ESCONDIDO
City of Choice

CITY COUNCIL

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

Agenda Item No.: 9
Date: November 9, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: Bernardo-Young Prezone & Annexation (Case No. PHG09-0021, PHG09-0022, ENV11-0002)

RECOMMENDATION:

It is requested that Council adopt Ordinance 2011-10 and Resolution 2011-144 to prezone as RE-40 and annex into the City of Escondido three unincorporated properties addressed as 2950 Bernardo Avenue (APN 238-400-3200), 1029 Vereda Callada (APN 238-400-1100) and a third unaddressed lot on Bernardo (APN 238-400-1200).

COUNCIL ACTION PLAN:

The Financial Stability category of the Council's Action Plan includes a "Focus on Core Services" goal. One of the goal's strategies is "an emphasis on reducing the annual pothole/edge repair work required of in-house forces" (see page 20). Vereda Callada is a County owned and privately maintained rural road that is far below City standards and would need extensive improvements. Staff's recommended Conditions of Approval ensuring that this substandard roadway is kept out of the City's jurisdiction are consistent with the Council's Action Plan goal. The Image and Appearance category of the Action Plan includes a pro-active Code Enforcement goal to implement existing ordinances (see page 24). Pursuant to the City's policy not to accept illegal structures when annexing properties, Staff has in its Conditions of Approval requested documentation ensuring that all existing accessory buildings/additions were created legally. See Exhibit "B" of the attached Planning Commission staff report.

FISCAL ANALYSIS:

The property owner will be required to pay fees to cover all administrative costs and staff time for processing a prezone/annexation and to bond for and construct all improvements required by the Conditions of Approval.

BACKGROUND:

On September 23, 2009, the City Council approved the initiation of an annexation/prezoning of an existing residence together with two adjacent unimproved residential lots also owned by the applicant. This action was based on preliminary information provided at the time. After further study, staff found the two vacant properties would be problematic to bring into the City due to a number of Engineering, Planning and Utility issues regarding access, available sewer capacity, required improvements and impacts of future development as detailed in the Planning Commission staff report. On March 10, 2010, the City Council approved a contractual Out-of-Agency Service Agreement to connect to City sewer for the residentially developed property at 1029 Vereda Callada (APN 238-400-1100), which was experiencing septic failure; this property is now connected to the City sewer system. By the end

of 2010, the owner applied for and has now successfully obtained a Community Care license from the State to operate a 6-bed care facility at this location.

ENVIRONMENTAL REVIEW:
In compliance with CEQA, a Mitigated Negative Declaration, Case # ENV 11-0002, was issued on May 19, 2011. The document assessed the future development of a single family residence on each of the vacant lots, the associated grading and height of the pads to allow gravity flow to the sewer main in Bernardo Avenue, street and driveway improvements along Bernardo Avenue, and potential impacts to oak trees. It should be noted that the applicant did not request inclusion of Vereda Callada and did not propose any improvements to this road; consequently, the Mitigated Negative Declaration did not address the impacts of improving this road to comply with City standards; additional environmental analysis would be needed if LAFCO requires inclusion of the road as a condition of annexation, and if the City concurs and requires the road improvements.

PLANNING COMMISSION ACTION:

On September 27, 2011 the Planning Commission voted 3-2-0 (Lehman & Yerkes voting no, Caster & Weber absent) to approve the Annexation and Prezone request, and to amend the Conditions of Approval to defer construction of the required street and driveway improvements and allow the use of Vereda Callada to continue, as moved by Commissioner Winton (See Planning Commission Reso. No. 5928 for the amended conditions). Commissioners Lehman and Yerkes were in favor of the original Conditions of Approval as drafted by staff, feeling that they were appropriate and consistent with City standards and policies. Nine neighbors spoke about concerns related to additional traffic added to the streets already impacted by significant school-related traffic. Several neighbors had concerns regarding potential impacts to their property from runoff from the project. While a few neighbors noted concerns with the existing residence operating as a 6-bed residential care facility and the possibility that the two new houses could also include 6-bed care facilities, staff explained that 6-bed residential care is considered a single-family use and only requires a license from the CA Department of Social Services - Community Care Licensing Division.

APPLICANT'S PERSPECTIVE:

The applicant requests modification to the Planning Commission and staff's recommended conditions of approval as detailed in the attached letter dated October 25, 2011, requesting to defer improvements and road dedication to be tied to building permit issuance instead of annexation. Specifically, the applicant wants to defer building the driveway off Bernardo to serve the existing developed lot, and further proposes to dedicate the right-of-way and construct the Bernardo street improvements only across the frontage of each lot as it is developed. The applicant also proposes a deferred 2-year schedule for removal of the accessory structure if it cannot be documented that the structure was built legally. Staff believes these would all be inappropriate changes.

TIMING OF IMPROVEMENTS:

Staff has worked with LAFCO staff to craft the staff recommended conditions as a cohesive unit that has the most potential for keeping Vereda Callada in the county and not adding it to the area being annexed. This road is far below the City's street standards and improving it to meet city standards would involve extensive grading impacting adjacent county properties. Improvements to Vereda Callada would have to go through CEQA environmental review since they were not included in the Mitigated Negative Declaration prepared for the annexation. Therefore, conditions are recommended to require the new driveway access extending from Bernardo Avenue to the lower developed lot to be

constructed and the existing driveway out to Vereda Callada to be closed upon annexation, in addition to relinquishing access rights to Vereda Callada. These conditions are to ensure that none of the three properties annexed would continue to need Vereda Callada for their primary and emergency access. Specifically, with the existing driveway to the care facility closed to Vereda Callada, and a new driveway created for its access from Bernardo Avenue, there will no longer be the traffic impacts to the nearby County residents who have voiced their concerns and no reason for LAFCO to stipulate that the Vereda Callada roadway be included in the annexation. Recent conversation with LAFCO staff underscored this issue, saying that LAFCO would require annexation of Vereda Callada if the road provided primary or emergency access to any of the three lots proposed for annexation. Requiring that road improvements on Bernardo Avenue to be constructed in front of both vacant properties upon either of them developing provides continuity with the improved western edge of the street, smoother transitions and improved traffic flow and safety overall.

Staff's condition relating to the existing garage on the corner lot is that it be allowed to remain if it can be determined prior to annexation that it was built legally in the County. If documentation is not provided, the garage would need to be removed prior to recordation of the annexation. This is consistent with the City's policy regarding annexations and prior built accessory structures.

SUMMARY:

Based on LAFCO's statements, staff feels that allowing the current driveway connecting the developed property with Vereda Callada to remain open and allowing the applicant to defer the construction of a new driveway off of Bernardo Avenue, will result in a LAFCO condition forcing the City to accept Vereda Callada, a substandard roadway, as part of this annexation. Since annexing Vereda Callada would not create any additional contiguity to existing City boundaries and because the City does not want to be responsible for the extensive improvements needed to Vereda Callada and its burden of maintenance for the future, staff is requesting Council adopt Ordinance 2011-10 and Resolution 2011-144 with the original Conditions of Approval recommended by staff without the alterations Planning Commission included in its motion.

