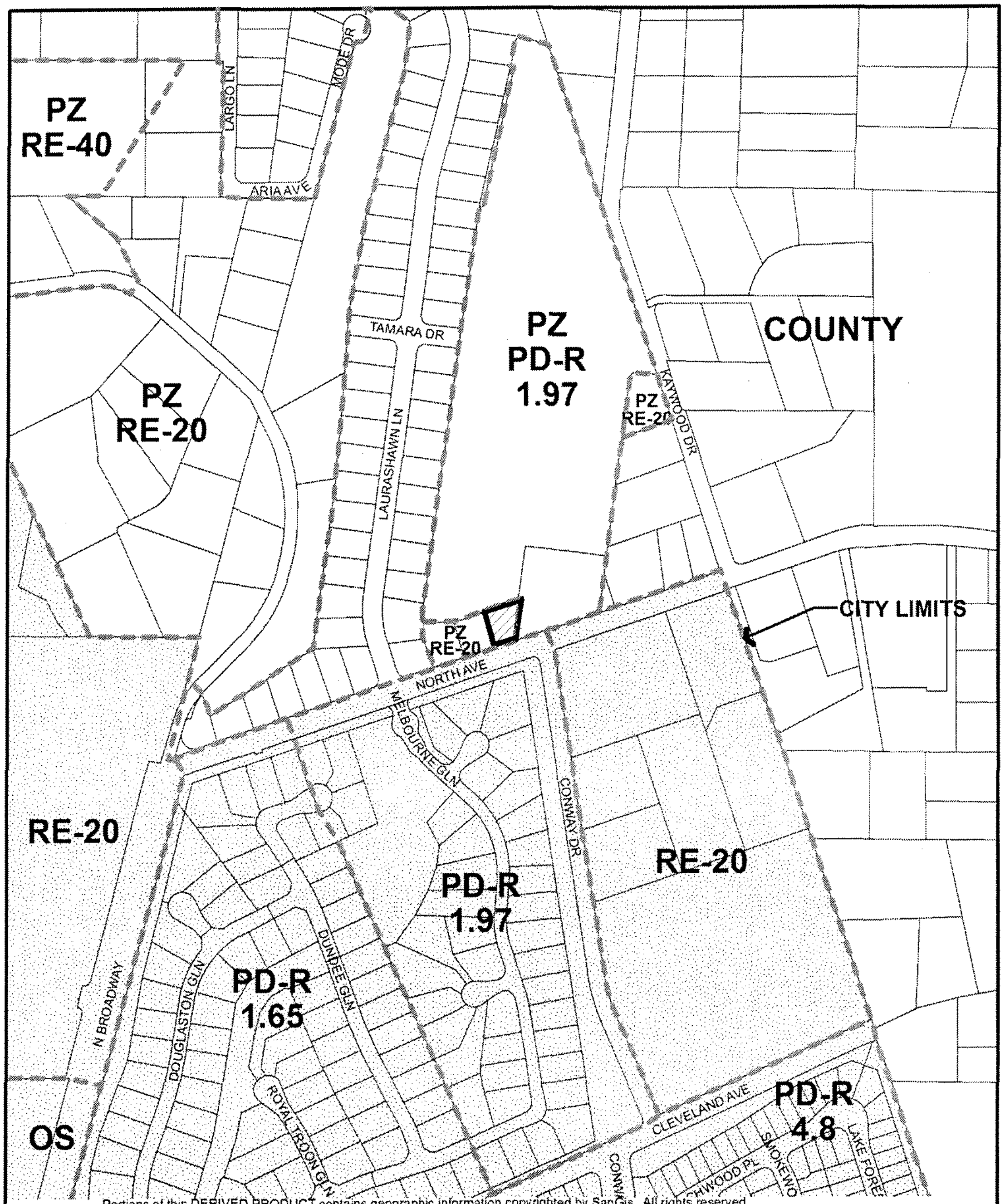
d. The Local Agency Formation Commisson of the County of San Diego is hereby requested to undertake proceedings for the out-of-agency service agreement and irrevocable offer of annexation proposed herein.

3. That the City Council of the City of Escondido hereby requests the Local Agency Formation Commisson of the County of San Diego to designate the City of Escondido as conducting agency, and that the City of Escondido be authorized to order the proposed out-of-agency service agreement and irrevocable offer of annexation.

4. That the City Clerk of the City of Escondido is hereby authorized and directed to file a certified copy of this resolution with the applicable fees required by Section 54902.5 of the California Government Code to the executive officer of the Local Agency Formation Commisson of the County of San Diego.

Resolution No. 2012-184
Exhibit "A"
Page 1 of 1

EXHIBIT "A"



NORTH AVENUE-CLEM OUT-OF-AGENCY SERVICE AGREEMENT AND IRREVOCABLE OFFER TO ANNEX
PHG 12-0021

L
LOCATION/ZONING

Exhibit "B" Legal Description

THAT PORTION IN BLOCK 410 OF RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO GRAHAM MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

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ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. ______________ File No. ______________
Ord No. ______________

Agenda Item No.: 8
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

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

SUBJECT: Notice of Completion for Tract 833 Rancho Vistamonte

RECOMMENDATION:

It is requested that Council approve and accept the public improvements and authorize staff to file a Notice of Completion for Tract 833 Rancho Vistamonte.

FISCAL ANALYSIS:

No direct fiscal impact.

PREVIOUS ACTION:

The final map was recorded on May 3, 2012.

BACKGROUND:

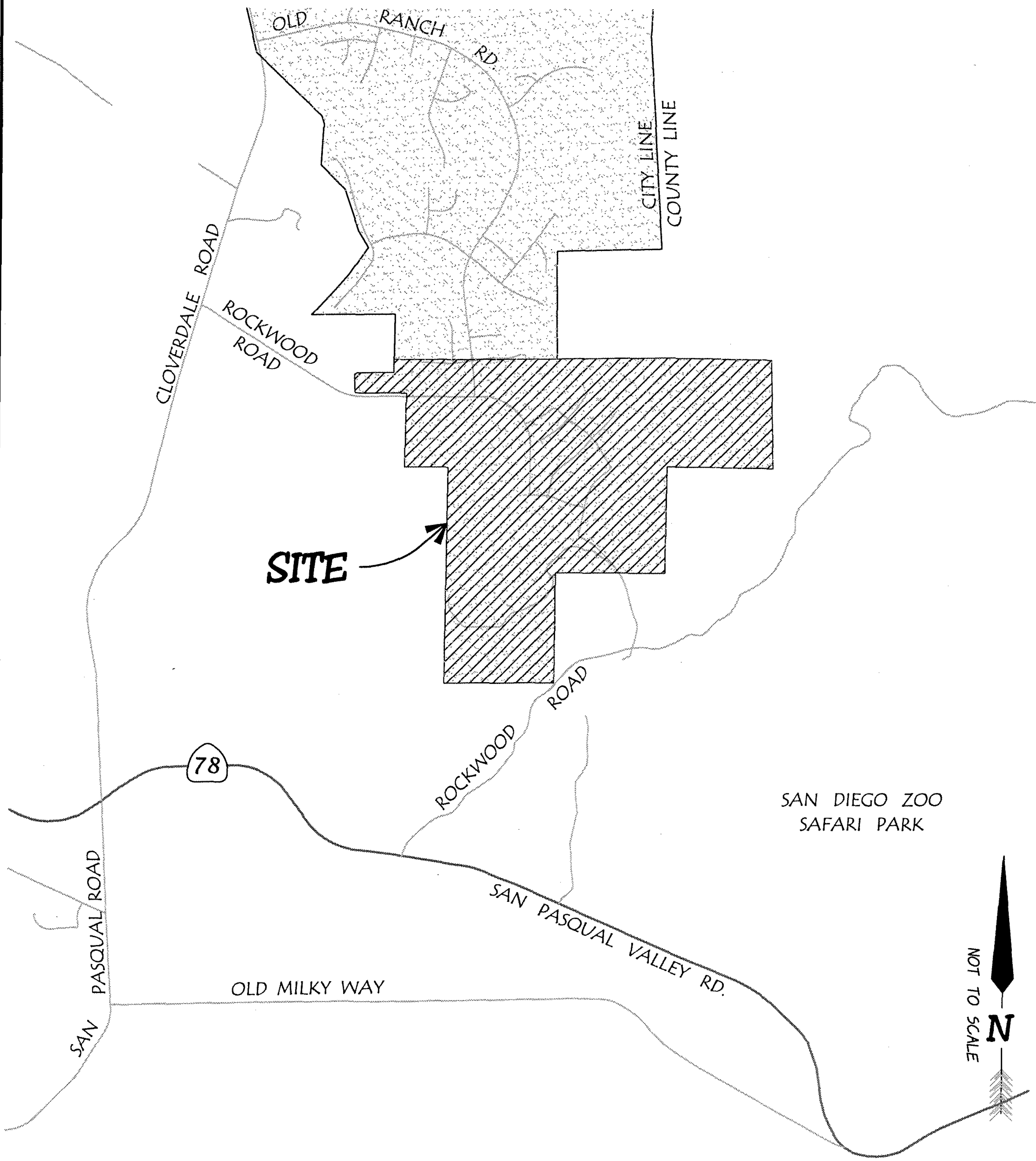
Tract 833 Rancho Vistamonte neighborhood was built near the San Diego Zoo Safari Park. The 80 unit upscale subdivision was built by New Urban West. The public improvements included street improvements, curb, gutter, sidewalk, water line, sewer line, landscaping, streetlights, and underground dry utilities.

Respectfully submitted,

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

Dan Higbee
Acting Construction Project Manager

TRACT 833 - RANCHO VISTAMONTE



NOTICE OF COMPLETION
CITY COUNCIL MEETING 12-12-2012

ESCONDIDO
City of Choice

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
APPROVED DENIED
Reso No. ______ File No. ______
Ord No. ______

Agenda Item No.: 9
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

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

SUBJECT: Notice of Completion for Maple Street Pedestrian Plaza Project

RECOMMENDATION:

It is requested that Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the Maple Street Pedestrian Plaza Project.

FISCAL ANALYSIS:

The contract was awarded to LB Civil Construction, Inc. The total cost of the project was $2.52 million.

PREVIOUS ACTION:

Council awarded the contract to LB Civil Construction, Inc. on September 27, 2012.

BACKGROUND:

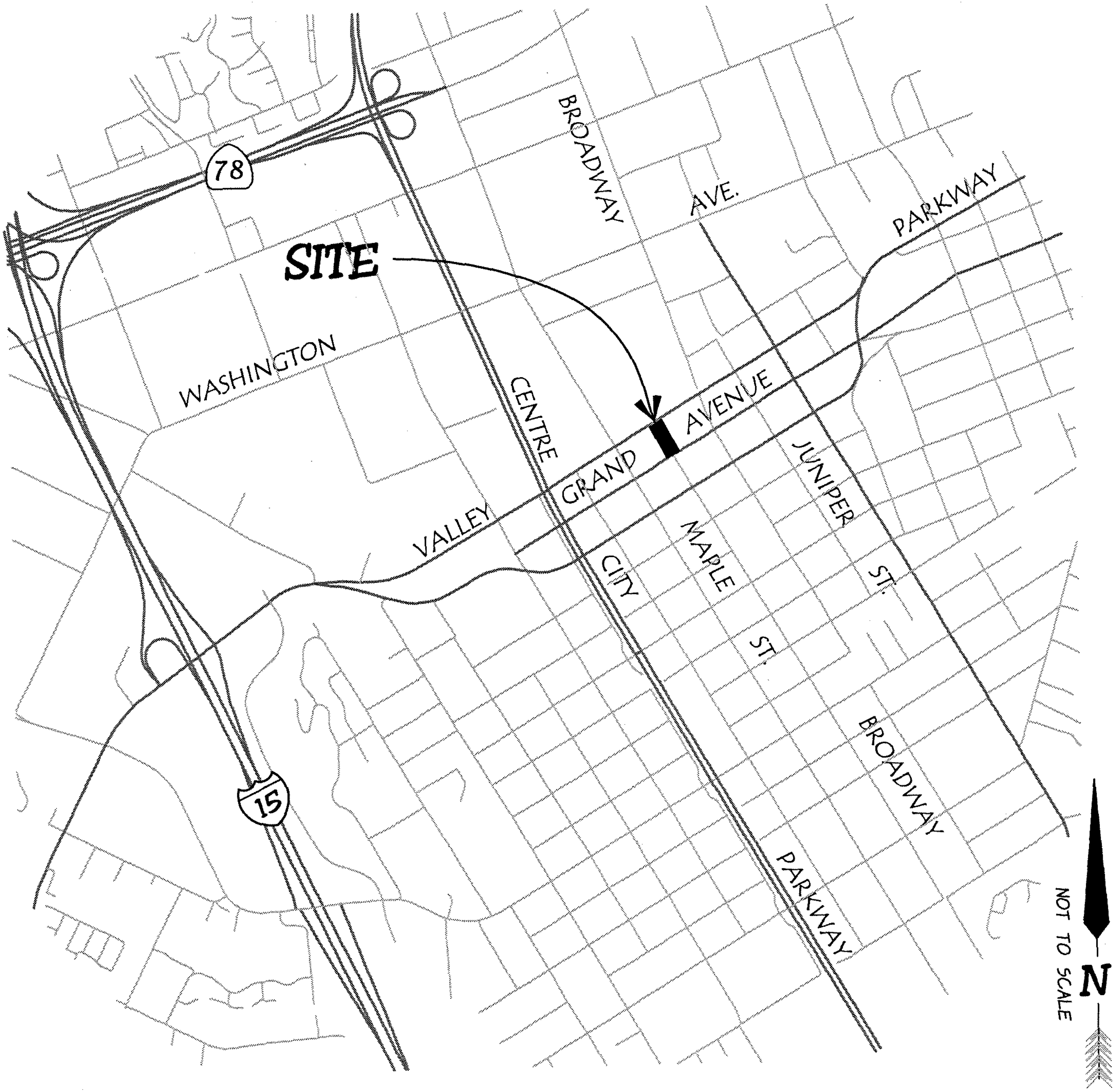
Maple Street Pedestrian Plaza Project consists of comprehensive street improvements including trellis structures, game tables, pedestrian street lighting, terrazzo wooden benches and tables, programmable LED colored lights, compass rose, paver stones (some include engraved stones with Escondido's history), family room style stone seating, interactive water fountain, traffic signal, landscaping and custom artwork by Paul Hobson.

Respectfully submitted,

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

Dan Higbee
Acting Construction Project Manager

MAPLE STREET PEDESTRIAN PLAZA PROJECT



NOTICE OF COMPLETION
CITY COUNCIL MEETING 12-12-2012

ESCONDIDO
City of Choice

ORDINANCE NO. 2012-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ESCONDIDO MUNICIPAL CODE CHAPTER 25, TAXATION, ARTICLE 4, TRANSIENT OCCUPANCY TAX

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

WHEREAS, the Escondido City Council believes the periodic review and revision of the Escondido Municipal Code facilities efficient governance; and

WHEREAS, in an effort to ensure the City's means of collecting transient occupancy tax are current, staff reviewed Escondido Municipal Code Chapter 25, Article 4, Transient Occupancy Tax, and determined it needs to be updated; and

WHEREAS, the Escondido City Council determines the proposed amendment properly regulates hotels subject to the transient occupancy tax and provides the City with enhanced audit procedures and enforcement mechanisms.

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

SECTION 1. That Escondido Municipal Code Chapter 25, Article 4 is repealed and replaced as follows:

Chapter 25

TAXATION

ARTICLE 4. Transient Occupancy Tax.

Sec. 25-75 Definitions. The following definitions are applicable to this Article:

(a) Hotel shall mean any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by Transients for dwelling, lodging or sleeping purposes, and includes any inn, tourist home or house, motel, studio, bachelor hotel,

ESCONDIDO
City of Choice

For City Clerk's Use:
APPROVED DENIED
Reso No. 2012-173 File No.
Ord No.

CITY COUNCIL

Agenda Item No.: 11
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: General Plan Housing Element (Case No.: PHG 11-0028)

STAFF RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2012-173 adopting the General Plan Housing Element, CEQA Findings of Significant Effect, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission unanimously recommended adopting the Housing Element on November 13, 2012 (7:0:0).

PROJECT DESCRIPTION:

General Plan Housing Element adoption setting forth the City's housing goals and policies for the years 2013-2020. The document is on online at:
http://www.escondido.org/Data/Sites/1/media/PDFs/Housing/DraftHousingElement.pdf

LOCATION:

Citywide

FISCAL ANALYSIS:

Contracts totaling $1,116,437 were executed with Atkins Consultants (including approximately $45,000 for preparing the Housing Element) to fund planning studies, a Climate Action Plan and an EIR to assess projects associated with the General Plan Update. Sufficient funds remain available and unencumbered in the City's Capital Account for General Plan Implementation efforts, the salary of the staff Project Manager and minor, incidental expenses.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the City Council's Action Plan regarding Economic Development, and Image and Appearance.

GENERAL PLAN ANALYSIS:

The Housing Element is one of seven mandatory "elements" of California General Plans. The document assesses the housing needs of all economic segments of the community and defines the goals and policies that will guide the approach to resolving housing needs through a number of recommended programs.

ENVIRONMENTAL REVIEW:

The Program Environmental Impact Report (EIR) for the General Plan Update incorporated the draft Housing Element in its analysis. The CEQA Findings of Significant Effect, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program have been referenced in the Housing Element Resolution of adoption in order to be consistent the General Plan Update Resolution. The EIR was certified on May 23, 2012, and the City Council does not need to re-certify the document.

PREVIOUS ACTION:

The City Council conducted a Housing Element Workshop on August 10, 2011, endorsed the document, and authorized staff to submit the Draft Housing Element to the California Department of Housing and Community Development (HCD) for a 60-day review and comment period. Two rounds of comments were undertaken during which time HCD requested a more thorough inventory of properties anticipated for development (refer to Appendix pages B1 – B63), identification of properties for potential future year-round emergency shelters to be allowed by right (refer to Appendix pages C1 – C4), and additional analysis regarding Proposition 'S' (Housing Element pages IV-72, IV-73). The Housing Element revisions have been reviewed by HCD whose staff has approved the document. If the City Council requires substantive changes to the Housing Element it would necessitate additional review by HCD for compliance.