Respectfully Submitted,

Barbara J. Redlitz
Director of Community Development

Paul K. Bingham
Assistant Planner II

JP ENGINEERING
• CIVIL ENGINEERING
• LAND PLANNING
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October 25, 2011

Mr. Paul Bingham
Planning Division
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: Cases # PHG09-0021&-0022, 1029 Vereda Callada
(AKA Bernardo-Young Prezone and Annexation)

Dear Paul:

Attached please find a copy of the letter sent to Mr. Sam Abed, Honorable Mayor and City Council Members to be included in the Staff Report for the City Council meeting of November 9, 2011.

Please contact the Fire Marshall and find out if the City Council approves a drive-thru for the developed parcel, are we able to delete the fire turn-around that the Fire Marshall is requesting in Fire Condition No. 1. The Planning Commission asked at their meeting if the Fire Marshall was contacted about the drive-thru but City Staff could not respond if the Fire Marshall would approve a drive-thru rather than a fire turn-around. The same question most likely will be raised at the City Council Meeting.

If you need any additional information, please let us know.

Sincerely,
JP ENGINEERING, INC.

Jorge H. Palacios, RCE
Principal Engineer

JHP/jw

cc: Leroy Young, Application
Rozanne Cherry, Planning Division

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October 25, 2011

Mr. Sam Abed, Honorable Mayor and
City Council Members
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: Bernardo-Young Annexation
PHG 09-0021, PHG 09-0022

File Code: 881-09

Dear Honorable Mayor and City Council Members;

In regards to the upcoming City Council meeting of November 9, 2011, we have reviewed the Conditions of Approval for the proposed annexation referenced above, which are included in the enclosed Exhibit "B" of the Planning Commission Resolution No. 5928 and on behalf of the owner, Young Family Trust, we have the following requests and comments for your consideration:

General

Condition Nos. 1, 2 and 3:
No Comment

Planning

Condition No. 1:
There is an existing accessory structure in the undeveloped parcel 2, A.P.N. 238-400-12-00. The accessory structure in the undeveloped parcel 2, A.P.N. 238-400-12-00, has been used for over twenty years. The applicant feels that the accessory structure should remain and if the City still insists on it being removed, it should be done with the issuance of the Building Permit for the undeveloped parcel 2, A.P.N. 238-400-12-00. If the applicant is not successful in obtaining a building permit for the accessory structure, the applicant shall be allowed to remove the accessory structure within 2 years and instead of within 90 days of the annexation recordation, since a bond is being required for removal of the accessory structure.

Condition No. 2:
No Comment.

Utilities

Condition No. 1:
No Comment

Engineering - Street Improvements and Traffic

Condition No. 1:
No Comment.

Condition No. 2:
Vereda Callada is not a part of the City annexation and an Irrevocable Offer of Dedication to the City of Escondido for 11 feet of right of way along Vereda Callada should not be required prior to the recordation of the annexation since Vereda Callada would still be in the County of San Diego. The Irrevocable Offer of Dedication, if required in the future, should be a part of a future building permit, not of a City annexation. Staff has previously indicated in their report that the City does not want to maintain Vereda Callada at this time, therefore, asking for an Offer of Dedication should not be required.

Condition No. 3:
Bernardo Avenue shall be improved to local collector street standards along each frontage of the undeveloped parcel 2 and 3, A.P.N.'s 238-400-12-00 and 238-400-32-00, as a condition of the Building Permit for each undeveloped parcel instead of either undeveloped parcel. Improvement plans shall be approved by the City Engineer and all improvements bonded for or constructed, prior to the issuance of the occupancy permit for each undeveloped parcel instead of either undeveloped parcel.

Engineering

Condition No. 1:
Vereda Callada is not a part of the City Annexation. Relinquishment of access rights to Vereda Callada along the frontages of the two north parcels 1 and 2, A.P.N.'s 238-400-11-00 and 238-400-12-00 is premature and it shall not be required to be recorded concurrently with the annexation. The applicant still wants to continue using the existing driveway access to Vereda Callada. Furthermore, the Development Plan for the vacant parcel 2, A.P.N. 238-400-12-00, is still conceptual and until the final plans are submitted for approval by the City, access from Vereda Callada to the future home could be required. Vereda Callada is still maintained by each adjacent property owner. If the access to Vereda Callada is not allowed, the applicant will no longer be required to maintain Vereda Callada.

Condition No. 2:
The new driveway access from Bernardo Avenue to the existing house on the developed parcel 1, A.P.N. 238-400-11-00, shall be conditioned to be built with the grading plans for the future building permit for the undeveloped parcel 2, A.P.N. 238-400-12-00, and not within 6 months of the recordation of the annexation. The new driveway access is not needed at this time. It would be very expensive and unrealistic to build the new driveway access and accommodate the future Bernardo Avenue street improvements before development of parcel 2.

Fire

Condition No. 1:
The applicant's conceptual development plan does not include closing the existing driveway currently connecting the developed parcel 1, A.P.N. 238-400-11-00, with Vereda Callada. A drive-thru rather than closing the driveway at Vereda Callada will be a better solution for fire rather than a fire turn-around. The fire condition shall be reworded to include the 16' driveway from Bernardo Avenue to connect to the existing 16' driveway of the developed parcel 1, A.P.N. 238-400-12-00, and should not include a fire turn-around.

In the event that Vereda Callada is included in the annexation, the Engineering Conditions #1 & #2 and fire condition #1 shall be omitted and the Engineer condition #1 should be changed as follows:

Engineering

1. Vereda Callada shall be improved to Residential Street standards (half street +12') along A.P.N. 238-400-11-00 and 238-400-12-00 as a condition of the building permit for development of the vacant lot, A.P.N. 238-400-12-00. Improvement plans shall be approved by the City Engineer and all improvements bonded for prior to the issuance of a building permit for the vacant lot, A.P.N. 238-400-12-00, instead of completion of annexation. All improvements to Vereda Callada shall be completed prior to the issuance of an occupancy permit for A.P.N. 238-400-12-00.

Your consideration to this request will be appreciated.

Sincerely,
JP ENGINEERING, INC.

Jorge H. Palacios, RCE
Principal Engineer

JHP/jw

Enclosures

cc: Leroy Young, Applicant
Paul Bingham, City of Escondido Planner
Rozanne Cherry, Planning Division

Attachment to 10-25-11 letter

EXHIBIT "B"

CONDITIONS OF APPROVAL

PHG 09-00021, PHG 09-0022

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.

2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.

3. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of $2,060.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of $50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Planning

1. Documentation or findings pursuant to Zoning Code Section 33-1241 shall be submitted to the Planning Division for any accessory structures, or additions to existing structures on the three lots being annexed, demonstrating that each was constructed legally in the County, or successfully obtain a building permit for each structure and/or addition. Said documentation or a bond for the removal of the undocumented structures/additions within 90 days of recordation, shall be submitted to the Planning Division prior to final annexation recordation.

2. Any improvements proposed for the subject lots will be evaluated for conformance with the mitigation measures identified in the Mitigated Negative Declaration (City log no. ENV11-0002) prepared for this project (see the Mitigation Monitoring's Attachment "A").

Utilities

1. The two vacant properties fronting Bernardo Avenue (APNs 238-400-1200 and 238-400-3200) will be required to submit a capacity study to the City's Utilities Division prior to development, which must demonstrate that enough remaining capacity exists to adequately serve these properties.

Engineering

STREET IMPROVEMENTS AND TRAFFIC

1. All required street improvements shall be provided with adequate right-of-way and improved in accordance with the City of Escondido's Design Standards and SUSMP.

2. Prior to recordation of the annexation, an Irrevocable Offer of Dedication to the City for 11 feet of right-of-way along Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 238-400-1200, shall be executed by the owner.

3. Bernardo Avenue shall be improved to Local Collector Street standards along the frontages of APNs 238-400-1200 and 238-400-3200, as a condition of first building permit for either lot. Improvement plans shall be approved by the City Engineer and all improvements bonded for, prior to the issuance of a building permit. All improvements shall be completed prior to the issuance of an occupancy permit for either lot.

The City of Escondido intends to approve the annexation request with its new jurisdictional boundary to include the adjacent portion of Bernardo Avenue but not Vereda Callada. The following conditions would apply to that configuration:

Engineering

1. Prior to recordation of the annexation, documents shall be submitted to and approved by the Engineering Department for the relinquishment of access rights to Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 1200, to be recorded concurrently with the annexation.

2. Upon final LAFCO approval of the annexation and prior to recordation of the annexation, grading plans for the new driveway access from Bernardo Avenue to the existing house on APN 238-400-1100 shall be submitted to and approved by the City's Engineering Department, and a bond for the construction of the driveway within 6 months of recordation shall be provided. These driveway improvements shall be designed to accommodate the future Bernardo Avenue street improvements.

Fire

1. The applicant's conceptual development plan includes closing the existing driveway currently connecting APN 238-400-1100 with Vereda Callada and creating a new access driveway for this lot from Bernardo Avenue and extending over a utility easement between APNs 238-400-1200 and 238-400-3200. The new driveway shall be to City Standards including a minimum 16' width with no parking, the grade not to exceed 20%,

and shall include a fire turn-around acceptable to the City's Fire Department. Driveways with grades over 15% must be of Portland cement with a rough broom finish.

In the event that Vereda Callada is included in the annexation, the Engineering conditions #1 & #2 and Fire condition #1 (see above) shall be omitted and the following Engineering condition will be added:

Engineering

1. Vereda Callada shall be improved to Residential Street standards (half street +12') along APN 238-400-1100 and 238-400-1200 as a condition of the building permit for development of the vacant lot, APN 238-400-1200. Improvement plans shall be approved by the City Engineer and all improvements bonded for prior to completion of annexation. Improvements to Vereda Callada would also necessitate further environmental review prior to approval of improvement plans. All improvements to Vereda Callada shall be completed prior to the issuance of an occupancy permit for APN 238-400-1200.

CITY OF ESCONDIDO

MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

September 27, 2011

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

Commissioners present: Jack Campbell, Vice-chairman; Edward Lehman, Commissioner; Guy Winton, Commissioner; Bob McQuead, Commissioner; and Don Yerkes, Commissioner.

Commissioners absent: Darol Caster, Chairman; and Jeffery Weber, Commissioner.

Staff present: Bill Martin, Principal Planner; Jay Paul, Associate Planner; Owen Tunnell, Associate Engineer; Rozanne Cherry, Principal Planner; Corrine Neuffer, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Lehman, seconded by Commissioner Winton, to approve the minutes of the September 13, 2011, meeting. Motion carried. Ayes: Campbell, Lehman, Winton, and McQuead. Noes: None. Abstained: Yerkes. (4-0-1)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. **ANNEXATION AND PREZONE – PHG 09-0021 and PHG 09-0022:**

REQUEST: The project involves a proposed Prezone and Annexation to the City of Escondido of three properties totaling approximately 3.42 acres. The three lots would also be detached from County Service Area No. 135 and the Rincon Del Diablo Fire Protection District. The 1.04 acre lot addressed as 2950 Bernardo Avenue (APN 238-400-32) is vacant. The 1.28 acre lot addressed as 1029 Vereda Callada (APN 238-400-11) is fully developed with a residence and the adjacent 1.1 acre lot directly to the west (APN 238-400-12) is vacant except for two outbuildings. Pre-zoning designation for this area will be PZ-RE-40 (Residential Estates, 40,000 SF minimum lot size).

PROPERTY LOCATION: Along the east side of Bernardo Avenue, just south of the intersection of Bernardo Avenue and Vereda Callada, addressed as 2950 Bernardo Avenue (APN 238-400-32), 1029 Vereda Callada (APN 238-400-11) and a third unaddressed lot on Bernardo to the west (APN 238-400-12).

Rozanne Cherry, Principal Planner, referenced the staff report and noted staff issues were whether the proposed RE-40 zoning was appropriate and adequately reflects the development character of the properties and those adjacent, whether the conceptual access and grading designs are appropriate for the site, and whether the proposed prezoning should be extended to include surrounding properties. Staff recommended approval based on the following: 1) the proposed prezoning establishes the appropriate zoning designation (RE-40) for the subject parcels, which is consistent with the Estate I General Plan designation and is consistent with development patterns of the area within the same General Plan designation; 2) The conceptual access and grading design in the most recent revised plans avoids impacts to the most sensitive naturally occurring plant species and mitigation will be required for those less sensitive plants species that may be removed or impacted by future development; and 3) Four properties were initially contacted by the applicant regarding annexation and showed no interest. The City has subsequently sent notices to surrounding properties within 500 feet. While this has generated comments from neighbors, none has expressed interest in joining the annexation. As a result, no additional properties have been included in this annexation and prezone request. San Diego LAFCO staff has reviewed the current proposed boundary and has indicated their support; therefore, staff feels that support for this proposal is warranted.

Commissioner Lehman referenced the letter dated September 27, 2011 from JP Engineering and asked if staff had sufficient time to review the changes in said letter. Mr. Tunnell noted that he had just received the subject letter and would need to review the changes. Mrs. Cherry noted her understanding from the applicant was there was no new concerns raised that were not already in the staff report. She stated the new letter did not affect the staff recommendation.

Commissioner McQuead asked if it was typical in an annexation to require the full frontage be developed at the time the property was annexed. Mr. Tunnell replied in the affirmative.

Commissioner Yerkes referenced Fire Condition No 1. as outlined in the letter and asked if the Fire Department would need to provide input on this before any changes were proposed. Mrs. Cherry noted that the driveway off of Vereda Callada would need to be closed off to provide for the hammerhead. She stated that the idea was not to have access onto to Vereda Callada.

Commissioner Winton asked whether the storage shed referenced in the JP Engineering letter could be permitted to remain where it was located. Mrs. Cherry noted that generally accessory structures were not allowed on a legal lot by themselves and needed to be accessory to a principal structure which the garage was not.

Jorge Palacios, J&P Engineering, referenced the background history for the property and noted that the main purpose for the annexation was to obtain sewer services for the undeveloped parcels. He stated the applicant felt that the shed should remain and that if the City insisted it be removed it should be done with the issuance of a Building Permit for the undeveloped Parcel 2 and not prior to the final annexation recordation. He asked that the applicant not be required to enter into an Irrevocable Offer of Dedication for their portion of Vereda Callada since it was not part of the City's annexation and should be part of a future building permit. He asked that the word "each" in Condition No. 3 be changed to the word "either". Mr. Palacios also asked to revise Fire Condition No. 1 to read that the 16' driveway from Bernardo Avenue would connect to the existing 16' driveway of the developer Parcel 1 and should not include a fire turn-around.