Regional Housing Needs Assessment (RHNA)
The Housing Element includes consideration of the Regional Housing Needs Assessment (RHNA) that identifies every jurisdiction's share of future housing units allocated to the San Diego region by HCD during an 11-year planning cycle (2010-2020) based on household income levels. The RHNA allocation was approved by the City Council in 2011 which allocates Escondido's share of the region's projected housing needs by household income group as shown in Table 1. Allocation targets are intended to assure that adequate sites and zoning are made available to accommodate anticipated housing demand during the planning period. *The housing allocation targets are not building requirements, but are goals for each community to accommodate through appropriate planning policies and land use regulations.*

Table 1: Housing Needs for 2010-2020

Income Category	Number of Units	Percent
Extremely Low (30% or less)	460	11.0%
Very Low (31 to 50%)	582	13.9%
Low (51 to 80%)	791	19.0%
Moderate (81% to 120%)	733	17.6%
Above Moderate (Over 120%)	1,609	38.5%
Total	4,175	100.0%

BACKGROUND:

Adoption of the Housing Element is governed by a separate timeline that is tied to the adoption of SANDAG's 2050 Regional Transportation Plan (RTP) and coordinated with HCD's planning period of January 1, 2013, through December 31, 2020. Housing Elements are typically updated on an 8-10 year basis; and must be internally consistent with its jurisdiction's General Plan. Although the Housing Element was prepared in conjunction with the proposed General Plan, which considered a range of 3,350 – 5,825 additional housing units, the land use assumptions for calculating available sites to meet proposed housing needs are based on the *prior* General Plan land use map. This approach assured that final certification of the Housing Element by HCD would not be delayed if the updated General Plan was rejected by the voters at the November 6 2012 election. Consequently, the results of the public vote had no bearing on the Housing Element compliance with State requirements, which requires completion no later than April 27, 2013.

According to State planning law, the Housing Element must be consistent with the other General Plan elements. HCD has consecutively certified Escondido's Housing Elements since 1981. Penalties for noncompliance include invalidating a General Plan in its entirety, thereby restricting an agency's land use decision making abilities. If the Housing Element is challenged in court, the court can curtail a local government's ability to approve subdivisions, make zoning changes or issue permits. As an incentive for awarding certain grants, SANDAG has tied Housing Element compliance to the funding of some programs that have benefitted Escondido and other communities in the region.

PLANNING COMMISSION DISCUSSION / RECOMMENDATION:

The Planning Commissioners complimented staff on the organization and information provided in the Housing Element. However, the commissioners indicated an overall disagreement with the adopted RHNA allocation pertaining to below moderate income households and expressed concern with any mandate to provide a specified number of units. Commissioner Castor felt that the allocation of target households should have included a different methodology considering Escondido's existing high percentage of target households, the large number of market-rate affordable housing units, and the city's desire to raise the local median income. Staff reiterated that there is no requirement to construct housing for the target households, only to ensure adequate land and zoning is provided to allow such development should it occur.

Commissioner Johns inquired about the consequences of not adopting the Housing Element; staff responded that the implications could include litigation and invalidation of the General Plan. Commissioner Weber inquired about the Emergency Shelter requirement; staff responded that recent Housing Element law mandates jurisdictions provide an area in their communities where year round emergency shelters are allowed by right. The proposed Emergency Shelter Overlay Area is located on a small portion of Escondido's industrial zone in the extreme western edge of the City, close to transit and services. The City Council previously reviewed this location in 2001 and authorized its inclusion in the Housing Element.

Commission Winton inquired about Figure IV-49 (page IV-91) comparing planning and development fees of various jurisdictions and why communities closer to Escondido were not included. Staff responded that the table was intended to document the nature and type of fees from a variety of communities and that HCD did not have an issue with the sampling; further, the inclusion of a new sampling in the Housing Element could trigger additional HCD review. There was no public testimony at the hearing. The Commission unanimously recommended adoption of the Housing Element.

NEXT STEPS:

State law mandates that certain Housing Element implementation measures be conducted within one year of adoption. Based on HCD's review, four amendments to Escondido's Zoning Code are required to attain compliance with state housing law:

1) Amend Density Bonus Ordinance to be consistent with current state density bonus law;
2) Amend Zoning Code to differentiate transitional / support housing operated as group quarters versus a regular housing development;
3) Amend Zoning Code to permit senior housing in R2, R3, and R4 zones by right where multi-family housing is permitted; and
4) Adopt an Emergency Shelter Overlay allowing year-round emergency shelters by right.

Upon City Council adoption the Housing Element will be forwarded to HCD for certification and staff will fold the element into the General Plan text.

Respectfully submitted,

Jay Petrek

Barbara J. Redlitz
Director of Community Development

Jay Petrek
Principal Planner

GENERAL PLAN ANALYSIS:

The Housing Element is one of seven mandatory "elements" of California General Plans. The document assesses the housing needs of all economic segments of the community and defines the goals and policies that will guide the approach to resolving housing needs through a number of recommended programs.

ENVIRONMENTAL REVIEW:

The Program Environmental Impact Report (EIR) for the General Plan Update incorporated the draft Housing Element in its analysis. The CEQA Findings of Significant Effect, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program have been referenced in the Housing Element Resolution of adoption in order to be consistent the General Plan Update Resolution. The EIR was certified on May 23, 2012, and the City Council does not need to re-certify the document.

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BACKGROUND:

Adoption of the Housing Element is governed by a separate timeline that is tied to the adoption of SANDAG's 2050 Regional Transportation Plan (RTP) and coordinated with HCD's planning period of January 1, 2013, through December 31, 2020. Housing Elements are typically updated on an 8-10 year basis; and must be internally consistent with its jurisdiction's General Plan. Although the Housing Element was prepared in conjunction with the proposed General Plan, which considered a range of 3,350 – 5,825 additional housing units, the land use assumptions for calculating available sites to meet proposed housing needs are based on the *prior* General Plan land use map. This approach assured that final certification of the Housing Element by HCD would not be delayed if the updated General Plan was rejected by the voters at the November 6 2012 election. Consequently, the results of the public vote had no bearing on the Housing Element compliance with State requirements, which requires completion no later than April 27, 2013.

According to State planning law, the Housing Element must be consistent with the other General Plan elements. HCD has consecutively certified Escondido's Housing Elements since 1981. Penalties for noncompliance include invalidating a General Plan in its entirety, thereby restricting an agency's land use decision making abilities. If the Housing Element is challenged in court, the court can curtail a local government's ability to approve subdivisions, make zoning changes or issue permits. As an incentive for awarding certain grants, SANDAG has tied Housing Element compliance to the funding of some programs that have benefitted Escondido and other communities in the region.

PLANNING COMMISSION DISCUSSION / RECOMMENDATION:

The Planning Commissioners complimented staff on the organization and information provided in the Housing Element. However, the commissioners indicated an overall disagreement with the adopted RHNA allocation pertaining to below moderate income households and expressed concern with any mandate to provide a specified number of units. Commissioner Castor felt that the allocation of target households should have included a different methodology considering Escondido's existing high percentage of target households, the large number of market-rate affordable housing units, and the city's desire to raise the local median income. Staff reiterated that there is no requirement to construct housing for the target households, only to ensure adequate land and zoning is provided to allow such development should it occur.

Commissioner Johns inquired about the consequences of not adopting the Housing Element; staff responded that the implications could include litigation and invalidation of the General Plan. Commissioner Weber inquired about the Emergency Shelter requirement; staff responded that recent Housing Element law mandates jurisdictions provide an area in their communities where year round emergency shelters are allowed by right. The proposed Emergency Shelter Overlay Area is located on a small portion of Escondido's industrial zone in the extreme western edge of the City, close to transit and services. The City Council previously reviewed this location in 2001 and authorized its inclusion in the Housing Element.

Commission Winton inquired about Figure IV-49 (page IV-91) comparing planning and development fees of various jurisdictions and why communities closer to Escondido were not included. Staff responded that the table was intended to document the nature and type of fees from a variety of communities and that HCD did not have an issue with the sampling; further, the inclusion of a new sampling in the Housing Element could trigger additional HCD review. There was no public testimony at the hearing. The Commission unanimously recommended adoption of the Housing Element.

NEXT STEPS:

State law mandates that certain Housing Element implementation measures be conducted within one year of adoption. Based on HCD's review, four amendments to Escondido's Zoning Code are required to attain compliance with state housing law:

1) Amend Density Bonus Ordinance to be consistent with current state density bonus law;
2) Amend Zoning Code to differentiate transitional / support housing operated as group quarters versus a regular housing development;
3) Amend Zoning Code to permit senior housing in R2, R3, and R4 zones by right where multi-family housing is permitted; and
4) Adopt an Emergency Shelter Overlay allowing year-round emergency shelters by right.

Upon City Council adoption the Housing Element will be forwarded to HCD for certification and staff will fold the element into the General Plan text.

Respectfully submitted,

Barbara Redlitz

Barbara J. Redlitz
Director of Community Development

Jay Petrek

Jay Petrek
Principal Planner

RESOLUTION NO. 2012-173

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A GENERAL PLAN HOUSING ELEMENT, CEQA FINDINGS REGARDING SIGNIFICANT EFFECTS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE COMPREHENSIVE GENERAL PLAN UPDATE

Case No. PHG 11-0028

WHEREAS, on November 13, 2012, the Planning Commission considered and by Resolution No. 5974, recommended approval of a General Plan Housing Element setting forth the City's housing goals and policies for the years 2013-2020; and

WHEREAS, on May 23, 2012, the City Council certified and approved the Final Environmental Impact Report ("EIR") issued for the comprehensive General Plan Update that included the Housing Element by Resolution 2012-53(R); and

WHEREAS, preparation of the General Plan Housing Element includes Findings of Fact (Exhibit "A"), California Environmental Quality Act ("CEQA") Findings Regarding Significant Effects (Exhibit "B"), Statement of Overriding Considerations (Exhibit "C"), and Mitigation Monitoring and Reporting Program (Exhibit "D"). Exhibits "A," "B," "C," and "D" are attached to this Resolution and incorporated by this reference; and

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

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said General Plan Housing Element as reflected on plans and documents on file in the offices of the City Clerk and Planning Division as well as the associated CEQA documentation;

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

1. That the above recitations are true.

2. That the City Council has reviewed the General Plan Housing Element and associated CEQA documentation.

3. That the Findings of Fact (Exhibit "A") were made by said Council.

4. That the CEQA documentation involving the Findings Regarding Significant Effects (Exhibit "B"), were made by said Council.

5. That upon consideration of the Findings of Fact (Exhibit "A"), CEQA Findings Regarding Significant Effects (Exhibit "B"), all material in the staff report (a copy of which is on file in the Planning Division), Planning Commission recommendation, public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council desires at this time and deems to be in the best public interest to approve the proposed General Plan Housing Element with a Statement of Overriding Considerations (Exhibit "C") for the significant and unavoidable effects of the project and the City Council also adopts a Mitigation Monitoring and Reporting Program (Exhibit "D") to reduce or avoid the significant and mitigable impacts of the project.

EXHIBIT "A"

FINDINGS OF FACT

PHG 11-0028

1. The proposed General Plan Housing Element is consistent with General Plan Review and Amendment Policy 17.1 requiring the City to 'track, monitor, and report the performance and the General Plan land use goals and policies and, where there are substantive deviations in development practices or anticipated impacts, assess their implications and appropriateness for Plan amendments.' The General Plan Housing Element updates the City's Regional Housing Needs Assessment (RHNA) and includes programs for addressing housing requirements including emergency shelters, senior housing, and congregate care facilities that will involve a deviation in development practices and anticipated impacts.

2. The proposed General Plan Housing Element is consistent with General Plan Review and Amendment Policy 17.2 that states "Comprehensively review and update the General Plan, as appropriate at five year intervals." The prior Housing Element update occurred in 2005. The proposed Housing Element is a statement of long-range public policy setting forth the City's housing goals and policies for the years 2013-2020 as mandated by state housing law at this time. The proposed General Plan Housing Element would not diminish the Quality of Life Standards, but identifies strategies and programs to: a) conserve and improve existing affordable housing; b) provide adequate housing sites; c) assist in development of new affordable housing; d) promote equal housing opportunities; and, e) remove constraints to development. The Plan reflects the aspirations and values of the residents and is intended to become the foundation for decisions by elected and appointed officials. The Housing Element is comprehensive in that it provides broad guidelines for development in the city while addressing a wide range of housing issues that will affect the city's desirability as a place to live, work and play.

3. The proposed comprehensive General Plan Update conforms with General Plan Review and Amendment Policy 17.6 which states that written findings must be submitted to substantiate the need for the amendment that considers whether physical, social, or city-wide economic factors or changes have made the plan designation, policy statement, goal, or intent inappropriate from the standpoint of the General public welfare. These written findings are intended to substantiate the need for such amendments that are incorporated in the General Plan Housing Element by acknowledging that a) the prior Housing Element occurred over 7 years ago; b) changes in demographics, economic trends, and social conditions have changed in the past 10 years; c) State Law mandates adoption of an updated General Plan Housing Element at this time; and, d) updated trends and conditions in the community are better reflected through an updated General Plan Housing Element.

IV. Housing

Introduction

The Housing Element is a component of the General Plan that assesses the housing needs of all economic segments of the City of Escondido. In addition, the Housing Element defines the goals and policies that will guide the City's approach to resolving those needs and recommends a set of programs that would implement policies over the next few years.

State law requires that all cities adopt a Housing Element and with prescribed details and content. This Housing Element responds to those requirements, and responds to the special characteristics of the City's housing environment. The Element incorporates the most current data readily available at the time of writing and an evaluation of the Housing Element adopted in 2005. Also included are assessments of the current and potential housing actions, and resources of the private sector and all levels of the public sector.

This Escondido Housing Element is pre-pared for the 2013-2020 update cycle for juris-dictions in the San Diego Association of Governments (SANDAG) region.

The Housing Element's Purpose

The Housing Element is concerned with specifically identifying ways in which the housing needs of existing and future resident residents can be met. This Housing Element covers the planning period of January 1, 2013 through December 31, 2020, and identifies strategies and programs that focus on:

- Conserving and improving existing afford-able housing;
- Providing adequate housing sites;
- Assisting in the development of afford-able housing;
- Removing governmental and other con-straints to housing development; and
- Promoting equal housing opportunities.

NOTE: A COMPLETE COPY OF THE HOUSING ELEMENT IS ON FILE IN THE PLANNING DIVISION

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

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

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

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

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

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

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

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

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

Section A – Finding (1)

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

AIR QUALITY

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

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

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

- **Mitigation Measure Air-4** (Siting Sensitive Receptors near Industrial, Medical, or Research and Development Facilities) requires an HRA to be prepared by a qualified air quality professional for development of new sensitive receptors in the General Plan Update planning area proposed within one mile of industrial land uses, medical facilities, or research and development facilities that generate a potential source of TACs. An HRA would also be required for such facilities proposed within one mile of a sensitive receptor. Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The project cannot be considered for approval until an HRA has been completed and approved by the City. If a potentially significant health risk is identified, the HRA must identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be sited in another location.

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

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

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

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

CULTURAL RESOURCES

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

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

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

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

The City utilizes CEQA and the City Municipal Code to identify and protect important historic and archaeological resources. The City requires an assessment of the significance of potentially historic structures by a professional historic resource consultant as part of the development application. If the resource is considered historical per CEQA, the City requires the assessment to include recommendations for mitigating potential impacts to the structure, or identify requirements for the proper documentation per state or federal guidelines of any significant historic structure proposed for demolition, which shall be made conditions of project approval. Further, the City provides incentives, such as reduced property taxes on eligible historic properties, through the Mills Act to encourage the restoration, renovation, or adaptive reuse of historic resources.

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

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

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

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

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

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

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

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

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

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

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

A-5 **Cumulative Significant Effect – Archaeological Resources:** Cumulative projects located in the San Diego region would have the potential to result in a significant cumulative impact associated with the loss of archaeological resources from extensive grading, excavation or other ground-disturbing activities associated with the development of land uses. Past projects involving development and construction have already impacted archaeological resources within the region. Additionally, the project would result in a potentially significant cumulative impact prior to mitigation. However, implementation of the mitigation measures identified above would reduce the project's potentially significant cumulative impacts related to archaeological resources to a less than significant level by ensuring adequate protection of archaeological resources.

NOISE

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

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

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

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

TRANSPORTATION AND TRAFFIC

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

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

Intersections

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

Mitigation Measures: Implementation of the following feasible mitigation measures identified in the Final EIR would reduce impacts to the following roadways and intersections to a less than significant level.

- **Mitigation Measure Tra-3** (Escondido Boulevard between 13th Avenue and 15th Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Escondido Boulevard between 13th Avenue and 15th Avenue prior to the segment reaching a Level of Service (LOS) of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Escondido Boulevard between 13th Avenue and 15th Avenue to a less than significant level.
- **Mitigation Measure Tra-4** (Centre City Parkway between 13th Avenue and Felicita Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Centre City Parkway between 13th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Centre City Parkway between 13th Avenue and Felicita Avenue to a less than significant level.
- **Mitigation Measure Tra-5** (Escondido Boulevard between 15th Avenue and Felicita Avenue) requires the City of Escondido to implement adaptive traffic signal control technology along Escondido Boulevard between 15th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-

time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure ~~states that implementation of mitigation measure Tra-10~~ would reduce impacts to Escondido Boulevard between 15th Avenue and Felicita Avenue to a less than significant level ~~below significant. Mitigation measure Tra-10 is discussed below~~.

- **Mitigation Measure Tra-6** (Escondido Boulevard between Felicita Avenue and Sunset Drive) requires the City of Escondido to implement adaptive traffic signal control technology along Escondido Boulevard between Felicita Avenue and Sunset Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure~~states that implementation of mitigation measure Tra-10~~ would reduce impacts to Escondido Boulevard between Felicita Avenue and Sunset Drive to a less than significant level ~~below significant. Mitigation measure Tra-10 is discussed below~~.
- **Mitigation Measure Tra-7** (Citrus Avenue between Washington Avenue and Valley Parkway) requires the City of Escondido to implement adaptive traffic signal control technology along Citrus Avenue between Washington Avenue and Valley Parkway prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Citrus Avenue between Washington Avenue and Valley Parkway to a less than significant level.
- **Mitigation Measure Tra-8** (Citrus Avenue between Bear Valley Parkway and Glen Ridge Road) requires the City of Escondido to implement adaptive traffic signal control technology along Citrus Avenue between Bear Valley Parkway and Glen Ridge Road prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Citrus Avenue between Bear Valley Parkway and Glen Ridge Road to a less than significant level.
- **Mitigation Measure Tra-9** (9th Avenue between La Terraza Boulevard and Tulip Street) requires the City of Escondido to implement adaptive traffic signal control technology along 9th Avenue between La Terraza Boulevard and Tulip Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of 9th Avenue between La Terraza Boulevard and Tulip Street to a less than significant level.
- **Mitigation Measure Tra-10** (Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street) requires the City of Escondido to implement adaptive traffic signal control technology along Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street prior to

the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street to a less than significant level. As stated above, it would also reduce impacts to two segments of Escondido Boulevard (15th Avenue to Felicita Avenue and Felicita Avenue to Sunset Drive) to a less than significant level.