Leroy Young, Escondido, noted that his father had lived on the property since 1974 and was 95 years old. He stated that they had obtained a state license to operate and maintain a residential care facility in 2011 at the subject property. He stated that the City annexation would allow them the ability to sell the additional parcels by providing adequate sewer service and maintain the care facility.

Christyn Alspaugh, Escondido, expressed her concern for the safety of her children with regard to any additional traffic, ambulances and visitors associated with a care facility. She was concerned with fencing that would need to be removed due to the annexation. She asked what guarantee there would be to keep the properties at a one-acre minimum. She also stated that the trash for the subject property was placed adjacent to her property every week for pick-up, noting her concern for any increase in the number of trash receptacles placed in front of her property.

Susan Boydan, Escondido, representing the Reserve at Felicita HOA, noted they were concerned with losing the rural atmosphere if the subject parcels were developed. She noted that currently there were two residential care facilities in close proximity and was concerned that additional facilities could be constructed in the future. She was concerned for the safety of the students if there was any increase in traffic. She questioned why the City would grant a permit for a 6-bed facility if it was aware that the sewer system was failing. She also noted concern with the annexation proposing one road to serve the three parcels.

Steve Manella, Escondido, noted he was concerned with creating additional traffic in the area when the area was already inundated with school traffic. He was

concerned with the 6-bed care facility impacting the area. He expressed his view that a fire turnaround could not be adequately provided due to the slope on the subject property. He questioned how the Irrevocable Offer of Dedication could impact the maintenance of the road. He also expressed concern with any removal of vegetation and potential run off from the subject property.

James Miller, Escondido, expressed concern with no street improvements being proposed for Vereda Callada. He felt the proposed pads should be elevated to allow for gravity flow into the sewer. He also expressed concern with creating any additional traffic on Bernardo Avenue.

Julie Muehl, Escondido, noted her main concerns dealt with any potential increase in the school traffic, excessive speeds of vehicles, and illegal parking occurring along Bernardo Avenue.

Rob Reeves, Escondido, noted concern with any increase in school traffic. He felt a traffic study was needed. He felt the proposed driveway would create more problems with traffic. He also felt the setback did not appear to be consistent with the area and could have sight distance issues.

Robert Schulte, Escondido, was concerned with creating additional traffic in the area when the area was already inundated with school traffic. He expressed concern with any runoff the subject parcels would have to his property. He felt the proposed pads should be elevated to allow for gravity flow into the sewer. He also noted concern with the proliferation of residential care facilities in the area.

Carlos Valdez, Escondido, noted that he was mainly concerned with any potential runoff.

Coral Karnaze, Escondido, concurred with concerns raised about increased traffic and potential issues with the location for the driveway.

Commissioner Winton asked if LAFCO typically annexed one parcel of land or looked for additional parcels. Mrs. Cherry noted that the City coordinated with LAFCO to establish appropriate annexation boundaries based on interest from surrounding property owners and connectivity to the city.

Commissioner Winton asked if the process for downzoning an area was lengthy. Mrs. Cherry replied in the affirmative.

Commissioner McQuead asked Mr. Tunnell to address what would change regarding potential drainage. Mr. Tunnell noted that if the project went forward it would have to show that any runoff would be mitigated.

Commissioner Campbell asked staff if they felt traffic flow would improve if the subject street was improved. Mr. Tunnell noted that widening the roadway would mitigate stacking issues. He also stated that according to SANDAG, residential care facilities actually created fewer trips per bed than residences.

Commissioner Yerkes noted residential care facilities were allowed.

Commissioner Campbell asked if offsetting the driveway would be worse than making the driveway align with the other driveways. Mr. Tunnell replied in the affirmative.

Commissioner Winton and Mr. Tunnel discussed revising the construction timelines for the street improvements.

Commissioner McQuead noted that the school traffic was bad at every school because school buses had been eliminated and encouraged residents to discuss this issue with the school board.

Commissioner Winton noted that the traffic from residential care facilities was minimal, noting his view that the main issue was the school traffic.

Commissioner Lehman was in favor of staff's recommendation, noting his view that the recommended conditions were appropriate.

Commissioner Yerkes was in favor of staff's recommendation with no modifications.

Commissioner Campbell noted that the conditions being proposed by the City were to protect everyone impacted.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner McQuead, to approve staff's recommendation. The motion included allowing the garage/tool shed to remain if constructed with a building permit and that the street improvements required by the Engineering Division be designed and bonded at the time of annexation, but can be constructed at a later date. Motion carried. Ayes: Campbell, Winton, and McQuead. Noes: Yerkes and Lehman. (3-2)

2. <u>CONDITIONAL USE PERMIT – PHG 11-0031:</u>

REQUEST: A Conditional Use Permit to operate a daycare facility/preschool for up to 22 children within an existing building that previously was used as a daycare facility. The existing driveways and parking area located in front of the building would be modified to conform to current zoning code and accessible parking requirements.

Planning Commission
Hearing Date : September 27, 2011

Effective Date: Not Applicable

RESOLUTION NO. 5928

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF AN ANNEXATION TO THE CITY OF ESCONDIDO INVOLVING THREE PROPERTIES AND ADJACENT ROADWAY TOTALING 3.891 ACRES AND PREZONING OF THE AREA TO RE-40 (RESIDENTIAL ESTATES, 40,000 SF MINIMUM LOT SIZE).

APPLICANT: Jorge Palacios for Young Family Trust

CASE NO: PHG 09-0021 / PHG 09-0022

WHEREAS, the Planning Commission of the City of Escondido did, on September 27, 2011, hold a noticed public hearing to consider a request for a proposed annexation/prezone to the City of Escondido of three parcels and adjacent roadway totaling 3.891 acres located at the southeastern corner of Bernardo Avenue and Vereda Callada, more particularly described in Exhibit "C" and depicted in Exhibit "D."

WHEREAS, the following determinations were made:

1. That a notice was published and mailed as required by the Escondido Zoning Code and applicable State law.

2. That the application was assessed in conformance with the California Environmental Quality Act and that a Mitigated Negative Declaration was issued on May 19, 2011, City Log No. ENV11-0002.

3. That a staff report was presented discussing the issues in the matter.

4. That a public hearing was held and that all persons desiring to speak did so.

5. That Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido:

1. That the above recitations are true and correct.

2. That the Planning Commission certifies that it has reviewed and considered the environmental review and determined that it is complete and adequate for this project, and there are no significant environmental effects which are not mitigated.

3. That the Findings of Fact, attached as Exhibit "A," were made by said Commission.

4. That, considering the Findings of Fact and applicable law, the Planning Commission hereby makes a motion to recommend approval of said Prezone and Annexation, subject to the Conditions of Approval attached as Exhibit "B."

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

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

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 27th day of September, 2011, by the following vote, to wit:

AYES:	COMMISSIONERS:	Campbell, McQuead and Winton.
NOES:	COMMISSIONERS:	Lehman and Yerkes.
ABSTAINED:	COMMISSIONERS:	None.
ABSENT:	COMMISSIONERS:	Caster and Weber.

Jack Campbell for
CAROL H. CASTER, Chairman
Escondido Planning Commission

ATTEST:

BILL MARTIN, Secretary of the
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

TY PAULSON, Minutes Clerk
Escondido Planning Commission

Decision may be appealed to City Council
pursuant to Zoning Code Section 33-1303

EXHIBIT "A"

FINDINGS OF FACT/ FACTORS TO BE CONSIDERED
PHG 09-0021 PHG 09-0022

Prezone/Annexation

1. The public health, safety and welfare will not be adversely affected by the proposed change since the zoning will be consistent with the existing Estate I General Plan designation on the subject properties and the primary use of the properties will remain residential.

2. The properties involved are suitable for the uses permitted by the proposed zone since the permitted use will be the same single-family residential use permitted by the previous County zoning. In addition, the proposed density is consistent with surrounding residential development.

3. Annexation will result in jurisdictional detachment from County Service Area (CSA) No. 135 (San Diego Regional Communications System). Fire protection which is currently provided by the City of Escondido through an agreement with the County will continue, but come under the City of Escondido Fire Department jurisdiction. Police protection will change from County Sherriff to the City of Escondido Police Department jurisdiction.

4. All three properties are greater in size than one acre and thus larger than the 40,000 SF minimum lot size under the proposed RE-40 prezone designation. They would therefore all be conforming. None of the properties are large enough to split and no increase in the number of lots is possible.

5. The proposed prezone designation of RE-40 is consistent with the Estate I designations of the General Plan which allows up to 1 du/acre and a minimum lot size of 40,000 SF. The combined total of the three properties involved in this request is 3.42 acres or 148,975 SF, making the average lot size 49,658 SF.

6. The proposed prezoning will not conflict with any specific development plans for the properties, since none are being requested. The conceptual development plan is only to satisfy a San Diego LAFCO requirement. Any future development will be subject to the provisions of the Escondido General Plan and Zoning Code upon annexation.

7. If and when tree removal to accommodate grading on these properties is to be done, the current property owner will be required to mitigate for the removal of the more sensitive tree species according to the Mitigation Measures as detailed in the Mitigated Negative Declaration (MND case ENV 11-0002) and per the MND's signed Enforceable Commitment.

EXHIBIT "B"

CONDITIONS OF APPROVAL

PHG 09-00021, PHG 09-0022

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.

2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.

3. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of $2,060.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of $50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Planning

1. Documentation or findings pursuant to Zoning Code Section 33-1241 shall be submitted to the Planning Division for any accessory structures, or additions to existing structures on the three lots being annexed, demonstrating that each was constructed legally in the County, or successfully obtain a building permit for each structure and/or addition. Said documentation or a bond for the removal of the undocumented structures/additions within 90 days of recordation, shall be submitted to the Planning Division prior to final annexation recordation.

2. Any improvements proposed for the subject lots will be evaluated for conformance with the mitigation measures identified in the Mitigated Negative Declaration (City log no. ENV11-0002) prepared for this project (see the Mitigation Monitoring's Attachment "A").

and shall include a fire turn-around acceptable to the City's Fire Department. Driveways with grades over 15% must be of Portland cement with a rough broom finish.

In the event that Vereda Callada is included in the annexation, the Engineering conditions #1 & #2 and Fire condition #1 (see above) shall be omitted and the following Engineering condition will be added:

Engineering

1. Vereda Callada shall be improved to Residential Street standards (half street +12') along APN 238-400-1100 and 238-400-1200 as a condition of the building permit for development of the vacant lot, APN 238-400-1200. Improvement plans shall be approved by the City Engineer and all improvements bonded for prior to completion of annexation. Improvements to Vereda Callada would also necessitate further environmental review prior to approval of improvement plans. All improvements to Vereda Callada shall be completed prior to the issuance of an occupancy permit for APN 238-400-1200.

EXHIBIT "C"
LEGAL DESCRIPTION
PHG 09-0021; PHG 09-0022

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN A PORTION OF BLOCK 22 OF HOMELAND ACRES ADDITION TO ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1909, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION POINT OF THE WESTERLY LINE OF BERNARDO AVENUE 40 FEET WIDE AS SHOWN ON SAID MAP NO. 1205 AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF VEREDA CALLADA 30 FEET WIDE, SAID POINT ALSO BEING A POINT ON THE EASTERLY BOUNDARY OF THE CITY OF ESCONDIDO AS ESTABLISHED BY THEIR RESOLUTION NO. 89-019, ADOPTED FEBRUARY 10, 1989, BY SAID CITY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE, LEAVING SAID WESTERLY BERNARDO AVENUE RIGHT OF WAY AND SAID CITY BOUNDARY, ALONG THE WESTERLY EXTENSION OF SAID SOUTHERLY LINE, (1) SOUTH 77°48'00" EAST 40.00 FEET TO A POINT ON THE INTERSECTION OF THE EASTERLY BERNARDO AVENUE RIGHT OF WAY AND THE SOUTHERLY VEREDA CALLADA RIGHT OF WAY;

THENCE, LEAVING SAID EASTERLY BERNARDO AVENUE RIGHT OF WAY, ALONG SAID SOUTHERLY VEREDA CALLADA RIGHT OF WAY, (2) SOUTH 77°48'00" EAST 453.54 FEET;

THENCE, LEAVING SAID SOUTHERLY RIGHT OF WAY, (3) SOUTH 12°18'30" WEST 233.00 FEET;

THENCE, (4) NORTH 77°48'00" WEST 238.35 FEET;

THENCE, (5) SOUTH 12°18'30" WEST 145.00 FEET;

THENCE, (6) SOUTH 70°21'36" WEST 124.73 FEET;

THENCE, (7) SOUTH 79°09'09" WEST 118.00 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY OF SAID BERNARDO AVENUE;