- **Mitigation Measure Tra-11** (Mission Avenue between Rose Street and Midway Drive) requires the City of Escondido to implement adaptive traffic signal control technology along Mission Avenue between Rose Street and Midway Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction. This measure would reduce impacts to the segment of Mission Avenue between Rose Street and Midway Drive to a less than significant level.
- **Mitigation Measure Tra-12** (Interstate 15 Southbound Ramps/Valley Parkway Intersection) required the City of Escondido to provide a second right turn lane at the I-15 Northbound ramps to partially mitigate the impacts at this intersection. Future land developments would be required to contribute a fair share towards this improvement as well as any other improvements that may needed in the future to mitigate this impact to below a level of significance.

Facts in Support of Finding. *The roadway improvements proposed in mitigation measures* Tra-3 through Tra-12 would improve traffic flow on the roadway segments and intersections listed above to an LOS D or better. Impacts would be mitigated to a less than significant level.

UTILITIES AND SERVICE SYSTEMS

A-8 Direct/Indirect Significant Effect – Adequate Wastewater Facilities (City of Escondido Wastewater Division): Implementation of the proposed project would have the potential to result in significant impacts related to wastewater facilities because the General Plan Update and Downtown Specific Plan Update would result in increased demand on existing wastewater systems due to increased sewage flows associated with the new development. Some E-CAP measures may also minimally increase wastewater flows within the proposed project area.

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

- **Mitigation Measure Util-2** requires the EWWD Wastewater Master Plan to be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing wastewater infrastructure and other measures/strategies that shall achieve the goal of providing adequate wastewater facilities to serve the buildout of the General Plan Update. The City shall also coordinate with VWD during its next Master Plan

Update process to ensure that it provides the necessary wastewater facilities to adequately account for the growth identified in the General Plan Update.

Facts in Support of Finding: An increase in wastewater flows due to implementation of the proposed project could result in the Escondido Wastewater Division (EWWD) having inadequate capacity to serve the projected demand associated with the buildout of the General Plan Update, Downtown Specific Plan Update and implementation of the E-CAP. EWWD maintains a Wastewater Collections Master Plan that considers existing and proposed land uses as well as growth projections to evaluate system adequacy for wastewater service. The City is currently in the process of updating the Wastewater Collections Master Plan to incorporate the proposed project's growth projections. However, until the updated Master Plan is adopted, the current Master Plan would remain in effect, which may not provide adequate capacity to serve the buildout of the proposed project.

Several elements of the General Plan Update address wastewater facilities. Within the Economic Prosperity Element, Minimizing Infrastructure Impediments Policies 9.1, 9.2 and 9.3 require the City to plan for and coordinate sufficient wastewater infrastructure; work with agencies to develop and implement infrastructure improvements; and identify ways to obtain funding for infrastructure improvements. Within the Growth Management Element, Policies 2.1, 2.2, 3.1, 3.2, 3.3, 4.1 and 4.2 deal with public facility master plan policies, financing and phasing. Growth Management Monitoring Policies 6.1, 6.2 and 6.3 require interagency coordination and monitoring, capital improvement planning efforts, and development proposals to minimize their environmental impacts. Within the Mobility and Infrastructure Element, Wastewater System Policies 11.1 through 11.11 relate specifically to wastewater treatment services. Wastewater System Policy 11.1 requires regular updates to EWWD's Wastewater Master Plan.

While the proposed General Plan Update policies are intended to provide adequate wastewater facilities, specific measures are necessary to ensure that adequate facilities are available when needed. Therefore, mitigation measure Util-2 would be implemented to reduce the project's potentially significant impact associated with wastewater facilities to below a level of significant.

Section B – Finding 2

Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the Escondido City Council finds that, for each of the following significant effects as identified in the Final EIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The following are brief explanations of the rationale for this finding for each impact:

BIOLOGICAL RESOURCES

B-1 **Cumulative Significant Effect – Special Status Plant and Wildlife Species:** Implementation of the proposed project would have the potential to contribute to a significant cumulative impact associated with the loss of habitat supporting special status plant and wildlife species. The impact is attributable to the lack of a comprehensive Natural Community Conservation Plan (NCCP) in place for the long-term protection of special status plant and wildlife species for the entire San Diego region. Without this plan in place, a cumulative loss of habitat supporting special status plant and wildlife species would occur, even after mitigation has been implemented for individual projects. A Multiple Habitat Conservation Plan (MHCP) has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's subarea plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including requirements for new development. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to sensitive species. Compliance with existing regulations and the General Plan Update goals and policies would reduce the project's direct and indirect impacts to special status species to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to species identified as a candidate, sensitive, or special status species. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's cumulative contribution to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's cumulatively considerable contribution to a significant cumulative impact to sensitive species would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with special status species to below a level of significance because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would a achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; the project's cumulative impacts to special status species would remain significant and unavoidable.

B-2 **Cumulative Significant Effect – Riparian Habitat and Other Sensitive Natural Communities:** Implementation of the proposed project would have the potential to contribute to a significant cumulative impact associated with the loss of riparian habitat and other sensitive natural communities due to the lack of a comprehensive NCCP in place for the long-term protection of sensitive natural communities for the entire San Diego region. Without this plan in place, a cumulative loss of riparian and other sensitive habitat would occur, even after mitigation has been implemented for individual projects. A MHCP has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's Subarea Plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including riparian habitat and other sensitive natural communities. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to riparian habitat and other sensitive natural communities. Compliance with existing regulations, existing land use agreements, and the General Plan Update goals and policies would reduce the project's direct and indirect impacts to sensitive natural communities to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative impact to sensitive natural communities. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's contribution to this cumulative impact to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's contribution to a significant cumulative impact to sensitive natural communities would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with sensitive natural communities to below significant because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would a achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible Project alternatives that would achieve a level of less than significant, impacts to riparian habitat and other sensitive natural communities would remain significant and unavoidable.

B-3 Cumulative Significant Effect – Wildlife Movement Corridors and Nursery Sites: Implementation of the proposed project would have the potential to contribute to a significant cumulative impact associated with impacts to wildlife movement corridors and nursery sites due to the lack of a comprehensive NCCP in place for the long-term protection of wildlife movement corridors and nursery sites for the entire San Diego region. Without this plan in place, a cumulative loss of wildlife movement corridors and nursery sites would occur, even after mitigation has been implemented for individual projects. A MHCP has been developed for the northwest incorporated cities, but the City of Escondido is still developing its MHCP Subarea Plan. Adoption of the City's Subarea Plan would establish the City's contribution to the regional protection of biological resources and establish an implementation program to protect the resources identified in the plan, including wildlife movement corridors and nursery sites. Therefore, until the City has adopted the MHCP Subarea Plan, the proposed project's contribution, in combination with other cumulative projects, would be cumulatively considerable.

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

Facts in Support of Finding: Future development of land uses allowed under the General Plan Update and Downtown Specific Plan Update would have the potential to result in impacts to wildlife movement corridors and native wildlife nursery sites. Compliance with existing regulations and the General Plan Update goals and policies would reduce direct and indirect impacts to sensitive natural communities to a less than significant level. However, until the City's MHCP Subarea Plan is adopted, the proposed project would contribute to a significant cumulative e impact to wildlife movement corridors and nursery sites. Adoption of the MHCP Subarea Plan, and subsequent compliance with the plan, would reduce the project's cumulative contribution to a less than significant level; however, adoption of the conservation plan requires approval at the federal and state levels, which the City cannot guarantee ahead of time. In addition, the timing of the MHCP Subarea Plan adoption may not coincide with General Plan Update impacts in these areas. Therefore, requiring adoption of the MHCP Subarea Plan cannot be considered feasible mitigation for the proposed project. Until the City's MHCP Subarea Plan is adopted, the project's contribution to a significant cumulative impact to wildlife movement corridors and nursery sites would be significant and unavoidable. None of the proposed project alternatives would reduce impacts associated with wildlife movement corridors and nursery sites to below a level of significance because any alternative that would accommodate new city-wide development would have the potential to result in a cumulative impact until the MHCP Subarea Plan is adopted.

Conclusion: Because there are no feasible measures that would a achieve a level less than significant; because application of all General Plan policies and existing regulations would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts to wildlife movement corridors and nursery sites would remain significant and unavoidable.

TRANSPORTATION AND TRAFFIC

B-4 **Direct/Indirect Significant Effect – Traffic and Level of Service Standards:** Implementation of the proposed project would result in a significant impact to the segment of Montiel Road between Nordahl Road and Deodar Road (LOS E).

Mitigation Measures: The following mitigation measure would reduce this impact to a less than significant level. However, the City has determined that this measure would be infeasible, as described below.

- **Mitigation Measure Tra-2** (Montiel Road between Nordahl Road and Deodar Road) requires the City of Escondido to implement adaptive traffic signal control technology along Montiel Road between Nordahl Road and Deodar Road prior to the segment reaching an LOS of E or F. Adaptive traffic signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.

Rationale for Rejection. The mitigation for the proposed project's impact to the segment of Montiel Road between Nordahl Road and Deodar Road is considered to be infeasible because the timing and implementation of the mitigation measure is within the jurisdiction of another city and cannot be guaranteed by the City of Escondido. If and when the City of San Marcos desires to mitigate the impact to this segment, the City of Escondido would coordinate with San Marcos when significant traffic impacts to this segment are attributed to specific projects being processed in the City of Escondido. These projects would be required to undertake mitigation, such as a fair share contribution, pursuant to city direction. However, because the City of Escondido cannot guarantee the timing of implementation of the mitigation measure for this segment impact, the impact is considered to be significant and unavoidable.

Facts in Support of Finding. The proposed project would result in a roadway segment impact to Montiel Road between Nordahl Road and Deodar Road, which is located within the City of San Marcos. Mitigation measure Tra-2 would reduce this impact to a less than significant level. However, the City has determined that this measure would be infeasible as described above.

The General Plan Update includes policies that would reduce traffic and prevent the substantial deterioration of transportation resources within the proposed project area. Within the Mobility and Infrastructure Element, Transportation Demand Management (TDM) Policies 6.1, 6.2 and 6.3 require implementation of a TDM and complete streets program; employers to promote alternative transportation methods; and a TDM program for City employees. Street Network Policies 7.1, 7.2 and 7.3 require regulation of roadways in accordance with the Mobility and Infrastructure Element; specific alignment plans for unique situations; and the goal of meeting LOS C or better throughout the City and establishing LOS D as the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented 'smart growth' and Complete Streets design improvements, high density infill areas, environmental resource considerations, existing development, freeway interchange impacts, and incomplete system improvements, the policies recognize that alternative levels of service may be appropriate for isolated areas as determined by the City.

Street Network Policies 7.4, 7.5 and 7.6 require adequate safety measures on new roadways; CIP funding for roadway projects; and the timely development of the mobility system. Street Network Policies 7.7 through 7.10 require analysis of traffic impacts on the regional transportation system, synchronizing traffic signals, and street beautification programs.

Traffic Calming Policies 9.1, 9.2, and 9.3 require effective traffic management solutions, innovative traffic control methods, and implementation of traffic calming measures. Goods and Services Transport Policies 10.1, 10.2 and 10.3 require designation of truck routes; minimization of impacts from truck traffic; and discourage the use of public streets for freight loading and unloading. Goods and Services Transport Policies 10.4, 10.5, and 10.6 require deliveries during off-peak traffic hours and cooperation with railroad operators.

Within the E-CAP, reduction measure R1-T7, Goods Movement and Efficiency Measures, promotes system-wide efficiency improvements in goods movement. Reduction measure R2-T1, Land Use Based Trips and Vehicle Miles Traveled (VMT) Reduction Policies, identifies land use strategies, consistent with the proposed General Plan Update, which would reduce VMT within the proposed Project area. Reduction measure R2-T3, Transit Improvements, encourages coordination to improve public transit facilities and reduce VMT. Reduction measure R2-T4, Transportation Demand Management, encourages ride-sharing, carpooling and alternative modes of transportation to reduce automobile travel.

None of the project alternatives would reduce impacts associated with traffic and level of service standards to below a significant level because all of the alternatives would allow for future development that would result in increases in traffic on project area roadways. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still contribute to a significant increase in traffic and impacts would be significant and unavoidable.

Because the mitigation measure Tra-2 listed above has been found to be infeasible; because no additional feasible mitigation measures are available to mitigate the impacts to a level below significant; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with traffic and level of service standards associated with Montiel Road between Nordahl Road and Deodar Road would be significant and unavoidable.

Section C – Finding 3

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the City of Escondido City Council finds that, for each of the following significant effects identified in the Final EIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or Project alternatives infeasible:

AIR QUALITY

C-1 **Direct/Indirect Significant Effect – Air Quality Violations:** Implementation of the proposed project would result in significant impacts related to the emission of volatile organic compounds (VOCs) and particulate matter less than 10 microns in diameter (PM_{10}) during construction. In addition, operational emissions of criteria air pollutants associated with future development occurring under the General Plan Update would exceed the significance thresholds for PM_{10} and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$).

Mitigation Measures: The following mitigation measures identified in the Final EIR would partially mitigate the significant impacts as follows:

- **Mitigation Measure Air-1** (Construction Dust Control Measures) requires grading activities for any future development within the General Plan Update planning area boundary to implement standard best management practices to reduce the emissions of fugitive dust. Five measures are identified, including watering of exposed soils, temporary hydroseeding, vehicle speed limits, covering stockpiles and PM_{10}–efficient street sweepers. Application of best management practices would prevent the release of construction-related pollutants and substantially reduce the potential for air quality violations.
- **Mitigation Measure Air-2** (Air Quality Impact Assessment) requires an Air Quality Impact Analysis to be prepared for projects within the General Plan Update boundary that exceed one of the air quality study trigger criteria identified in the Final EIR. The air quality impact assessment would require the identification and implementation of measures to prevent the release of operational pollutants, which would and substantially reduce the potential for air quality violations.

Facts in Support of Finding: *The proposed project would result in a significant impact associated* with the violation of an air quality standard because emissions of criteria pollutants associated with construction and operation of new residential, commercial, and industrial land uses allowable under the General Plan Update would exceed the screening-level thresholds for air pollutants. Specifically, implementation of the proposed project would result in significant impacts related to the emission of VOCs and PM_{10} during construction and PM_{10} and $PM_{2.5}$ associated with operational emissions.

The General Plan Update identified goals and policies to reduce impacts associated with criteria air pollutants. Air Quality and Climate Protection goal 7, aims improve air quality in the City and the region to maintain the community's health and reduce greenhouse gas emissions that contribute to climate change. This goal is supported by Air Quality and Climate Protection Policies 7.1 through 7.3 and 7.5 through 7.10. These policies require the City to participate in regional planning efforts to reduce air quality impacts and attain state and federal air quality standards; reduce regional greenhouse gas emissions through reducing vehicle trips and using non-polluting alternative energy; require that new development projects incorporate feasible measures that reduce construction and operational emissions; consider the development of park and ride facilities within the City in coordination with Caltrans; restrict the location of drive-through facilities in the City and require site layouts that reduce the amount of time vehicles wait for service; encourage businesses to alter local truck delivery schedules to occur during non-peak hours; encourage City employees to use public transit, carpool, and other alternate modes of transportation for their home to work commutes; require the City to purchase low-emission vehicles for the City's fleet and use clean fuel sources for trucks and heavy equipment; and require the City to educate the public about air quality, its effect on health, and efforts the public can make to improve air quality.

The proposed General Plan Update policies and mitigation measures listed above would reduce direct impacts to air quality violations; however, the construction schedules and specifications of future projects in the City are not known at this time. Realistically, yearly construction and operational emissions for all pollutants may be greater or lower depending on how development is implemented, where it is located, type of development, and how development is operated. Therefore, it cannot be determined with certainty whether the proposed mitigation measures, or any measures, would reduce impacts to a less than significant level. The proposed mitigation measures cannot guarantee that construction and operational emissions would be reduced to a less than significant level; therefore, this impact remains significant and unavoidable.

None of the proposed project alternatives would reduce impacts associated with air quality violations to below a significant level because any alternative that would allow for future development would result in construction and operational air pollutant emissions. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still result in new construction and new growth and the implementation of mitigation measures Air-1 and Air-2 as part of these alternatives cannot be guaranteed to reduce impacts to a less than significant level.

C-2 **Cumulative Significant Effect – Air Quality Violations:** As described above, implementation of the proposed project would result in a direct significant impact associated with the violation of an air quality standard during both construction and operation. In combination with other cumulative projects, the Project would have the potential to result in cumulatively considerable impacts.

Mitigation Measures: Mitigation measures Air-1 and Air-2 identified above would partially mitigate the project's significant cumulative impact associated with air quality violations, but not to below a level of significance.

Facts in Support of Finding: The potential exists for construction projects associated with the General Plan Update and those associated with other cumulative projects to take place in close proximity to each other and at the same time, particularly in the 15 project study areas where the greatest amount of growth and redevelopment would occur. The emissions of VOCs and PM_{10} during construction under the General Plan Update would potentially exceed the threshold of significance. Therefore, a potentially significant cumulative impact would occur when the project's construction emissions are combined with other cumulative projects.

Similarly, operation of future development under the General Plan Update would have the potential to result in significant direct impacts to air quality from particulate matter emissions (PM_{10} and $PM_{2.5}$) from vehicular sources. New stationary sources of criteria pollutants or projects that would increase vehicle trips may result in increases in pollutant emissions that result in significant unavoidable air quality impacts. In combination with other cumulative projects in the region, the proposed project would have the potential to exceed screening level thresholds for operational emissions. Therefore, the project's contribution to the regional air quality impacts related to particulate matter emissions (PM_{10} and $PM_{2.5}$) would be cumulatively considerable.