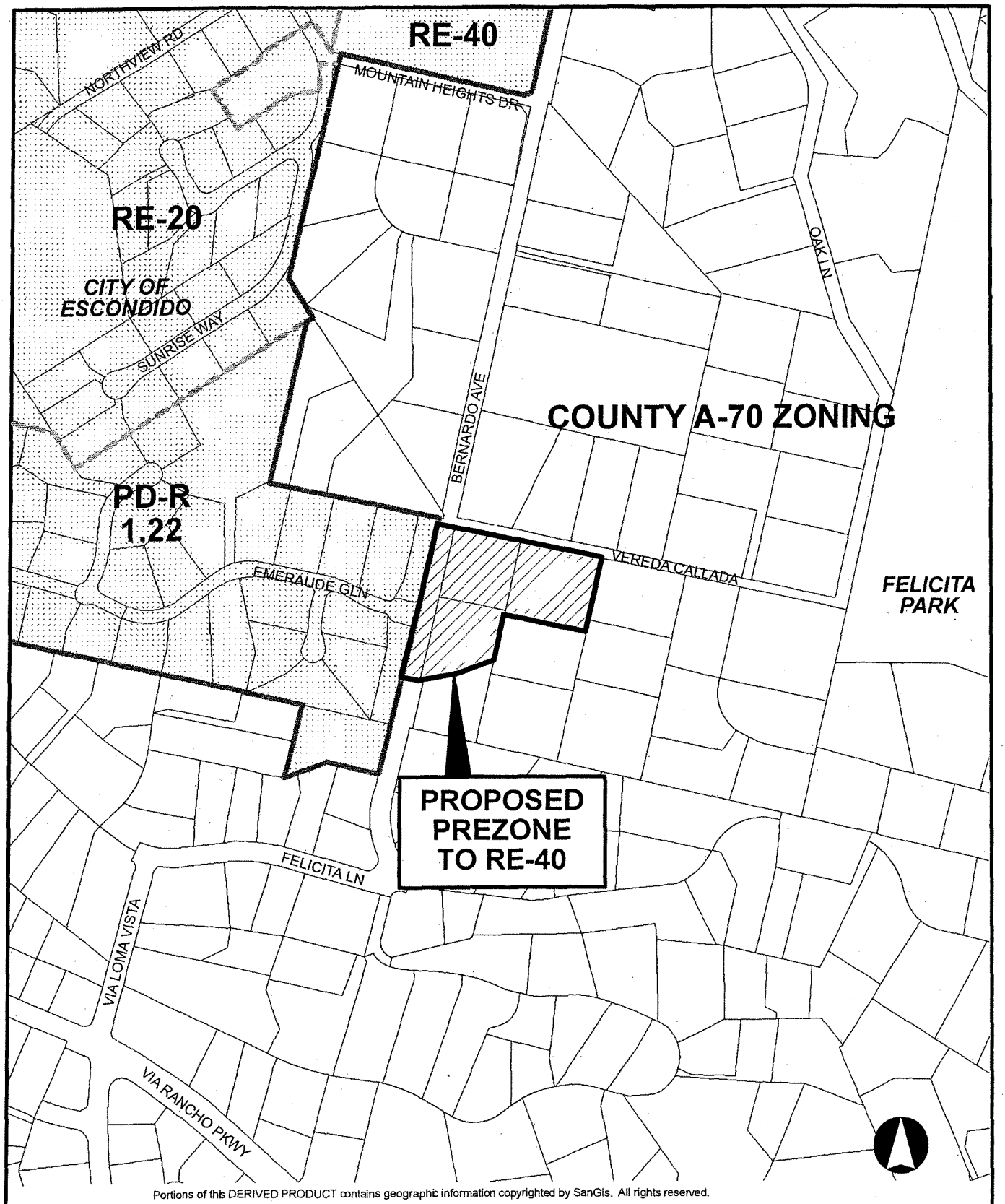
THENCE, (9) NORTH 77°47'30" WEST 40.00 FEET, TO A POINT ON SAID CITY BOUNDARY, WITHIN THE RIGHT OF WAY OF SAID BERNARDO AVENUE;

THENCE, (10) NORTH 12°12'30" EAST 489.99 FEET, ALONG SAID CITY BOUNDARY TO THE TRUE POINT OF BEGINNING AND CONTAINING 3.891 ACRES OF LAND MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

EXHIBIT "D"

PHG 09-0021; PHG 09-0022



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PROPOSED PREZONE AND ANNEXATION
PHG 09-0021/PHG 09-0022/ENV 11-0002

L

LOCATION/ZONING

ESCONDIDO
City of Choice

PLANNING COMMISSION

Agenda Item No.: G.1
Date: September 27, 2011

CASE NUMBERS: PHG 09-0021, PHG 09-0022, ENV 11-0002

APPLICANT: The Young Family Trust

LOCATION: Along the east side of Bernardo Avenue, just south of the intersection of Bernardo Avenue and Vereda Callada, addressed as 2950 Bernardo Avenue (APN 238-400-3200), 1029 Vereda Callada (APN 238-400-1100) and a third unaddressed lot on Bernardo to the west (APN 238-400-1200).

TYPE OF PROJECT: Proposed Prezone and Annexation

PROJECT DESCRIPTION: The project involves a proposed Prezone and Annexation to the City of Escondido of three properties totaling approximately 3.42 acres. The three lots would also be detached from County Service Area No. 135 and the Rincon Del Diablo Fire Protection District. The 1.04 acre lot addressed as 2950 Bernardo Avenue (APN 238-400-3200) is vacant. The 1.28 acre lot addressed as 1029 Vereda Callada (APN 238-400-1100) is fully developed with a residence and the adjacent 1.1 acre lot directly to the west (APN 238-400-1200) is vacant except for two outbuildings. Prezoning designation for this area will be PZ-RE-40 (40,000 SF minimum lot size).

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Estate I (single-family residential, maximum 1 du/ac) /Felicita Tier 2A

ZONING: *Currently under County Zoning of A-70 (Limited Agriculture, Single-Family Residential Development, 1 dwelling unit per acre, 1 acre minimum lot size).* Proposed Prezone: RE-40 (Single-Family Residential, 40,000 SF minimum lot size).

BACKGROUND/SUMMARY OF ISSUES: Annexation Policy D6.1 (page VII-14) states that the City will not actively seek to annex unincorporated lands, except those owned by the City, and will rely on applications from property owners for proposed annexation to the City. On September 23, 2009, the City Council approved the applicant's request for initiation of an Annexation/Prezoning of an existing residence together with two adjacent unimproved residential lots also owned by the applicant. This decision was based on information provided at the time. After further study, staff found the two vacant properties fronting Bernardo would be problematic to bring into the City due to a number of issues raised by Engineering, Planning and Utilities regarding access, available sewer capacity, required improvements and the impacts of future development. The applicant then submitted a letter from the County's Department of Environmental Health dated November 18, 2009, documenting eminent failure of the existing Vereda Callada residence's septic system and suggested connecting to the City's sewer line in Bernardo Avenue. On March 10, 2010 the City Council approved a contractual service agreement to provide sewer service and on April 5, 2010 San Diego LAFCO granted an Out-of-Agency Service Agreement allowing the existing residence to receive the required sewer service. As part of that approval, the property owner signed an Irrevocable Offer of Annexation for the Vereda Callada property.

On July 27, 2010 the applicant paid the remaining fees and submitted a renewed application to annex all three lots. Their revised development plans for the two vacant lots required by LAFCO, show two single family residences and associated grading. The plan proposes to close the existing Vereda Callada driveway from the residence at 1029 Vereda Callada and provide a new driveway out to Bernardo Road running between the two vacant lots. The two vacant lots would be graded to create pads high enough to allow gravity flow to sewer service in Bernardo Road. The pads would be located to avoid detrimental impacts to the most sensitive oaks on site. The segment of Bernardo Avenue fronting along the subject site would also be annexed into the City. No other properties are involved in the current Annexation or Prezone applications.

This project was placed on the July 26, 2011 Planning Commission agenda. Prior to that meeting a number of neighbors contacted the City with concerns regarding the project's potential impacts to the neighborhood. The applicant then asked that the item be continued so they could modify the project. The project was ultimately not changed and the item currently being considered is the project as originally proposed. The applicant submitted a letter dated 9/1/11 requesting changes to the Conditions of Approval, which staff feels are not appropriate. (See discussion under section D.)

Staff believes that the remaining issues are as follows:

1. Whether the proposed RE-40 zoning is appropriate and adequately reflects the development character of the properties and those adjacent.
2. Whether the conceptual access and grading designs are appropriate for the site.
3. Whether the proposed prezoning should be extended to include surrounding properties.

REASONS FOR STAFF RECOMMENDATION:

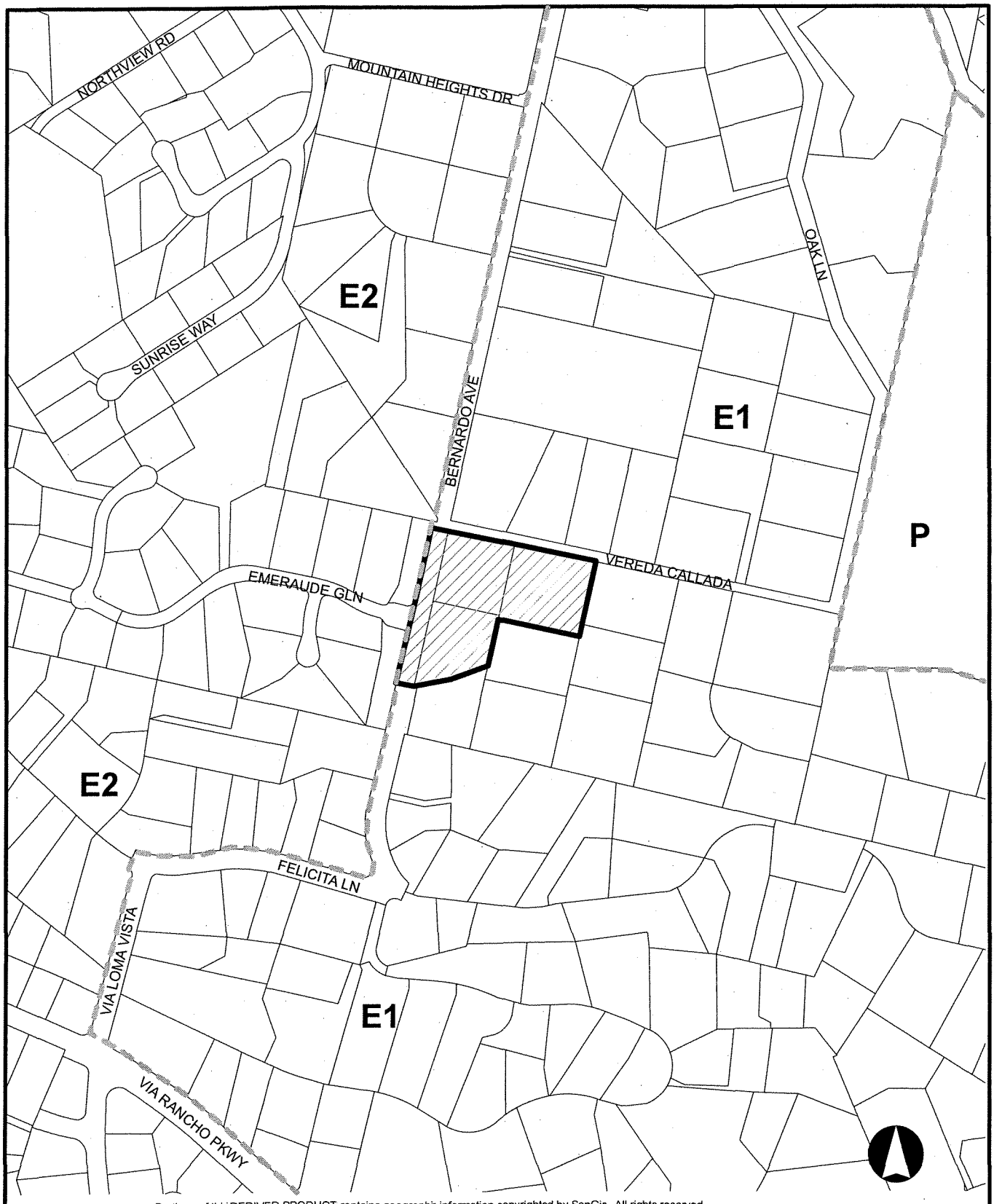
1. The proposed prezoning establishes the appropriate zoning designation (RE-40) for the subject parcels, which is consistent with the Estate I General Plan Use designation and is consistent with development patterns of the area within the same General Plan designation.

2. The conceptual access and grading design in the most recent revised plans avoids impacts to the most sensitive naturally occurring plant species and mitigation will be required for those less sensitive plants species that may be removed or impacted by future development.

3. Four properties were initially contacted by the applicant regarding annexation and showed no interest. The City has subsequently sent notices to surrounding properties within 500 feet. While this has generated comments from neighbors, none has expressed interest in joining the annexation. As a result, no additional properties have been included in this annexation and prezone request. San Diego LAFCO staff has reviewed the current proposed boundary and has indicated their support; therefore, staff feels that support for this proposal is warranted.

Respectfully submitted,

Paul K. Bingham
Assistant Planner II



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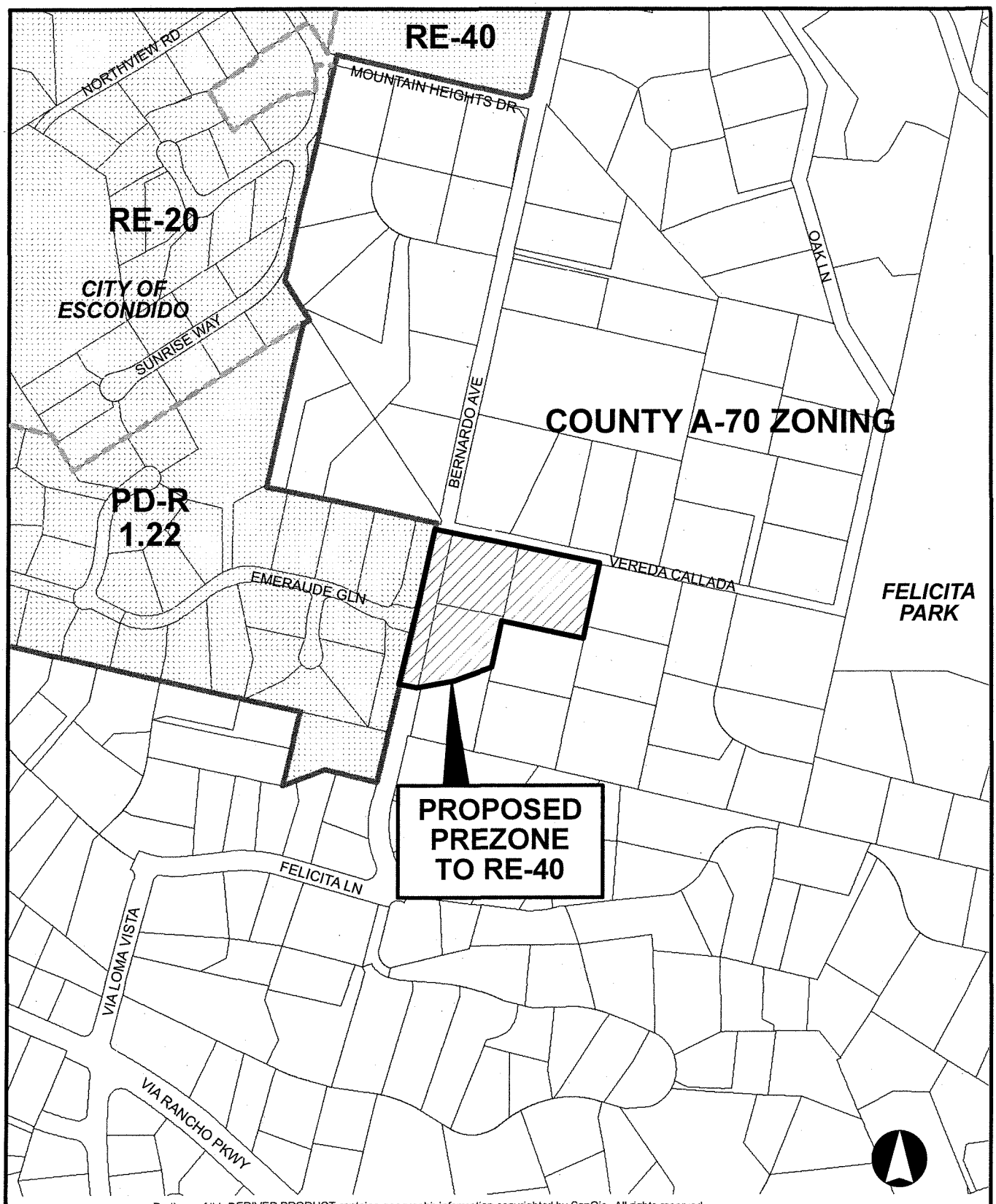
PROPOSED PREZONE AND ANNEXATION
PHG 09-0021/PHG 09-0022/ENV 11-0002