General Plan Update policies and mitigation measures would reduce cumulative impacts to air quality violations, but they cannot guarantee that impacts would be reduced to below a level of significance. Therefore, proposed project impacts to air quality violations would remain cumulatively considerable.

NOISE

C-3 Direct/Indirect Significant Effect – Excessive Groundborne Vibration During Construction: Implementation of the proposed project would result in significant impacts related to the exposure of vibration sensitive land uses to groundborne vibration from construction of new land uses that may result in groundborne vibration.

Mitigation Measures: The following mitigation measures identified in the Final EIR would reduce the proposed project's significant impacts associated with groundborne vibration. Mitigation measure Noi-1 would partially mitigate the project's groundborne vibration impacts from construction.

- **Mitigation Measure Noi-1** (Construction Vibration Best Management Practices) requires all general construction activities that take place within 100 feet of a building with the potential to be damaged by excessive vibration, or use pile-driving, blasting, or other high-impact construction equipment within 200 feet of a daytime noise sensitive land use to implement the construction best management practices recommended by the Federal Railroad Administration in the High Speed Ground Transportation Noise and Vibration Impact Assessment (2005). This measure would minimize effects of groundborne vibration and noise during construction.

Facts in Support of Finding: Construction of new land uses under the proposed project would have the potential to result in impacts associated with excessive groundborne vibration. The proposed project would also result in a significant impact related to groundborne noise during construction resulting in potential damage to buildings that may be susceptible to vibration damage from construction equipment. Sections 17-234, 17-238, and 17-240 of the City's Noise Ordinance limit operation of construction equipment to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading activities on Saturday may not begin until 10:00 a.m. and must end by 5:00 p.m. Compliance with the Noise Ordinance would restrict construction groundborne vibration and noise impacts from disturbing sleep. Implementation of mitigation Measure Noi-1 would reduce project-related groundborne vibration impacts from construction; however, because it is unknown at this time where future projects would be located or the construction schedules and construction equipment required for future development under the General Plan Update, it cannot be determined with certainty that the recommended best management practices (BMPs), or any other measures, would reduce impacts to a less than significant level. Therefore, impacts from groundborne vibration during construction would be temporarily significant and unavoidable.

None of the proposed project alternatives would reduce impacts associated with groundborne vibration and noise during construction to below a significant level because any alternative that would allow for future development would result in potential construction impacts. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to the reduced growth and associated construction allowed under these alternatives. However, these alternatives would still result in new construction and implementation of the BMPs proposed in mitigation measure Noi-1 cannot be guaranteed to reduce impacts from this growth to a less than significant level.

C-4 **Cumulative Significant Effect – Excessive Groundborne Vibration:** the proposed project, in combination with other proposed cumulative projects, would result in a potentially significant cumulative groundborne vibration impact due to construction activities and potential increases in rail operations.

Mitigation Measures: Mitigation measures Noi-1 and Noi-2 identified above would partially mitigate the project's significant cumulative impact regarding groundborne vibration associated with construction, but not to below a level of significance.

Facts in Support of Finding: The potential exists for the proposed project, in combination with cumulative construction projects in the vicinity of the proposed project, to result in combined vibration impacts if occurring simultaneously. Additionally, construction in close proximity to the SPRINTER right-of-way or existing extraction operations could result in combined vibration impacts. Cumulative projects in the proposed project vicinity include potential increases in rail operations that would result in additional vibration. As discussed above, the proposed project would result in a significant direct impact associated with vibration from construction activities. Therefore, the proposed project, in combination with other proposed cumulative projects, would result in a potentially significant cumulative groundborne vibration impact due to construction activities and potential increases in rail operations.

General Plan Update policies and mitigation measures would reduce cumulative impacts to groundborne vibration impacts associated with construction, but they cannot guarantee that impact would be reduced to below a level of significance. Therefore, proposed project impacts to groundborne vibration and noise would remain cumulatively considerable.

C-5 **Cumulative Significant Effect – Permanent Increase in Ambient Noise Levels:** Implementation of the proposed project would result in a significant cumulative noise impact related to regional increases in traffic noise. Land use development proposed in accordance with the proposed project would contribute to cumulative future roadway traffic which would contribute to a *cumulative increase in ambient noise levels.*

Mitigation Measures: No feasible mitigation measures are available to mitigate this impact.

The following mitigation measures were considered to reduce impacts associated with the permanent increase of ambient noise levels to below a significant level. However, the City has determined that these measures would be infeasible, as described below. Therefore, the following mitigation measures will not be implemented.

(1) Require future development to construct walls or other barriers that would attenuate noise to the sensitive receptors behind the barrier for any potential increases in regional roadway noise for which no other mitigation is available.

Rationale for Rejection: This measure is considered to be infeasible because it would potentially require installation of noise walls within private property, within designated rights-of-way, or otherwise outside of the City's jurisdiction, which may not be allowed by a property owner or by the jurisdiction in which the sound barrier would be located. The feasibility of noise walls is also restricted by access requirements for driveways, presence of local cross streets, underground utilities, other noise sources in the area, and safety considerations. Breaks in the noise wall for access would not provide any noise attenuation and would render the wall ineffective. Additionally, for safety reasons, Caltrans states that noise barriers should not exceed 14 feet in height[1]. Due to high existing noise levels, particularly along I-15, a noise barrier of more than 14 feet may be required to reduce noise levels along some roadway segments to an acceptable noise level for noise sensitive land uses. Finally, construction of a noise barrier would potentially wall off existing neighborhoods or individual residences from the surrounding community, which could result in adverse impacts to aesthetics, land use, and potentially public safety because the noise walls would limit the visibility of residences from the surrounding area[2]. Natural surveillance is one of the four principles of Crime Prevention through Environmental Design[3]. Therefore, for the reasons listed above, this mitigation measure would not be implemented.

(2) Implement a Citywide moratorium on building permits for projects that would result in a potentially significant increase in regional roadway noise for which no feasible mitigation is available.

Rationale for Rejection: This measure is considered to be infeasible because it would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update by prohibiting future development in areas identified for increased growth in the proposed project area. This mitigation measure would also conflict with the project objective to meet the housing needs of existing and future residents. Therefore, for the reasons listed above, this mitigation measure would not be implemented.

Facts in Support of Finding: The Final EIR prepared for the SANDAG 2050 RTP (SCH # 2010041061) determined that regional transportation improvements and increased regional traffic volumes associated with regional growth would have the potential to result in a substantial permanent increase in ambient noise levels. The EIR also concluded that impacts would be cumulatively considerable and unavoidable. Consistent with these findings, the EIR prepared for the proposed project determined that a significant cumulative impact related to regional increases in traffic noise would occur. Because the proposed project would allow for the development of future land uses that would result in increased future roadway traffic, the proposed project was determined to have a cumulatively considerable contribution to this significant cumulative noise impact.

Implementation of General Plan Noise Policy 5.6 from the Community Protection Element would require future development with the potential to substantially increase noise levels to prepare a noise technical report and attenuate increases in noise levels at nearby sensitive receptors. However, implementation of this policy would not reduce cumulative impacts to a less than significant level because it cannot be guaranteed that noise levels would be reduced to below the applicable threshold.

[1] Caltrans 2011
[2] FHWA 2011
[3] NCPC 2003

None of the proposed project alternatives would reduce impacts associated with the permanent increase in ambient noise levels to below a significant level because all of the alternatives would allow for future development which would result in an increase in regional traffic noise. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced overall growth under these alternatives; however, these alternatives would still contribute to an increase in regional traffic noise and impacts would be cumulatively considerable and unavoidable.

Because the measure listed above has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with the permanent increase in ambient noise levels would remain cumulatively considerable and unavoidable.

POPULATION AND HOUSING

C-6 **Direct/Indirect Significant Effect – Displacement of Housing and People:** Implementation of the proposed project would result in a significant impact associated with the potential future displacement of up to 142 existing residential dwelling units as a result of the General Plan land use designations and up to 300 homes and as a result of expansion or construction of the proposed circulation system.

Mitigation Measures: The following mitigation measure identified in the Final EIR would partially mitigate the project's direct significant impact associated with the displacement of housing and people, although not to below a level of significance.

- **Mitigation Measure Pop-1** requires the City of Escondido to coordinate with property owners that would experience displacement under the proposed General Plan Update to communicate the implications of the proposed project on their property and to address public concerns and comments. This mitigation measure would ensure communication with property owners regarding displacement of housing and people.

The following mitigation measure was also considered to reduce impacts associated with residential displacement to a less than significant level. However, the City has determined that this measure would be infeasible, as described below. Therefore, the following mitigation measure will not be implemented.

(1) The City shall retain the residential land use designation for each of the 142 residential parcels within the proposed project area that would receive a non-residential land use designation under implementation of the General Plan Update. Additionally, the City shall preclude the expansion or construction of roadways or pedestrian facilities identified for improvements in the

proposed General Plan Mobility and Infrastructure Element in all areas that would result in the displacement of residences or businesses.

Rationale for Rejection: This measure would effectively result in no displacement of residential homes or people within the General Plan Update area. However, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future commercial, office and industrial and transportation-related development in areas identified for mixed use, smart growth and employment lands in the proposed project area. Additionally, retaining the residential land use designation for these parcels would result in a land use compatibility conflict by allowing future residential development to occur immediately adjacent to new industrial, office or commercial development. This mitigation measure would also conflict with the project's objective to maintain areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic based and provide employment opportunities, create an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, high density residential, entertainment and cultural uses. For the reasons listed above, this mitigation measure is considered infeasible and would not be implemented.

Facts in Support of Finding: The proposed General Plan Update land use designations would result in the displacement of up to 142 existing residential dwelling units. Additionally, up to 300 homes and businesses have the potential to be displaced from the expansion or construction of the proposed project's circulation system. Compared to existing conditions, implementation of the General Plan Update would accommodate an additional 9,924 dwelling units by year 2035. Although this increase in new residences would more than offset the displacement of a combined maximum of 442 residences and businesses, the displacement of residences is still considered to be a significant impact because the City considers any residential housing displacement to be a significant impact.

Section I, General Plan Opportunity Areas, within the Land Use and Community Form Element of the proposed General Plan Update relates specifically to the preservation of existing housing within areas proposed for non-residential land uses. As stated in the Land Use and Community Form Element, criteria and standards for proposed grading, circulation, and utility extensions should avoid adverse impacts to existing residential properties and allow integration of adjacent SPA properties.

None of the project alternatives would reduce impacts associated with displacement of housing to below a significant level because all of the project alternatives would allow for future development that would potentially result in some residential displacement. The Reduced Employment Alternative would reduce this impact as compared to the proposed project because of the reduction in new employment land uses that would allowed under this alternative; however, displacement of some housing would still occur under this alternative which would be considered significant and unavoidable.

Because the mitigation measure listed above has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with the displacement of housing and people would be cumulatively considerable and unavoidable.

TRANSPORTATION AND TRAFFIC

C-7 **Direct/Indirect Significant Effect – Traffic and Level of Service Standards:** Implementation of the proposed project would result in a significant impact to the following four roadway segments and six intersections throughout the proposed project area:

Roadway Segments

1. Mission Road between Barham Drive and Auto Park Way (LOS E)
2. Valley Parkway between Hickory Street and Fig Street (LOS F)
3. Valley Parkway between Fig Street and Date Street (LOS F)
4. Valley Parkway between Date Street and Ash Street (LOSF)

Intersections

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

Mitigation Measures: The following mitigation measure identified in the Final EIR would partially mitigate the project's significant impact to four roadway segments and six intersections, although not to below a level of significance. Even with implementation of the identified mitigation measure, these roadway segments and intersections would operate at an unacceptable LOS. No additional feasible mitigation measures are available to reduce impacts associated with these roadways and intersections to a less than significant level.

- **Mitigation Measure Tra-1** requested the City of Escondido to implement intersection improvement treatment and adaptive traffic signal control technology along the following roadway segments and at the following intersections prior to reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.

Roadway Segments

1. Mission Road between Barham Drive and Auto Park Way (LOS E)
2. Valley Parkway between Hickory Street and Fig Street (LOS F)
3. Valley Parkway between Fig Street and Date Street (LOS F)
4. Valley Parkway between Date Street and Ash Street (LOSF)

Intersections

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

Facts in Support of Finding. Implementation of the General Plan Update would result in four roadway segments and six intersections experiencing significant and unavoidable traffic impacts. To offset the impacts, these segments and intersections would undergo intersection improvement treatment and adaptive traffic signal control technology to improve traffic flow. However, even after implementing such treatment/technology improvements, these street segments and intersections would continue to operate at an unacceptable LOS.

The General Plan Update includes policies that would reduce traffic and prevent the substantial deterioration of transportation resources within the proposed project area. Within the Mobility and Infrastructure Element, Transportation Demand Management (TDM) Policies 6.1, 6.2 and 6.3 require implementation of a TDM and complete streets program; employers to promote alternative transportation methods; and a TDM program for City employees. Street Network Policies 7.1, 7.2 and 7.3 require regulation of roadways in accordance with the Mobility and Infrastructure Element; specific alignment plans for unique situations; and the goal of meeting LOS C or better throughout the City and establishing LOS D as the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented 'smart growth' and Complete Streets design improvements, high density infill areas, environmental resource considerations, existing development, freeway interchange impacts, and incomplete system improvements, the policies recognize that alternative levels of service may be appropriate for isolated areas as determined by the City.

Street Network Policies 7.4, 7.5 and 7.6 require adequate safety measures on new roadways; CIP funding for roadway projects; and the timely development of the mobility system. Street Network Policies 7.7 through 7.10 require analysis of traffic impacts on the regional transportation system, synchronizing traffic signals, and street beautification programs.

Traffic Calming Policies 9.1, 9.2, and 9.3 require effective traffic management solutions, innovative traffic control methods, and implementation of traffic calming measures. Goods and

Services Transport Policies 10.1, 10.2 and 10.3 require designation of truck routes; minimization of impacts from truck traffic; and discourage the use of public streets for freight loading and unloading. Goods and Services Transport Policies 10.4, 10.5, and 10.6 require deliveries during off-peak traffic hours and cooperation with railroad operators.

Within the E-CAP, reduction measure R1-T7, Goods Movement and Efficiency Measures, promotes system-wide efficiency improvements in goods movement. Reduction measure R2-T1, Land Use Based Trips and Vehicle Miles Traveled (VMT) Reduction Policies, identifies land use strategies, consistent with the proposed General Plan Update, which would reduce VMT within the proposed Project area. Reduction measure R2-T3, Transit Improvements, encourages coordination to improve public transit facilities and reduce VMT. Reduction measure R2-T4, Transportation Demand Management, encourages ride-sharing, carpooling and alternative modes of transportation to reduce automobile travel.

None of the project alternatives would reduce impacts associated with traffic and level of service standards to below a significant level because all of the alternatives would allow for future development that would result in increases in traffic on project area roadways. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts as compared to the proposed project due to reduced growth allowed under these alternatives; however, these alternatives would still contribute to a significant increase in traffic and impacts would be significant and unavoidable.

Because no feasible mitigation measures are available to mitigate the four segment impacts and six intersection impacts to a level below significant; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant, impacts associated with traffic and level of service standards would be significant and unavoidable.

C-8 **Cumulative Significant Effect – Traffic and Level of Service Standards:** Implementation of the proposed project would result in a significant cumulative impact to traffic and level of service standards associated with 14 deficient roadway segments and seven deficient intersections in the year 2035.

Facts in Support of Finding: The discussion provided above for the project's direct/indirect impacts to traffic and level of service standards also applies to the project's cumulative impact, since it analyzes the cumulative 2035 buildout scenario. The proposed General Plan Update, in combination with other cumulative projects, would result in a significant cumulative impact to 14 roadway segments and seven intersections in the project area. The proposed project's contribution to the significant impacts would be cumulatively considerable. General Plan Update policies and mitigation measures would reduce some cumulative impacts to a less than significant level, but not all. No feasible mitigation measures or alternatives are available to achieve an acceptable LOS at all project area intersections and roadway segments. Therefore, project impacts to the specified traffic and level of service standards would remain cumulatively considerable.

UTILITIES AND SERVICE SYSTEMS

C-9 **Direct/Indirect Significant Effect – Adequate Water Supplies:** Implementation of the proposed project would result in a significant impact related to adequate water supplies due to an increase in water demand that would exceed existing entitlement and resources, or necessitate new or expanded entitlements.

Feasible Mitigation Measures: Implementation of the following feasible mitigation measure identified in the Final EIR would partially mitigate the proposed project's impact, although not to below a level of significance.

- **Mitigation Measure Util-1** requires the Escondido Water and Wastewater Division (EWWD) Water Distribution Master Plan to be updated to accommodate the buildout of the proposed General Plan Update. This would be achieved by increasing and/or expanding existing water infrastructure, providing recycled water distribution facilities throughout the City to offset potable water demand for landscaping and other purposes and other measures/strategies that achieve the goal of providing an adequate water supply to serve the buildout of the General Plan Update.

Infeasible Mitigation Measures

The following mitigation measure would fully reduce the proposed project's impact to adequate water supply to below a level of significance. However, this measure has been determined by the City to be infeasible, as discussed below.

(1) Implement a Citywide moratorium on building permits and development applications in any areas of the City that would have an inadequate imported water supply to serve future development until adequate supplies are procured.

Rationale for Rejection: This measure would effectively result in no increase in the amount of imported water demand within the General Plan Update area. However, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future development in areas identified for increased growth in the proposed project area. This mitigation measure would also conflict with the project objective to meet the housing needs of existing and future residents. Therefore, this mitigation measure would not be implemented.

Facts in Support of Finding: Implementation of the proposed project would accommodate an increase in population, housing and other development within the project area, which would increase water demand and potentially result in an inadequate water supply based on water supply shortages predicted during multiple dry-water years in the San Diego County Water Authority (SDCWA) 2010 Urban Water Management Plan (UWMP).

While the City's allocation of water is controlled by the SDCWA and not within the jurisdiction of the City of Escondido, multiple policies in the Mobility and Infrastructure Element of the General Plan Update relate to the provision of an adequate water supply. In the Mobility and Infrastructure Element, Water System Policies 10.1 through 10.14 relate specifically to potable water infrastructure. Policies 10.1 through 10.4 require regular updates of the Water Master Plan; maintenance of an adequate water supply, treatment, and distribution system to meet normal and emergency situations; and design of the water supply and distribution system, including the Escondido-Vista Water Treatment Plant, to address the General Plan Update land use projections. Water System Policies 10.5 and 10.6 address financing of new water infrastructure and require new development to provide adequate water facilities or finance the costs of improvements. Water System Policies 10.7 through 10.14 require the proper construction of new water infrastructure; improvements to target areas; reduced costs and GHG emissions; adherence to federal and state drinking water quality standards; implementation of water conservation programs; incorporation of water conservation techniques into building and site design; increased recycled water use; and education about water conservation and reclamation.

The proposed E-CAP contains a number of reduction measures that would promote water conservation, which would subsequently reduce potable water demand. Reduction measure R2-W2, Water Conservation Strategies, aims to increase the use of recycled water and the incorporation of water efficient fixtures, drought tolerant landscaping, permeable hardscapes, and onsite stormwater capture and reuse facilities. Reduction measure R2-W3, Increased Recycled Water Use, promotes development that incorporates the use of recycled water. Reduction measure R3-W1, Water Efficiency and Conservation Education, promotes water conservation strategies.

The General Plan Update policies and E-CAP reduction measures listed above would minimize the proposed project's potentially significant impacts associated with adequate water supply. However, even with these policies and reduction measures in place, implementation of the proposed project would accommodate an increase in population, housing and other development within the project area, which would increase water demand and potentially result in inadequate water supplies. Impacts would remain significant and unavoidable, even with implementation of mitigation measure Util-1.

None of the project alternatives would reduce impacts associated with adequate water supply to below a significant level because all of the alternatives would increase future water demand by accommodating new growth. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts compared to the proposed project due to reduced overall growth under these alternatives; however, these alternatives would still contribute to an increase in water demand that would have the potential to exceed available supply and result in a significant and unavoidable impact.

Because mitigation measure Util-1 would not reduce the project's impact to a less than significant level; because the only mitigation measure that would fully mitigate the project's significant impact has been found to be infeasible; because application of all General Plan goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with adequate water supply would be significant and unavoidable.

C-10 **Cumulative Significant Effect – Adequate Water Supplies:** Implementation of the proposed project would result in a significant cumulative impact related to inadequate water supplies.

Facts in Support of Finding: The SDCWA 2010 UWMP predicts water shortages during multiple dry water year conditions. The proposed project, in combination with other cumulative projects, would increase the demand for potable water in the service area of SDCWA and would be subject to, and potentially exacerbate, the water shortage during multiple dry water years. Additionally, the proposed General Plan Update and Downtown Specific Plan Update growth projections are not accounted for in the various 2010 UWMPs prepared by water district's serving the proposed project area and would potentially be subject to inadequate water supplies. Therefore, the proposed project would result in a cumulatively considerable contribution to a significant cumulative impact related to future water demand. General Plan Update and E-CAP policies and mitigation measures would reduce future water demand, but not to below a level for which adequate water supply could be ensured. No feasible mitigation measures or alternatives are available to achieve a less than significant impact. Therefore, project impacts related to adequate water supply would remain cumulatively considerable.

C-11 **Direct/Indirect Significant Effect – Sufficient Landfill Capacity:** Implementation of the proposed project would result in a significant impact related to sufficient landfill capacity because the proposed project would allow for the development of land uses that would increase the demand for solid waste disposal, which may not be served by landfills with adequate capacity to accommodate the project's future solid waste disposal needs.

Feasible Mitigation Measures: No feasible mitigation measures are available to mitigate this impact to a less than significant level.

Infeasible Mitigation Measures: The following mitigation measures (and variations of these measures) were considered in attempting to reduce impacts associated with sufficient landfill capacity to below a level of significance. However, the City has determined these measures to be infeasible for the reasons listed below. Therefore, these mitigation measures would not be implemented.

(1) Require all proposed development to obtain written verification of sufficient landfill capacity for the next 20 years.

Rationale for Rejection: This mitigation measure would prove infeasible because existing landfill facilities are not projected to have sufficient capacity to serve future demand. Therefore, this measure would impede the City's ability to implement the General Plan Update and Downtown Specific Plan Update because it would prohibit future development in areas identified for increased growth in the proposed project area. This mitigation measure would conflict with the project objective to meet the housing needs of existing and future residents because new development would be unable to obtain verification of adequate landfill capacity for the next 20 years and, therefore, future growth in the City would be prohibited. For the reasons listed above, this mitigation measure would not be implemented.

(2) Require any proposed project that is expected to result in an increase in solid waste disposal demand to construct a solid waste disposal facility, concurrent with development, to meet the needs of the project.

Rationale for Rejection: This mitigation measure would prove infeasible because it places the burden of development of new solid waste disposal facilities on the developer, would require permits from local and state agencies, and would have the potential result in significant environmental impacts from the construction of multiple solid waste facilities throughout the proposed project area. Implementing multiple solid waste disposal sites would increase environmental degradation throughout the proposed project area.

Facts in Support of Finding: If additional landfills are not constructed and existing landfills are not expanded, the County's Integrated Waste Management Plan Siting Element estimates that the County of San Diego, including the proposed project area, will run out of physical landfill capacity by 2016. The horizon year of the General Plan is 2035 and land uses proposed under the General Plan Update could generate solid waste requiring disposal well beyond year 2035. Therefore, the development of future land uses as designated in the proposed General Plan Update and Downtown Specific Plan Update would have the potential to be served by landfills with insufficient capacity to accommodate future solid waste disposal needs. Solid waste generated from implementation of E-CAP reduction measures would also be potentially served by landfills with insufficient capacity. The siting of new landfills and/or expansion of existing landfills is outside of the jurisdiction of the City of Escondido.

While the siting of new landfills and/or expansion of existing landfills is outside of the jurisdiction of the City of Escondido, the General Plan Update contains several policies within the Mobility and Infrastructure Element to assist in ensuring adequate landfill capacity is available to the City. Solid Waste and Recycling Policy 13.1 requires the support of efforts to maintain adequate solid waste facilities and services by working with local service providers of solid waste collection, disposal, and recycling. Solid Waste and Recycling Policies 13.2 through 13.7 require regular updates of the Citywide Recycling Plan; continued support of residential, commercial, and construction recycling programs; consideration of commercial recycling programs; encouragement of construction waste recycling; provision of electronic waste drop off locations; and encouragement of recycled materials in new construction. Solid Waste and Recycling Policies 13.8 through 13.11 promote local businesses that manufacture, distribute, and sell recycled materials; sponsor annual clean-up events; allow small solid waste collection facilities in commercial and industrial areas; and allow sites for solid waste transfer stations in designated areas.

The proposed E-CAP includes two reduction measures that would reduce solid waste generation and disposal. Reduction measure R2-S1, Waste Disposal Programs, sets a stringent target for Escondido waste disposal rates and reduction measure R3-S2, Waste-Related Education and Outreach, promotes public education efforts about residential and commercial waste reduction.

While proposed General Plan Update policies, E-CAP reduction measures and existing regulations are intended to provide adequate solid waste disposal facilities for the future and increase waste diversion, unless additional landfill facilities are provided, impacts would remain significant and unavoidable.

None of the project alternatives would reduce impacts associated with landfill capacity to a less than significant level because all of the alternatives would increase landfill demand by accommodating new growth. The Reduced Employment Alternative, Reduced Residential Alternative, and Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would reduce impacts compared to the proposed project due to overall reduced growth associated with these alternatives; however, these alternatives would still contribute to an increase in solid waste generation beyond 2016 that would result in a potentially significant and unavoidable impact.

Because the mitigation measures listed above have been found to be infeasible; because application of all General Plan Update and E-CAP goals and policies would not achieve a level of less than significant; and because there are no feasible project alternatives that would achieve a level of less than significant; impacts associated with landfill capacity would be significant and unavoidable.

C-12 **Cumulative Significant Effect – Sufficient Landfill Capacity:** Implementation of the proposed project would result in a significant cumulative impact related to sufficient landfill capacity.

Facts in Support of Finding: The proposed project, in combination with other cumulative projects, would increase the demand for solid waste disposal and management needs within the region. As discussed above under Direct/Indirect Significant Effect - Sufficient Landfill Capacity, if additional landfills are not constructed and existing landfills are not expanded, the County's Integrated Waste Management Plan Siting Element estimates that the County of San Diego, including the proposed project area, will run out of physical landfill capacity by 2016. Since the proposed project and many cumulative projects would be constructed and/or have an operational life that exceeds 2016, the expected year for regional landfills to reach capacity, the existing regional landfill facilities do not have adequate capacity to accommodate the increase in solid waste disposal needs that would occur from development of cumulative projects. Therefore, cumulative regional projects would result in a potentially significant cumulative impact associated with insufficient landfill capacity and the proposed project's contribution would be cumulatively considerable.

The project would result in a cumulatively considerable contribution to a significant cumulative impact related to landfill capacity. General Plan Update policies and mitigation measures would reduce future solid waste generation, but not to below a level for which sufficient landfill capacity could be ensured. No feasible mitigation measures or alternatives are available to achieve a less than significant impact. Therefore, project impacts related to sufficient landfill capacity would remain cumulatively considerable.

Section D – Findings Regarding Alternatives

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Seven alternatives to the proposed project were analyzed, including the No Project Alternative, Reduced Employment Alternative, Reduced Residential Alternative, Blended Reduced Downtown/Focused Smart Growth and Employment Alternative, Mobility and Infrastructure Element Downtown Couplet Alternative, Promenade Retail Center and Vicinity Alternative, and Nutmeg Street Alternative. The last three alternatives are planning alternatives that do not meet the purpose of an alternative as identified in CEQA Guidelines Section 15126.6 because they would not be capable of avoiding or substantially lessening the significant effect of the project. However, these alternatives were considered and evaluated due to interest identified by members of the public, City staff and/or the City Council. In addition, a number of alternatives were considered and ultimately rejected from further analysis, as described in Section 6.2 of the EIR, pursuant to CEQA Guidelines Section 15126.6(c).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the proposed project, while still causing certain unavoidable significant environmental impacts, would result in substantial environmental, planning, public safety, economic, and other benefits. In rejecting the alternatives that were analyzed in the EIR, the City of Escondido has examined the project objectives and weighed the ability of each of the various alternatives to meet the objectives. The City finds that the proposed project best meets the project objectives with the least environmental impact. The objectives that were adopted by the City, and which set the framework for the project, are as follows:

1. Establish General Plan boundaries that allow for the planning of quality, managed and sustainable growth, while meeting the housing needs of existing and future residents during the General Plan's planning horizon (year 2035).
2. Maintain residential densities in outlying areas to accommodate growth, preserve and enhance existing neighborhoods, guide additional growth towards downtown and along key transportation corridors and improve circulation and safety for vehicles and pedestrians.

3. Maintain areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic base and provide opportunities for the full employment of a diverse set of skills.
4. Create an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, residential, entertainment and cultural uses.
5. Achieve a sustainable and integrated system of land use and transportation in the City in a manner that will:
   a. Significantly decrease overall community consumption, specifically the consumption of non-local, non-renewable and non-recycled materials, water, and energy and fuels.
   b. Within renewable limits, encourage the use of local, non-polluting, renewable and recycled resources (water, wind, solar and geothermal energy and material resources).
   c. Create a multi-modal transportation system that minimizes and, where possible, eliminates pollution and motor vehicle congestion while ensuring safe mobility and access for all without compromising the ability to protect public health and safety.
   d. Facilitate a reduction in automobile dependency in favor of affordable alternative, sustainable modes of travel.
   e. Implement land use and transportation planning and policies to foster compact, mixed use projects, forming urban villages designed to maximize housing choices and encourage walking, bicycling and the use of existing and future public transit systems.
   f. Encourage residents to recognize that they share the local ecosystem with other living things that warrant respect and responsible stewardship.
6. Provide a list of specific actions that will reduce Greenhouse Gas (GHG) emissions, with the highest priority given to actions that provide the greatest reduction in GHG emissions and benefits to the community at the least cost, while establishing a qualified reduction plan from which future development within the City can tier.

The following provides a summary of each alternative fully analyzed in Chapter 6 of the Final EIR. The summary includes rationale as to why each alternative has been rejected.

No Project Alternative

The No Project Alternative (refer to Subchapter 6.3.1 of the Final EIR) assumes that the proposed project, including the General Plan Update, Downtown Specific Plan Update and Climate Action Plan, would not be adopted or implemented and the currently adopted City of Escondido General Plan (1990) would be the applicable planning document for the proposed project area. Development and redevelopment would continue to occur in the proposed project area under the existing General Plan; however, when compared to the proposed project, this alternative would not incorporate higher density development in the downtown and urban core area, accommodate greater residential, commercial and industrial development in the 15 project study areas or implement smart growth concepts. Under the

No Project Alternative, land use designations within the proposed project area would occur as designated in the adopted General Plan.

Whereas the proposed project would guide future development toward a higher quality of life by incorporating smart growth principles and encouraging sustainability, the No Project Alternative would accommodate growth in the City, but would not encourage multi-modal transportation, increased energy and water efficiency, or preservation of existing communities by focusing new growth in suitable areas of the city. Under the No Project Alternative, community-wide GHG emissions in the City would continue to increase as a result of new development allowed under the existing General Plan (1990) but the proposed E-CAP reduction measures would not be implemented. Without implementation of the E-CAP reduction measures or additional mitigation measures, future development under the No Project Alternative would conflict with the goals of Assembly Bill (AB) 32. Moreover, the No Project Alternative does not include any of the mitigation measures for future development described in the EIR and the Mitigation Monitoring and Reporting Program (MMRP) for potentially significant impacts related to growth that cannot be avoided under this alternative, including air quality, noise and traffic.

The No Project Alternative would only partially meet four of the proposed project objectives (1, 2, 3 and 4) and would not meet the other two objectives (5 and 6). The No Project Alternative would partially meet Objectives 1 and 2 because this alternative would preserve and enhance existing neighborhoods and improve circulation and safety but would not guide additional growth towards downtown or along key transportation corridors and would not adjust the existing General Plan boundaries to allow for the planning of quality, managed and sustainable growth or meet the housing needs of future residents. The No Project Alternative would partially meet Objectives 3 and 4 because it would provide employment uses (Objective 3) and promote a developed downtown and urban core (Objective 4), although not to the same extent as the proposed project. Objectives 5 and 6 would not be met by the No Project Alternative because the E-CAP measures to reduce energy usage and associated GHG emissions would not be implemented. In addition, SANDAG's smart growth strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment (LLG 2011c) would not be implemented. For these reasons, the No Project Alternative would only partially meet three of the proposed project objectives and would not meet the other two project objectives.

Therefore, the No Project Alternative has been rejected because it fails to fully meet any of the six project objectives, would not substantially avoid the potentially significant impacts of the proposed project, and would not encourage sustainable growth, resulting in conflicts with AB 32.

Reduced Employment Alternative

The Reduced Employment Alternative (refer to Subchapter 6.3.2 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under the Reduced Employment Alternative, multiple areas identified for employment land uses under the proposed project would be reduced or eliminated entirely. The Reduced Employment Alternative would accommodate the same total number of dwelling units as the proposed project. However, the Reduced Employment Alternative would accommodate a total of 7,457,000 square feet (sf) of employment land uses, which is 6,193,000 sf fewer employment land uses than would be accommodated by the proposed project.

This alternative would promote sustainable development, a variety of housing, and some economic development; however, this alternative would not provide the same jobs and housing balance promoted by the proposed project to serve future residents. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Reduced Employment Alternative would meet Objectives 1, 2, 5 and 6. This alternative would be consistent with Objective 1 because it would establish the same General Plan boundary as the proposed project, meeting the housing needs of future residents. The Reduced Employment Alternative would meet Objective 2 because it would maintain residential densities in outlying areas to accommodate growth, preserve existing neighborhoods, guide additional growth towards the downtown and along key transportation corridors and improve circulation and safety. This alternative would achieve Objectives 5 and 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement SANDAG's smart growth strategies that promote multi-modal transportation and the alternative transportation concepts. The Reduced Employment Alternative would not meet Objectives 3 or 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core (Objective 4).

Therefore, the Reduced Employment Alternative has been rejected because it fails to meet two of the six project objectives and would not substantially lessen or avoid the potentially significant impacts of the proposed project.

Reduced Residential Alternative

The Reduced Residential Alternative (refer to Subchapter 6.3.3 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under the Reduced Residential Alternative, multiple areas identified for smart growth residential land uses under the proposed project would be reduced or eliminated entirely. When compared to the proposed project, the Reduced Residential Alternative would accommodate a total of 5,899 dwelling units, or 4,025 less dwelling units than would be accommodated by the proposed project. The Reduced Residential Alternative would accommodate the same square footage of employment land use as the proposed project.

This alternative would promote sustainable development through the E-CAP measures and would provide a variety of economic development; however, this alternative would not promote smart growth or provide a variety of housing to the extent of the proposed project. The Reduced Residential Alternative would not generate the housing needed to attract the desired mix of entertainment and activities that rely on a denser, higher populated urban core. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Reduced Residential Alternative would meet Objectives 2, 3 and 6 and partially meet Objectives 1, 4 and 5. The Reduced Residential Alternative would partially meet Objective 1 because it would establish the same General Plan boundary as the proposed project; however, it would not meet the long-term housing needs of future residents identified in Objective 1. The Reduced Residential Alternative would meet Objective 2 because it would preserve existing neighborhoods, guide additional growth towards the downtown and along key transportation corridors, and improve circulation and safety for vehicles and pedestrians. Although this alternative would result in a reduction in residential land uses, it would still result in the ability to create and sustain a strong economic base for the community by proposing the same amount of employment lands as the proposed project (Objective 3). This alternative would partially meet Objective 4, because it would create an economically viable urban downtown and core but would not provide the needed residential development in the downtown area to support those economic uses. This alternative would partially meet Objective 5, because it would achieve a sustainable and integrated system of land use and transportation. However, it would not create compact, mixed use projects, forming urban villages designed to maximize affordable housing to the same extent as the proposed project because multiple areas identified for smart growth residential land uses under the proposed project would be reduced or eliminated entirely under this alternative. The Reduced Residential Alternative would achieve Objective 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment prepared by LLG Engineers (Appendix I3 in Volume II of the Final EIR).

Therefore, the Reduced Residential Alternative has been rejected because it would only partially meet three of the six project objectives and would not substantially lessen or avoid the potentially significant impacts identified for the proposed project.

Blended Reduced Downtown/Focused Smart Growth and Employment Alternative

The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative (refer to Subchapter 6.3.4 of the Final EIR) would implement the proposed General Plan Update goals and policies; the Downtown Specific Plan Update goals and policies; and the E-CAP. However, under this alternative multiple areas identified for smart growth residential land uses and employment land uses under the proposed project would be reduced or eliminated entirely. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would accommodate 2,625 less dwelling units than the proposed project, for a total of only 7,299 dwelling units by 2035. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would accommodate a total of 10,575,000 sf of employment land uses, which is

3,075,000 sf less than would be accommodated by the proposed project. The primary areas where residential and/or employment land uses would be reduced are the Downtown SPA, Felicita Avenue and Centre City Parkway, Transit Station Target Area, Centre City Parkway/ Brotherton Road Target Area, East Valley Parkway Target Area and Imperial Oaks SPA.

This alternative would promote sustainable development through the E-CAP measures and some variety of residential and economic development; however, this alternative would not promote smart growth, improve the jobs to housing balance, or provide a variety of housing and employment opportunities to the extent of the proposed project. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would not generate the housing needed to attract the desired mix of entertainment and activities that rely on a denser, higher populated urban core. Additionally, this alternative would result in generally the same environmental impacts as the proposed project, although impacts that are proportionately related to growth would be somewhat reduced compared to the proposed project, such as impacts to air quality, public services, and traffic. None of the potentially significant impacts of the proposed project would be avoided under this alternative.

The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would meet Objectives 2 and 6, partially meet Objectives 1 and 5, and not meet Objectives 3 and 4. This alternative would partially meet Objective 1 because it would establish the same General Plan boundary as the proposed project; however, it would not meet the long-term housing needs of future residents identified in Objective 1. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would meet Objective 2 because it would maintain residential densities in outlying areas, preserve and enhance existing neighborhoods, guide some growth towards downtown and along key transportation corridors, and improve circulation and safety for vehicles and pedestrians. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would not meet Objective 3 or Objective 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core because it would not provide as much residential, retail and office development in the downtown area as the proposed project (Objective 4). This alternative would partially meet Objective 5, because it would achieve a sustainable and integrated system of land use and transportation. However, it would not create compact, mixed use projects, forming urban villages designed to maximize affordable housing to the same extent as the proposed project because multiple areas identified for smart growth residential land uses under the proposed project would be reduced under this alternative. The Blended Reduced Downtown/Focused Smart Growth and Employment Alternative would achieve Objective 6 by implementing the E-CAP measures to reduce energy usage and associated GHG emissions. In addition, this alternative would implement strategies that promote multi-modal transportation and the alternative transportation concepts identified in the Complete Streets Assessment prepared by LLG Engineers (Appendix I3 in Volume II of the Final EIR).

Therefore, the Blended Reduced Downtown/Focused Smart Growth and Employment Alternative has been rejected because it would only fully meet two project objectives, would partially meet two project objectives and would not meet two project objectives. In addition, this alternative would not substantially lessen or avoid the potentially significant impacts of the proposed project.

Mobility and Infrastructure Element Downtown Couplet Alternative

The Mobility and Infrastructure Element Downtown Couplet Alternative (refer to Subchapter 6.4.1 of the Final EIR) would implement the proposed General Plan Update land use plan, goals and policies, the Downtown Specific Plan Update land use plan, goals and policies, and the E-CAP. However, under this alternative the Mobility and Infrastructure Element of the proposed General Plan Update would be realigned so that the existing Valley Parkway and 2nd Avenue one-way couplet would accommodate two-way traffic. Proposed two-way circulation would require the reduction in lanes along each roadway. The roadways would be reduced to one-lane in either direction (two-lane roadways) with on-street parking and bike lanes. Four-lane roadways could not be accommodated because of the limited curb-curb width of approximately 52 feet along most of the couplet. While four-lanes could physically fit, left-turn pockets could not be provided, nor could parking or bike lanes.

The Downtown Couplet Alternative would meet all of the proposed project's objectives because under this alternative, the land use plan, goals and policies proposed in the General Plan Update would remain the same and only the Valley Parkway/2nd Avenue Couplet would be realigned to accommodate two-way traffic. However, this alternative would not reduce or eliminate any of the potentially significant impacts of the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, traffic level of service, road safety, emergency access, and alternative transportation because more congestion would occur under this alternative.

Therefore, the Mobility and Infrastructure Element Downtown Couplet Alternative has been rejected because it would not lessen or avoid the potentially significant impacts of the proposed project, and would result in greater air quality and transportation impacts compared to the proposed project.

Promenade Retail Center and Vicinity Alternative

The Promenade Retail Center and Vicinity Alternative (refer to Subchapter 6.4.2 of the Final EIR) would implement the proposed General Plan Update goals and policies, the Downtown Specific Plan Update goals and policies, and the E-CAP reduction measures. However, under this alternative, mixed use office land uses south of 9th Avenue within the Promenade Retail Center and Vicinity Target Area would be increased by 100,000 sf. Total employment land uses throughout the proposed project planning area would be increased to 13,750,000 sf under this alternative. The same number of dwelling units would be accommodated in the Promenade Retail Center and Vicinity Target Area (628 dwelling units) and throughout the entire proposed project planning area (9,924 dwelling units) as the proposed project.

The Promenade Retail Center and Vicinity Alternative would meet all of the objectives identified for the proposed project. An increase in office employment uses under this alternative would result in the increased ability of this alternative to create and sustain a strong economic base for the community (Objective 3) and create an economically viable urban downtown and core (Objective 4). The

Promenade Retail Center and Vicinity Alternative would also result in the establishment of a General Plan boundary that accommodates the goals of Objective 1 and would guide additional growth towards downtown and along key transportation corridors, as stated in Objective 2. Further, under this alternative, smart growth strategies and the E-CAP would be implemented, which would result in the accomplishment of Objectives 5 and 6. However, this alternative would not reduce or eliminate any of the potentially significant impacts of the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, noise, public services, and traffic because more growth would occur under this alternative.

The Promenade Retail Center and Vicinity Alternative does not meet the requirements of an alternative as identified in Section 15126.6 of the CEQA Guidelines because it would not avoid or substantially lessen any of the significant impacts of the proposed project. The Promenade Retail Center and Vicinity Alternative would result in similar, and in some cases marginally greater, significant impacts as the proposed project; therefore, the findings made under Sections A, B and C above for the proposed project also apply to this alternative.

Nutmeg Street Alternative

The Nutmeg Street Alternative (refer to Subchapter 6.4.3 of the Final EIR) would implement the proposed General Plan Update goals and policies, the Downtown Specific Plan Update goals and policies, and the E-CAP reduction measures. Under this alternative, new office employment land uses would replace proposed residential land uses within the Nutmeg Street Study Area. The proposed project identifies the development of 40 residential dwelling units within this study area. The Nutmeg Street Alternative would accommodate 100,000 sf of new office employment land uses in this study area, which would be developed instead of the 40 dwelling units. Therefore, this alternative would result in a total of 13,750,000 sf of employment land uses and 9,884 dwelling units throughout the entire proposed project planning area.

The Nutmeg Street Alternative would meet all six of the objectives identified for the proposed project. An increase in employment land uses under this alternative would result in the increased ability to create and sustain a strong economic base for the community (Objective 3) and create an economically viable urban downtown and core (Objective 4). The Nutmeg Street Alternative would result in the establishment of a General Plan boundary that accommodates the goals of Objective 1 and would guide additional growth towards downtown and along key transportation corridors as outlined in Objective 2. Further, under this alternative, smart growth strategies and the E-CAP reduction measures would be implemented, which would result in the accomplishment of Objectives 5 and 6. However, this alternative would not reduce or eliminate any of the potentially significant impacts identified for the proposed project. This alternative would result in increased impacts compared to the proposed project related to air quality, noise, public services, and traffic because more growth would occur under this alternative.

The Nutmeg Street Alternative does not meet the requirements of an alternative as identified in Section 15126.6 of the CEQA Guidelines because it would not avoid or substantially lessen any of the significant impacts of the proposed project. The Nutmeg Street Alternative would result in similar, and in some cases marginally greater, significant impacts as the proposed project; therefore, the findings made under Sections A, B and C above for the proposed project also apply to this alternative.

Environmentally Superior Alternative

According to Section 15126.6(e)(2) of the CEQA Guidelines, an EIR is required to identify the environmentally superior alternative, which is the alternative having the potential for the fewest significant environmental impacts, from among the range of reasonable alternatives that are evaluated in the EIR. The Reduced Employment Alternative is identified as the Environmentally Superior Alternative. Because the overall employment land use development in the project area would be decreased compared to the proposed project, impacts associated with scenic vistas; scenic resources; visual character and quality; lighting and glare; direct conversion of agricultural resources; indirect conversion of agricultural and forestry resources; air quality violations; sensitive receptors; special status plant and wildlife species; riparian habitat and other sensitive natural communities; wildlife movement corridors and nursery sites; historical resources; archeological resources; excessive noise levels; excessive groundborne vibration; permanent and temporary ambient noise levels; displacement of housing and people; fire and police protection; traffic and level of service standards; wastewater treatment requirements; new water and wastewater treatment facilities; sufficient stormwater drainage facilities; adequate water supplies; adequate wastewater facilities; sufficient landfill capacity; solid waste regulations; and energy would be proportionately less than those identified for the proposed project. However, as discussed above under the Reduced Employment Alternative heading, this alternative would not provide the jobs and housing balance needed to serve future residents and none of the potentially significant impacts of the proposed project would be avoided under this alternative. The significant and unavoidable impacts identified for the proposed project would also be significant and unavoidable under this alternative. Additionally, the Reduced Employment Alternative would not meet Objective 3 or Objective 4. A reduction in employment land uses under this alternative would result in its inability to create and sustain a strong economic base for the community (Objective 3) or create an economically viable urban downtown and urban core (Objective 4). Therefore, the Reduced Employment Alternative has been rejected because it fails to meet two of the six project objectives and would not substantially lessen or avoid the potentially significant impacts of the proposed project.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE ESCONDIDO GENERAL PLAN HOUSING ELEMENT PHG 11-0028 SCH # 2010071064

The Findings required under the California Environmental Quality Act ("CEQA") (Public Resources Code Sections 21000 *et seq.*) and the CEQA Guidelines (California Code Regulations, Title 14, Section 15000 *et seq.*) supporting the approval of the City of Escondido (City) General Plan Housing Element (hereinafter referred to as the "project") conclude that the City's approval of the project would result in significant impacts that cannot be substantially lessened or avoided. Despite these impacts, the Escondido City Council chooses to approve the project because specific economic, social and other benefits of the project outweigh and override these significant and unavoidable impacts.

The City has adopted all feasible mitigation measures with respect to the significant unavoidable environmental impacts listed below. In addition, the City has analyzed a reasonable range of alternatives to the proposed project. Based on the analysis, the City has determined that the project as proposed is preferable to the project alternatives. Therefore, the City is adopting the General Plan Housing Element, (the Downtown Specific Plan Update, and E-CAP shall be considered at a separate and future public meeting) and sets forth this Statement of Overriding Considerations for its adoption despite the following significant and unavoidable environmental impacts identified in the Final Environmental Impact Report (EIR) prepared for the project.

Significant Unavoidable Environmental Impacts

Final EIR Section	Environmental Issue (Type of Impact)
4.3.3.2, 4.3.4	Air Quality Violations (Direct and Cumulative Impact)
4.4.4	Special Status Plant and Wildlife Species (Cumulative Impact)
4.4.4	Riparian Habitat and Other Sensitive Natural Communities (Cumulative Impact)
4.4.4	Wildlife Movement Corridors and Nursery Sites (Cumulative Impact)
4.12.3.2, 4.12.4	Excessive Groundborne Vibration (Direct and Cumulative Impact)
4.12.4	Permanent Increase in Ambient Noise Levels (Cumulative Impact)
4.13.3.2	Displacement of Housing and People (Direct Impact)
4.16.3.1, 4.16.4	Traffic and Level of Service Standards (Direct and Cumulative Impact)
4.17.3.4, 4.17.4	Adequate Water Supplies (Direct and Cumulative Impact)
4.17.3.6, 4.17.4	Sufficient Landfill Capacity (Direct and Cumulative Impact)

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the proposed project. Thus, even if a court were to set aside any particular reason or reasons, the City Council finds that it would stand by its determination that each reason, or any combination of reasons, is a sufficient basis for approving the General Plan Housing Element, notwithstanding the significant and unavoidable impacts that may occur. The substantial evidence supporting the various benefits can be found in the CEQA Findings Regarding Significant Effects, the Final EIR and the Record of Proceedings.

Statement of Overriding Considerations

The City finds that the project would have the following economic, social, legal and other benefits:

1. The project, in association with the updated General Plan, allow for the planning of quality, managed and sustainable growth, while meeting the housing needs of existing and future residents during the General Plan's planning horizon (year 2035).
2. The project maintains residential densities in outlying areas to accommodate growth, preserve and enhance existing neighborhoods, guide additional growth towards downtown and along key transportation corridors and improve circulation and safety for vehicles and pedestrians.
3. The project provides a strategic framework to accommodate a reasonable share of projected regional population growth at intensities that are appropriate with respect to existing development and community character.
4. The project provides a realistic land use map that accounts for existing development, physical constraints, hazards, and incompatible uses and assigns densities and use types accordingly to ensure that communities and neighborhoods remain safe and livable.
5. The project, in association with the updated General Plan, improves mobility for all residents through the development of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
6. The project, in association with the updated General Plan, maintains areas for high quality, diversified and employee-intensive industrial, retail, technology, manufacturing and service-oriented businesses that create and sustain a strong economic base and provide opportunities for the full employment of a diverse set of skills.
7. The project, in association with the updated General Plan, creates an economically viable urban downtown and urban core with exciting activities and unique land uses that attract local residents and tourists, such as retail, office, residential, entertainment and cultural uses.
8. The project, in association with the updated General Plan, enhances the local economy and provides opportunities for future jobs and business development commensurate with forecasted growth by planning for commercial development near existing businesses, transportation hubs and walkable residential areas. Moreover, the project promotes continued agricultural production as an integral part of the region's economy by placing appropriate densities and compatible use types in prime farmland areas.
9. The project, in association with the updated General Plan, would achieve a sustainable and integrated system of land use and transportation in the City in a manner that would:
   a. Significantly decrease overall community consumption, specifically the consumption of non-local, non-renewable and non-recycled materials, water, and energy and fuels.
   b. Within renewable limits, encourage the use of local, non-polluting, renewable and recycled resources (water, wind, solar and geothermal energy and material resources).
   c. Create a multi-modal transportation system that minimizes pollution and motor vehicle congestion while ensuring safe mobility and access for all without compromising the ability to protect public health and safety.

d. Facilitate a reduction in automobile dependency in favor of affordable alternative, sustainable modes of travel.

e. Implement land use and transportation planning and policies to foster compact, mixed use projects, forming urban nodes designed to maximize housing choices and encourage walking, bicycling and the use of existing and future public transit systems.

f. Encourage residents to recognize that they share the local ecosystem with other living things that warrant respect and responsible stewardship.

10. The project, in association with the updated General Plan, addresses adverse environmental effects associated with global climate change by facilitating sustainable development, promoting energy efficiency, and reducing greenhouse gas (GHG) emissions consistent with the state-wide goals of Assembly Bill 32, the California Global Warming Solutions Act of 2006.

11. The project, in association with the updated General Plan, provides policies aimed at developing a list of specific actions that will reduce GHG emissions, with the highest priority given to actions that provide the greatest reduction in GHG emissions and benefits to the community at the least cost, while establishing a qualified reduction plan from which future development within the City can tier.

12. The project, in association with the updated General Plan, is based on thorough research and analysis of existing conditions, changing local and regional circumstances, evolving trends in urban planning and a collaborative partnership with community members through an extensive public participation process.

13. The project, in association with the updated General Plan, establishes Quality of Life Standards to establish minimum thresholds of service levels for various public improvements and facilities. The timing of future development would rely upon the provision of facilities and services based upon these standards and will be used as the basis for capital improvement programs, impact fees, and other financing mechanisms established to provide facilities and services. The thresholds ensure the City's ability to accommodate growth, sustain its quality of life, and enhance the community's desirability.

14. The project, in association with the updated General Plan, implements a Growth Management Element to establish policies for balancing the timing of infrastructure improvements with current and anticipated demands for service through the adoption of specific implementation techniques. The Growth Management Element integrates General Plan goals and objectives with adopted Quality of Life Standards to facilitate the orderly development of public and private improvements. The element implements a framework for effective growth management that would establish parameters for periodically monitoring the impacts that growth has on the community and define the methods by which impacts are addressed, allowing decision makers to efficiently prioritize capital improvements.

15. The project brings the City into compliance with State law, which requires that a city's Housing Element be up-to-date to serve the community between January 1, 2013, and December 31, 2020. Escondido's existing Housing Element was adopted in 2005 and designed to guide the City's growth until 2012.

For the foregoing reasons, the City finds that the project's unavoidable potential significant environmental impacts are outweighed by these considerable benefits.

Mitigation Monitoring and Reporting Program for the Escondido General Plan Housing Element

City File: PHG 11-0028

SCH # 2010071064

The City of Escondido adopts this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Escondido General Plan Housing Element (proposed project), which is the subject of the Final Program Environmental Impact Report (EIR), complies with all applicable environmental mitigation requirements.

The mitigation described in the EIR and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts. These measures are provided at the program EIR level and allow for future refinement or development of more specific measures as needed to further reduce impacts. Mitigation measures applicable to the proposed project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying impacts by repairing, rehabilitating, or restoring the affected environment, and/or reducing or eliminating impacts over time through preservation and maintenance operations over the life of the proposed project.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the Final Program EIR. Only those subsections of the environmental issues presented in the EIR that have mitigation measures are provided below in the MMRP table. All other subsections in the EIR do not contain mitigation measures. For each specified mitigation measure, the MMRP table identifies the following: 1) Implementation Action; 2) Method of Verification; 3) Timing of Verification; 4) Responsible Agency/Party; and 5) Verification Date.

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
AIR QUALITY					
Air-1 Construction Dust Control Measures. During grading activities for any future development within the General Plan Update planning area boundary, the onsite construction superintendent shall ensure implementation of standard best management practices to reduce the emissions of fugitive dust, including but not limited to the following actions: i. Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water will be applied at a frequency to be determined by the onsite construction superintendent. ii. Temporary hydroseeding with irrigation will be implemented on all graded areas on slopes, and areas of cleared vegetation will be revegetated as soon as possible following grading activities in areas that will remain in a disturbed condition (but will not be subject to further construction activities) for a period greater than three months during the construction phase. iii. Operate all vehicles on the construction site at speeds less than 15 miles per hour. iv. Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the onsite construction superintendent, or spray them with a non-toxic chemical stabilizer. v. If a street sweeper is used to remove any track-out/carry-out, only PM_{10}-efficient street sweepers certified to meet the most current *South Coast Air Quality Management District Rule 1186* requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.	Require that the specified measures be implemented during grading activities for future development projects.	Plan check and Site inspection	Prior to the issuance of any grading or building permit and At site inspection	City of Escondido Engineering Services-Field Engineering Section	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Air-2 Air Quality Impact Assessment. An Air Quality Impact Analysis shall be prepared for projects within the General Plan Update boundary that exceed one of the air quality study trigger criteria in Table 4.3 12, Air Quality Impact Analysis Trigger Criteria. (see Table 4.3-12 below)	Require that an Air Quality Impact Analysis be prepared for projects exceeding the trigger criteria, as specified.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	

Table 4.3-12 Air Quality Impact Analysis Trigger Criteria

Land Use	Project Size that would Trigger an AQIA[3]	Single Family Dwelling Unit Equivalent[4]
Single Family Residential[1]	300 du	1 du/1 du
Apartments: 6-20 du/acre[1]	370 du	1 du/1.23 du
Apartments: – > 20 du/acre[1]	420 du	1 du/1.4 du
Condominiums[1]	370 du	1 du/1.23 du
Mobile Home Park[1]	400 du	1 du/1.33 du
Supermarket[2]	25,000 sf	1 du/83.33 sf
Restaurant, Fast Food w/drive through[2]	6,500 sf	1 du/21.67 sf
Restaurant, Quality Sit Down[2]	43,000 sf	1 du/143.33 sf
Neighborhood/County Park (undeveloped)[2]	880 acres	1 du/2.93 acre
Motel[2]	480 rooms	1 du/1.6 room
Standard Commercial Office (<100,000 sf per office site)[2]	190,000 sf	1 du/633.33 sf
Neighborhood shopping center[2]	35,000 sf	1 du/116.67 sf

(1) Limited by VOC emissions; for these residential units it is assumed that 5 percent of the units have active fireplaces burning 0.25 cord of wood over a period of 82 days and 10 percent of the units have active natural gas fireplaces that are used for 3 hours per day over a period of 90 days (note: hours per day and days per year are the URBEMIS defaults).
(2) Limited by CO emissions
(3) du = dwelling unit, sf = square feet, du/acre = dwelling units per acre
(4) Single family units per land use unit of measure
Source: County of San Diego 2007b

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Air-3 Siting Sensitive Receptors near Waste Transfer Facility. A Health Risk Assessment (HRA) shall be prepared by a qualified air quality professional for development of new sensitive receptors proposed in the General Plan Update planning area within 500 feet of a waste transfer facility. Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The project shall not be considered for approval until an HRA has been completed and approved by the City. The methodology for the HRA shall follow the Office of Environmental Health Hazard Assessment and SDAPCD guidelines for the preparation of HRAs. If a potentially significant health risk is identified, the HRA shall identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor shall be sited in another location.	Require that a health risk assessment be prepared, as specified, for development of new sensitive receptors within 500 feet of a waste transfer facility.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
Air-4 Siting Sensitive Receptors near Industrial, Medical, or Research and Development Facilities. A Health Risk Assessment (HRA) shall be prepared by a qualified air quality professional for development of new sensitive receptors in the General Plan Update planning area proposed within one mile of industrial land uses, medical facilities, or research and development facilities that generate a potential source of Toxic Air Contaminants (TACs). Sensitive receptors include day care centers, schools, retirement homes, hospitals, medical patients in residential homes, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. An HRA shall also be required for such facilities proposed within one mile of a sensitive receptor. The project shall not be considered for approval until an HRA has been completed and approved by the City. The methodology for the HRA shall follow the Office of Environmental Health Hazard Assessment and SDAPCD guidelines for the preparation of HRAs. If a potentially significant health risk is identified, the HRA shall identify appropriate measures to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be	Require that a health risk assessment be prepared, as specified, for development of new sensitive receptors within one mile of industrial land uses, medical facilities or research and development facilities that generate TACs.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
sited in another location.					
CULTURAL RESOURCES					
Cul-1 Enhance community appreciation of the importance of the City's historic sites and buildings, and protect and preserve significant historical resources to the extent feasible through the identification of features of cultural and historical significance to the community and designation as landmark features, structures and sites of historic, aesthetic, and special character. The incorporation of historical resources into historical parks and multiple use recreation parks shall be encouraged.	Identify features of cultural and historical significance to the community and designate them as landmark features.	Department review and approval	On-going	City of Escondido Community Development Department – Planning Division	
Cul-2 Ensure landmarking and historical listing of City-owned historic sites.	Require landmarking and historical listing of City-owned sites.	Department review and approval	On-going	City of Escondido Community Development Department – Planning Division	
Cul-3 Require that significant archaeological resources be preserved in-situ, as feasible. The incorporation of resources into historical parks and multiple use recreation parks shall be encouraged. When avoidance of impacts is not possible, data recovery mitigation shall be required for all significant resources. Any significant artifacts recovered during excavation, other than cultural material subject to repatriation, shall be curated with its associated records at a curation facility approved by the City. Excavation of deposits of Native American origin shall be coordinated with and monitored by local Native American representatives.	Require that the significant archaeological resources be preserved or adequately mitigated.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
Cul-4 Develop management and restoration plans for identified and acquired properties with cultural resources.	Require that management plans and restoration plans be developed for properties with cultural resources when said properties are proposed for significant alterations.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Cul-5 Support the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grant or matching funds, or funds from private organizations.	Identify funding sources to protect cultural resources.	Department review and approval	On-going	City of Escondido Community Development Department – Planning Division	
Cul-6 Protect significant cultural resources through coordination and consultation with the NAHC and local tribal governments, including SB-18 review.	Require that future development projects coordinate and consult with the NAHC and local tribal governments.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
NOISE					
Noi-1 Construction Vibration Best Management Practices. All general construction activities that take place within 100 feet of a building with the potential to be damaged by excessive vibration, or use pile-driving, blasting, or other high-impact construction equipment within 200 feet of a daytime NSLU (public and private educational facilities, churches, libraries, museums, cultural facilities, golf courses and passive recreational parks) shall implement the following construction BMPs recommended by the Federal Railroad Administration in the High Speed Ground Transportation Noise and Vibration Impact Assessment (2005): 1. Sequence of operations: a. Phase demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period. 2. Alternative construction methods: a. Avoid impact pile driving where possible in vibration-sensitive areas. Drilled piles or the use of a sonic or vibratory pile driver causes lower vibration levels where the geological conditions permit their use. b. Select demolition methods not involving impact, where possible. For example, sawing bridge decks into sections that	Require that the specified measures be implemented, as applicable, during construction activities for future development projects.	Plan check and Site inspection	Prior to the issuance of any grading or building permit and At site inspection	1) Plan Check: City of Escondido Community Development Department – Building Division 2) Inspection: City of Escondido Engineering Services Department – Field Engineering Section	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
can be loaded onto trucks results in lower vibration levels than impact demolition by pavement breakers, and milling generates lower vibration levels than excavation using clam shell or chisel drops. c. Avoid vibratory rollers and packers near sensitive areas.					
Noi-2 Setback of Vibration-sensitive Land Uses from SPRINTER alignment. Future development of vibration-sensitive land uses within 450 feet of the SPRINTER right-of-way or places where people sleep within 230 feet of the SPRINTER right-of-way shall require a site-specific groundborne vibration analysis conducted by a qualified vibration analyst to determine that vibration levels generated by the SPRINTER at the proposed project site would not exceed the Federal Transit Administration's groundborne vibration standards for vibration sensitive equipment and sleep disturbance. If necessary, mitigation shall be required for land uses in compliance with the standards listed in EIR Table 4.12-10, General Plan Update Groundborne Vibration Impact Criteria.	Require that a site specific groundborne vibration analysis be conducted, as specified, for vibration-sensitive land uses and places where people sleep.	Department review and approval	Prior to project approval	City of Escondido Community Development Department – Planning Division	
POPULATION AND HOUSING					
Pop-1 The City of Escondido shall coordinate with property owners that would experience displacement under the proposed General Plan Update to communicate the implications of the proposed project on their property and to address public concerns and comments.	Require coordination with property owners that would experience displacement as a result of future infrastructure or development projects.	Department review	Prior to approval of any future infra-structure or development project that would displace homes or businesses.	City of Escondido Community Development Department – Planning Division	
TRANSPORTATION AND TRAFFIC					
Tra-1 The City of Escondido shall implement intersection improvement treatment and adaptive traffic signal control technology along the following roadway segments and at the following intersections prior to reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be	Require that the specified improvements be implemented prior to the segment or intersection reaching an	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment or	City of Escondido Engineering Services Department – Traffic Division	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
anticipated by traditional time-of-day plans, such as accidents and road construction. Roadway Segments ■ Mission Road between Barham Drive and Auto Park Way (LOS E) ■ Valley Parkway between Hickory Street and Fig Street (LOS F) ■ Valley Parkway between Fig Street and Date Street (LOS F) ■ Valley Parkway between Date Street and Ash Street (LOSF) Intersections ■ Nordahl Road/Auto Park Way/Mission Road (LOS E, PM peak hour) ■ Centre City Parkway/Felicita Avenue (LOS F, PM peak hour) ■ Escondido Boulevard/Felicita Avenue (LOS E/F, AM/PM peak hours, respectively) ■ Ash Street/Valley Parkway (LOS E, both AM/PM peak hours) ■ I-15 SB Ramps/Via Rancho Parkway (LOS E/F, AM/PM peak hours, respectively) ■ El Norte Parkway/Centre City Parkway (LOS E/F, AM/PM peak hours, respectively)	LOS of E or F.		intersection reaching an LOS E or F		
Tra-2 Montiel Road between Nordahl Road and Deodar Road. The City of Escondido shall implement adaptive traffic signal control technology along Montiel Road between Nordahl Road and Deodar Road prior to the segment reaching an LOS of E or F. Adaptive traffic signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Following the City of San Marcos' decision to mitigate impacts to this segment, require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F, following City of San Marcos decision to mitigate this impact	City of Escondido Engineering Services Department–Traffic Division	
Tra-3 Escondido Boulevard between 13th Avenue and 15th Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Escondido Boulevard between 13th Avenue and 15th Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching	City of Escondido Engineering Services Department–Traffic Division	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.			an LOS E or F		
Tra-4 Centre City Parkway between 13th Avenue and Felicita Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Centre City Parkway between 13th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-5 Escondido Boulevard between 15th Avenue and Felicita Avenue. The City of Escondido shall implement adaptive traffic signal control technology along Escondido Boulevard between 15th Avenue and Felicita Avenue prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-6 Escondido Boulevard between Felicita Avenue and Sunset Drive. The City of Escondido shall implement adaptive traffic signal control technology along Escondido Boulevard between Felicita Avenue and Sunset Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-7 Citrus Avenue between Washington Avenue and Valley Parkway. The City of Escondido shall implement adaptive traffic signal control technology along Citrus Avenue between Washington Avenue and Valley Parkway prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-8 Citrus Avenue between Bear Valley Parkway and Glen Ridge Road. The City of Escondido shall implement adaptive traffic signal	Require that the specified improvements	Plan check	Prior to the issuance of any grading or building	City of Escondido Engineering	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
control technology along Citrus Avenue between Bear Valley Parkway and Glen Ridge Road prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	be implemented prior to the segment reaching an LOS of E or F.		permit for a project that would result in the segment reaching an LOS E or F	Services Department–Traffic Division	
Tra-9 9th Avenue between La Terraza Boulevard and Tulip Street. The City of Escondido shall implement adaptive traffic signal control technology along 9th Avenue between La Terraza Boulevard and Tulip Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-10 Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street. The City of Escondido shall implement adaptive traffic signal control technology along 9th Avenue between Lincoln Avenue between Lincoln Parkway (SR-78) and Fig Street prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
Tra-11 Mission Avenue between Rose Street and Midway Drive. The City of Escondido shall implement adaptive traffic signal control technology along Mission Avenue between Rose Street and Midway Drive prior to the segment reaching an LOS of E or F. Adaptive signal control technologies shall use real-time traffic data to adjust signals to events that cannot be anticipated by traditional time-of-day plans, such as accidents and road construction.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Tra-12 Interstate 15 Southbound Ramps/Valley Parkway Intersection. The City of Escondido shall provide a second right turn lane at the I-15 Northbound ramps to partially mitigate the impacts at this intersection. Future land developments would be required to contribute a fair share towards this improvement as well as any other improvements that may needed in the future to mitigate this impact to below a level of significance.	Require that the specified improvements be implemented prior to the segment reaching an LOS of E or F.	Plan check	Prior to the issuance of any grading or building permit for a project that would result in the segment reaching an LOS E or F	City of Escondido Engineering Services Department–Traffic Division	
UTILITIES AND SERVICE SYSTEMS					
Util-1 The EWWD Water Distribution Master Plan shall be updated to accommodate the buildout of the proposed General Plan Update. This shall be achieved by increasing and/or expanding existing water infrastructure, providing recycled water distribution facilities throughout the City to offset potable water demand for landscaping and other purposes and other measures/strategies that will achieve the goal of providing an adequate water supply to serve the buildout of the General Plan Update.	Require that the EWWD Water Distribution Master Plan be updated to accommodate buildout of the General Plan Update.	Department review and approval	Within five years of General Plan Update approval	City of Escondido Utilities Department–Utility Engineering Division	
Util-2 The EWWD Wastewater Master Plan shall be updated to *accommodate the buildout of the proposed General Plan Update. This* shall be achieved by increasing and/or expanding existing wastewater infrastructure and other measures/strategies that will achieve the goal of providing adequate wastewater facilities to serve the buildout of the General Plan Update. The City shall also coordinate with VWD during its next Master Plan Update process to ensure that it provides the necessary wastewater facilities to adequately account for the growth identified in the General Plan Update.	Require that the EWWD *Wastewater Master Plan* be updated to accommodate buildout of the General Plan Update. Coordinate with VWD during its next Master Plan Update.	Department *review and* approval	Within five years of *General Plan Update* approval	City of Escondido Utilities Department–Utility Engineering Division	

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Reso No. ______________ File No. ______________
Ord No. ______________

CITY COUNCIL

Agenda Item No.: 12
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Homi Namdari, Assistant City Engineer

SUBJECT: Revisions to Section 23 (Streets and Sidewalks), Article 5 (Public Improvement Construction, Public Dedication and Mapped Streets) of the Escondido Municipal Code

RECOMMENDATION:

It is requested that Council introduce Ordinance No.2012-21, revising Section 23 (Streets and Sidewalks), Article 5 (Public Improvement Construction, Public Dedication and Mapped Streets) of the Escondido Municipal Code regarding public improvement construction and public dedications required when constructing new buildings or expanding an existing building, as condition of obtaining a Building Permit.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

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

BACKGROUND:

Upon application for a building permit to construct a new building or expand an existing building, Chapter 23, Article 5 of the Escondido Municipal Code requires that an applicant construct public improvements across unimproved or under-improved frontage and to grant any necessary public dedication as a condition to obtaining the building permit. This condition has been in place for years and is triggered when the valuation of the building permit exceeds $23,828. If the monetary threshold is met and it is determined that public improvements and public dedication are required, the applicant is sent to the engineering staff to determine the level of improvements, whether a payment of an in-lieu fee is appropriate or whether a deferral is appropriate. If public improvements and/or public dedication are necessary, the engineering staff evaluates whether there is a reasonable relationship between the conditions imposed on obtaining the permit and the impact the development will have on the City.

Cities have the authority to use their police power to impose conditions on a development project through the dedication of land or the payment of fees. (Cal. Const. art. XI, sec. 7). Historically, courts have held that cities may impose conditions on development so long as the conditions imposed are reasonable, and there is a sufficient nexus between the conditions imposed and the projected burden to the City and its resources. The requirement to construct public improvements and dedicate land is a condition that is often imposed on development due to the impact the development has on the city, such as increased traffic, use of public resources, and potential danger to the public health and welfare. The City has the discretion to require payment of a fee as a condition of approval of a development project, pursuant to the Mitigation Fee Act (Cal. Gov. Code §66001 *et seq.).* After identifying the purpose of the fee and determining if there is a reasonable relationship between the use of the fee and the type of the development project, the public entity must, upon receipt of a fee, either deposit, invest, account for, or expend the fees, in accordance with Cal. Gov. Code §66006 (Cal. Gov. Code §66001).

The Council introduced Ordinance 2008-12 in November 12, 2008. Under Ordinance 2008-12 the Chapter 23, Article 5 was revised to conform to procedures and practices for processing public dedications and improvements.

Introduction of the Ordinance 2012-21 will include the following revisions:

1. Exempt building façade and tenant improvement projects from undergrounding of overhead utilities and public improvement requirements.

2. Exempt building expansion projects in excess of $23,828 from undergrounding of overhead utilities.

3. Requires in-lieu fee or lien contract as condition of deferral of public improvements required for new, redevelopment, expansion of building projects.

Respectfully submitted,

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

Homi Namdari
Assistant City Engineer

Agenda Item No.: 12
Date: December 12, 2012

ORDINANCE NO. 2012-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO MUNICIPAL CODE CHAPTER 23, ARTICLE 5 RELATING TO PUBLIC IMPROVEMENT CONSTRUCTION AND PUBLIC DEDICATION REQUIRED WHEN CONSTRUCTING A NEW BUILDING OR EXPANDING AN EXISTING BUILDING AS A CONDITION OF OBTAINING A BUILDING PERMIT

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

SECTION 1. That the City Council finds that there is a lack of public improvements conforming to City standards.

SECTION 2. That it is the purpose of the City Council in adopting the provisions of this article to impose reasonable requirements of public dedication and public improvements upon persons engaged in the development, construction, reconstruction or remodeling of buildings which tend to result in increased demands upon existing public rights-of-way and streets and highways in the City thereby increasing the danger to public health, safety and welfare; to extend the public requirements of the Subdivision Map Act by establishing standards and requirements for dedication of rights-of-way and easements and construction of improvements in connection with the development, redevelopment or improvement of land in which no subdivision is involved; and to alleviate the undesirable situation of having a lack of public improvements conforming to City standards by causing the installation of those improvements required by the City to serve property about to be developed at the time of its development.

SECTION 3. That the City Council intends to require, in accordance with the provisions of this article, the dedication of a portion of the public rights-of-way including streets, highways, alleys and storm drain facilities and the construction of improvements contiguous to the property in accordance with City standards.

SECTION 4. That Article 5 (Public Improvement Construction, Public Dedication and Mapped Streets) of Chapter 23 of the Escondido Municipal Code is amended to read as follows:

ARTICLE 5. PUBLIC IMPROVEMENT CONSTRUCTION, PUBLIC DEDICATION AND MAPPED STREETS

Sec. 23-118. Definitions.

As used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

Accessory structure means a subordinate or supplementary part of an existing structure.

Applicant means any person, owner, developer, firm, partnership, association, corporation, company, lessee, agent or organization of any kind, constructing or arranging for the construction or enlargement of a building or dwelling.

Building setback area means, in the case of a lot which abuts a street designated for future widening on the circulation plan, that area of such lot which lies within the future right-of-way of such street, plus the area which would be the required setback of the lot under applicable zoning regulations if the street was of the width shown on the circulation plan. In the case of a lot which abuts a mapped street, "building setback area" means the area of such lot which would be the required setback of the lot under applicable zoning regulations if the mapped street were an existing street, except City streets which presently have a width of eighty (80) feet shall be exempt from the provisions of this section if the circulation plan indicates those streets to be of a future width of eighty-four (84) feet.

Circulation plan means the graphic component of the circulation element of the general plan of the City, approved by the Council in accordance with applicable state law, and any amendments thereto.

Lot means any lot, parcel or other real property situated within the City.

Mapped street means a future street, including areas which shall become streets by virtue of widening or alignment of existing streets which are so designated on the circulation plan of the City, any specific alignment plan, the City design standards, or other design studies necessary for the construction of public improvements, as determined by the City Engineer.

Public improvements include curbs, gutters, sidewalks, driveways, paving, base, alleys, bike paths, street lights, traffic signals, signing, striping, storm drainage facilities including payment of all repayment basin fees, sewer and water facilities, relocation of utilities, street trees, street landscaping and all necessary appurtenances thereto.

Public dedication means the dedication or irrevocable offer of dedication of all easements and rights-of-way by the applicant to the City, in conformance with the circulation element of the general plan, master plan, any specific alignment plan, the City design standards, or other design studies, necessary for the construction of public improvements, to the satisfaction of the City Engineer.

Structure means anything constructed or erected from an assembly of materials or component parts and which is attached or affixed to the ground or which is intended to rest other than temporarily thereupon or which is attached to something having a fixed location on or below the ground.

Unimproved or under-improved frontage means any frontage adjoining the property upon which a building or dwelling is constructed or expanded that lacks certain public improvements, or any frontage where existing public improvements do not conform with the latest circulation element of the general plan, specific alignment plan and/or the City design standards.

Sec. 23-119. Public dedication of rights-of-way required.

(a) Subject to the "individualized determination" of section 23-121, any applicant who constructs any new building or dwelling in the City shall grant necessary public dedication or have provided a grant of easement or other appropriate conveyance, as approved by the City Attorney. Accessory structures with a valuation less than twenty-three thousand eight hundred twenty-eight dollars ($23,828), as determined by building permit valuation, and accessory structures to single-family residences shall be exempt from this section. Rights-of-way shall also be provided for any improvements to existing facilities including rights-of-way for storm drains or other required public facilities. All rights-of-way shall be accompanied by a title examination report and be free of all liens and encumbrances.

(b) The public dedications required by subsection (a) of this section shall also apply to any person who enlarges or expands any building in the City if the cost of such work exceeds the sum of twenty-three thousand eight hundred twenty eight dollars ($23,828) as determined by building permit valuation. By resolution of City Council, said amount may be increased annually consistent with the International Code Council valuation schedule for the appropriate construction type.

(c) The required public dedications shall be granted prior to issuance of the building permit for the subject property.

(d) In determining the building permit valuation, the building official shall include the cumulative building permit valuation of multiple building permit applications within a twelve (12) month period to determine whether the development is exempt from *this section.*

Sec. 23-120. Public improvements required.

(a) Subject to the "individualized determination" of section 23-121, any applicant who constructs any building or dwelling in the City shall construct all necessary public improvements in accordance with City specifications upon the property and along all street frontages adjoining the property upon which such building is constructed unless adequate improvements already exist. Accessory structures with a valuation less than twenty-three thousand eight hundred twenty-eight dollars ($23,828), as determined by building permit valuation, and accessory structures to single-family residences shall be exempt from this section. In each instance, the City engineer shall determine whether the necessary improvements exist and are adequate. Each building permit application shall be so endorsed at the time it is issued. All new *and redevelopment projects are subject to undergrounding of overhead utilities.*

(b) The improvements required by subsection (a) of this section shall also apply to any person who enlarges or expands any building or dwelling in the City if the cost of such work exceeds twenty-three thousand eight hundred twenty-eight dollars ($23,828), as determined by building permit valuation.

By resolution of City Council, such amount may be increased annually consistent with the International Code Council valuation scheduled for the appropriate construction type. Tenant and façade improvements to any building that do not result in enlargement or expansion of the building area are exempt from public improvements and undergrounding of overhead utilities.

(c) In determining the building permit valuation, the building official shall *examine the cumulative building permit valuation of multiple building permit applications* within a twelve (12) month period to determine whether the development is exempt from this section.

Sec. 23-121. Individualized determination.

The City Engineer shall evaluate the proposed development and determine whether public improvements and public dedication are necessary. The City Engineer shall make an individualized determination that the required public improvements and/or public dedications are necessary to mitigate the projected burden of the proposed development. The individualized determination will examine the proposed conditions and ensure that they are related both in nature and extent to the impact of the proposed development.

Sec. 23-122. Level of improvement.

Once the level of improvement and conditions are determined by the City Engineer, the developer shall design public improvements to City standards and guarantee construction by an improvement agreement secured by a bond, cash deposit, or any other means approved by the City Attorney prior to issuance of a building permit for the subject property. If the building permit is not exercised, the improvement obligation shall terminate and the security shall be returned. The City Engineer is authorized to execute such agreement on behalf of the City.

Sec. 23-123. In Lieu Fee for improvements.

At the discretion of the City Engineer, the applicant may pay an in lieu fee for public improvements across the unimproved or under-improved frontage of a parcel with the City in an amount satisfactory to the City Engineer, in lieu of the actual construction of public improvements.

Sec. 23-124. Deferral of improvement requirements.

(a) Upon written application, the City Engineer by written order may defer any of the improvements required by this article upon a finding that the public health, safety and welfare of the residents of the City will not be endangered by the deferment of the construction of the improvements and that any one of the following exists:

(1) There is a lack of adequate data in regard to the grades, plans or surveys which complicate the construction of the improvements and indicate they should be deferred to a later time.

(2) The construction of the improvements is included in an approved or pending assessment district or otherwise guaranteed as provided by City ordinance.

(3) Construction of the improvements would be incompatible with the present state of the neighborhood's development or be impractical or premature because of the condition of the surrounding property.

(4) Construction of the improvements at the present time would create a hazardous or defective condition that may not exist in the future.

(b) When, in the opinion of the City Engineer, the construction of public improvements across the unimproved or under-improved frontage of a parcel is not feasible or practical, and the public improvements are deferred pursuant to subsection (a), the applicant may be allowed to execute a lien contract to defer the construction of the improvements until a later date. The form of said contract shall be approved by the City Attorney's office. The City Engineer is hereby authorized to execute and release the contracts on behalf of the City.

Sec. 23-125. Conditions of deferral.

Any deferral of improvements pursuant to section 23-124 shall be conditioned to execute a lien contract in a form satisfactory to the City Attorney, which provides that the property owner will construct the improvement at such time as an improvement district or neighborhood improvement program is adopted. The City Engineer is authorized to execute such agreement on behalf of the City. Such agreement must be received and recorded prior to issuance of a building permit. If the building permit is not exercised, the City Engineer is authorized to execute a release of agreement for the subject property.

Sec. 23-126. Security requirements.

When public improvements are required to be constructed by this article, the following security along with an agreement to improve shall be posted by the applicant with the City for the improvements in the following amounts, prior to issuance of building permits:

(a) Faithful performance in an amount not less than one hundred (100) percent of the approved engineer's estimate of cost;

(b) Labor and materials in an amount not less than fifty (50) percent of the approved engineer's estimate of cost;

(c) Guarantee and warranty in an amount not less than ten (10) percent of the approved engineer's estimate of cost.

The form of all security and agreements shall be approved by the City Attorney's office.

Sec. 23-127. Duty to deny final approval and occupancy.

The City Engineer and Building Director shall deny final approval and shall refuse to allow final utility connections and any occupancy of any building or dwelling unless all required public dedication have been granted and that all necessary public improvements across all unimproved or under-improved frontage required by this article are constructed by the applicant and accepted by the City Engineer, except when the City Engineer has determined to defer the installation of such improvements, pursuant to section 23-124, and the required future improvement agreement or lien contract has been received and recorded, pursuant to section 23-125.

Sec. 23-128. Arrangements for relocation of public utility facilities.

If public improvements are required by this article that may necessitate the relocation or alteration of public utility facilities, including but not limited to gas, electricity, telephone, television and water, the City Engineer shall require the applicant to produce satisfactory evidence that he or she has made financial arrangements with the public utility companies for the relocation or modification of said public utility facilities.

Sec. 23-129. Street light energy fees.

Every applicant constructing public improvements in the City as required by this article that include the installation of public street lights shall, prior to obtaining approval, pay to the City a street light energy fee in an amount established by resolution of the council, which shall be amended from time to time.

Sec. 23-130. Dedication acceptance.

The City Engineer or City Real Property agent is hereby authorized to accept on behalf of the City any public dedication offered to the City on a parcel map, subdivision map or by separate document. In addition, the City Engineer or City Real Property Agent is hereby authorized to quitclaim any easement that was granted without remuneration.

Sec. 23-131. Issuance of building permits for construction in setback areas, rights-of-way.

Except as herein specifically provided, no building permit shall be issued for construction of any structure in any building setback area or in the right-of-way of any mapped street, other than temporary structures such as walls, fences, signs or other easily removable structures costing less than five thousand dollars ($5,000) except City streets which presently are of a width of eighty (80) feet shall be exempt from the provisions of this section if the circulation plan indicates those streets to be of a future width of eighty-four (84) feet.

Sec. 23-132. Authority to attach conditions to permit; notice required.

The City Engineer, or the City Council on appeal, may attach reasonable conditions to the decision to grant a building permit described in section 23-131, and the applicant shall be given written notice of the action.

Sec. 23-133. Effect of article.

This article shall not permit the construction, erection, placing or maintenance of any structure at any place where the same is prohibited by any other law, regulation or ordinance.

Sec. 23-134. Appeal.

Any applicant dissatisfied with any decision made in connection with the provisions of this article may appeal with a filing fee of one thousand two hundred ten dollars ($1,210.00) to the planning commission. Such appeal shall be in writing and state the specific relief desired. The decision of the planning commission may be appealed to the City Council in accordance with section 2-31.

Secs. 23-135—23-139. Reserved.

SECTION 5. SEPARABILITY. If any sections, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 6. That all ordinances or parts of ordinances in conflict are repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summery to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

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CITY COUNCIL

For City Clerk's Use:
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Reso No. ______ File No. ______
Ord No. ______

Agenda Item No.: 13
Date: December 12, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey Epp, City Attorney
Diane Halverson, City Clerk

SUBJECT: City Council Vacancy

RECOMMENDATION:

Consider and take action on the procedures related to the appointment or make such appointment.

FISCAL ANALYSIS:

Approximately $500-$1,000 to cover costs associated with advertisements and miscellaneous expenses. Costs will be covered from the 2012 election budget.

BACKGROUND:

In the regular municipal election on November 6, 2012, Council member Marie Waldron was elected to the California State Legislature. She was sworn into that office on December 3, 2012, and has resigned from her Council office. Her resignation creates a vacancy in the Council office, which has two years remaining on the term. The City Council has had vacancies in 1998 and 2010, choosing both times to follow state law and make an appointment to the vacant position for the remainder of the term.

Applicable Law

A vacancy in an elective office can occur in a number of ways, including resignation. The resignation takes effect by its terms. It need not be "accepted" by anyone to be effective.

The California Government Code provides the required steps that must be taken when a vacancy occurs. Within 60 days of a vacancy, the City Council must fill the vacancy by appointment or by calling a special election, to be held on the next established election date not later than 114 days thereafter. Gov't Code section 36512; 34902(a). The successor serves from the date of appointment (or the Tuesday following the election, if an election is held) until the expiration of the predecessor's term.

In general law cities, the City Council has broad discretion to choose the method for filling the vacancy. Section 36512 does not contain a detailed process, but instead gives the City Council discretion to choose either appointment or special election, and provides a 60-day deadline for making that decision from the time of the vacancy. Section 36512 also specifies that if a special election is chosen, the special election must be held not less than 114 days from the call for the special election.

In the present case, the vacancy occurred on December 3, 2012, at the time Council member Waldron was sworn in as a member of the California State Legislature. Thus, the City Council has a maximum of 60 days from the date of the resignation to make an appointment or adopt the necessary resolutions to call for a special election.

Eligibility

In order to be eligible to hold a municipal office, a person must be a resident of the city and a registered voter of the city at the time nomination papers are issued. Gov't Code sections 34882, 34904.

Process

Most cities fill mayoral and city council vacancies by appointment, rather than special election. This is due to the high cost of holding a special election.[1] In those cities using an appointment process, the most common practice is to direct the City Clerk to put out an announcement to the public that the position will be filled by appointment, and inviting interested persons to apply for the position.

On Sunday, November 18 and 25, 2012, the City Clerk published a notice of the vacancy and invited interested persons to apply by completing an application and providing answers to a supplemental questionnaire. This notice was published in the Union Tribune and placed on the local government channel 19. It was also announced at the November 14, 2012 City Council meeting. The application form and the invitation to apply was placed on the City's website on Monday, November 19, 2012 at www.escondido.org.

Applicants were advised to submit all information no later than Monday, December 3, 2012 by 3:30 p.m. to enable the City Council to have time to consider the materials prior to December 12, 2012.

As a result of this process, applications and supporting material have been received and all materials have been placed in the City Clerk's office for public inspection, and copies made available to all Council members.

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[1] For example, the Registrar of Voters provided Poway (population approximately 50,000 with 29,000 registered voters) an estimate of approximately $250,000 for a special election. Our City Clerk has indicated that Registrar estimates for a similar election in Escondido would be $465,000 to $485,000.

Voting Requirements

The Escondido Municipal Code does not have specific voting requirements for City Council decisions. Thus, state law applies and the City Council may generally take action by a vote of a majority of a quorum (Civil Code section 12, Code of Civil Procedure section 15). In the unlikely event the City Council wishes to adopt an ordinance or resolution, three votes will be required pursuant to Government Code section 36936 (requiring a majority vote of the total membership of the city council for resolutions, orders for the payment of money, and ordinances).

It should be noted that the Brown Act does not allow for the City Council to hold a closed session on the subject of filling a Mayor or City Council vacancy. Although closed sessions are allowed for the appointment or evaluation of a public employee pursuant to Gov't Code section 54957, "employee" does not include an elected official or member of the legislative body. Gov't Code section 54957.

Additionally, when the public action on filling the vacancy is taken, it should be noted that the Brown Act also prohibits the use of secret ballots. Gov't Code section 54953(a).

Respectfully submitted,

Jeffrey Epp
City Attorney

Diane Halverson

Diane Halverson, CMC
City Clerk

Agenda Item No.: 14
Date: December 12, 2012

FUTURE CITY COUNCIL AGENDA ITEMS
December 6, 2012

AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE. CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

DECEMBER 19, 2012
4:30 p.m.

	CONSENT CALENDAR
	LSTA 2013 Eureka Leadership Grant (J. Van Leeuwen) *The LSTA Eureka Leadership Grant is awarded to libraries who have nominated a staff member to participate in the Eureka Leadership Institute.*
	Consulting Agreement for Design Professionals Scope of Services Contract (J. Van Leeuwen) *This consulting agreement is for architectural consultant services for the conceptual design expansion of the Escondido Public Library as listed in the CIP Budget.*
	Public Improvement Agreement Library Lift & Reset Tile Roof Project (J. Van Leeuwen) *The Library Roof Project is in the 2011/12 approved/carryover Capital Improvement budget. The project will replace the lift and reset the tile.*
	2013 CECO Grant Application Authorization (J. Van Leeuwen) *The Council is being asked to authorize the application for and acceptance of two 2013 CECO Grants which will be the funding for the purchase of capital items at the Escondido Senior Center and the East Valley Community Center.*
	Older Adult Services Budget Adjustment (J. Van Leeuwen) *The Escondido Senior Center receives donations from individuals and organizations, which are deposited in to the Joslyn Trust. It is necessary to process a budget adjustment in order to expend these funds for facility improvements, programs and services at the Joslyn Senior Center.*
	Agreement with AEG Cycling to host overall start of 2013 AMGEN Tour of California (J. Masterson) *The AMGEN Tour of California is an international; world-class cycling road race that features the top elite professional teams and athletes from more than 24 countries. Over the past seven years it has become one of cycling's most important and prestigious annual stage races in the world.*

DECEMBER 19, 2012
Continued

	CONSENT CALENDAR Continued
	Authority to Apply for Recreational Trails Program Grant (E. Domingue) *The Council is being asked to authorize the application for and acceptance of State of California Recreational Trails Program grants which will fund the construction of a Class 1 bike path along the Escondido Creek between Beven and Valley Center Road and trail rehabilitations at Dixon Lake and Daley Ranch.*
	Public Works Reorganization and Operating Budget Adjustment (C. Phillips) Need Green Sheet
	PUBLIC HEARINGS:
	CURRENT BUSINESS
	Review and Update of Current Council Subcommittee and Member Assignments (S. Abed) *Request the City Council make determinations and ratify members to serve on the Council/Mayoral appointed subcommittees.*
	Future Agenda Items (D. Halverson)

DECEMBER 26, 2012
No Meeting (Christmas Break)