GP
GENERAL PLAN



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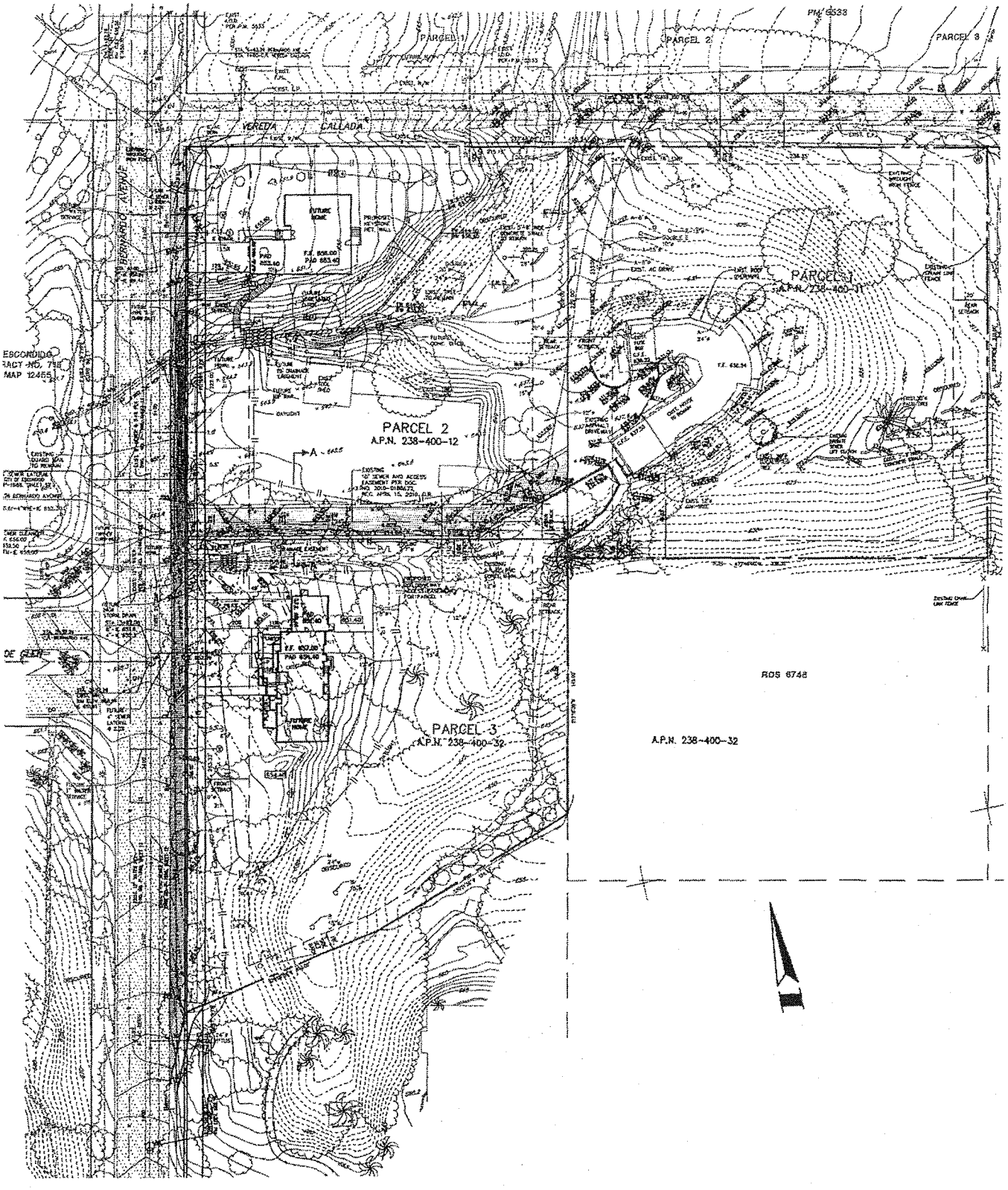
PROPOSED PREZONE AND ANNEXATION
PHG 09-0021/PHG 09-0022/ENV 11-0002

L

LOCATION/ZONING



PROPOSED PROJECT
PHG 09-0021/PHG 09-0022

GRADING PLAN

ANALYSIS

A. LAND-USE COMPATIBILITY/SURROUNDING ZONING

NORTH: Across Vereda Callada, a rural street, the properties are County zoned A-70 (limited agriculture, 1 du/acre). One-story single-family residential homes and small orchards on lots ranging in size from approximately 1.05 to 1.69 acres are located north of the three properties proposed for annexation.

SOUTH: County zoned A-70 (limited agriculture, 1 du/acre) properties that have one and two-story single-family residential homes on lots ranging in size from approximately 0.95 to 1.06 acres are located south of the three properties proposed for annexation.

EAST: County zoned A-70 (limited agriculture, 1 du/acre) and have single-family dwellings on 1-acre or larger lots. One- and two-story single-family residential homes on lots ranging in size from approximately 1.07 to 1.15 acres are located east of the three properties proposed for annexation.

WEST: Across Bernardo Avenue (a Local Collector roadway) are two ornamentally landscaped Open Space parcels which serve as detention basins for the Planned Development (PD-R) known as "The Reserve". The detention basins and subdivision are within the City of Escondido and the zoning is PD-R-1.22 (single-family residential – 1.22 du/acre on lots between ½-acre to 1-acre in size). The development's residential lots closest to Bernardo Avenue range in size from 0.53 to 0.81 acre. The General Plan designation for The Reserve development and other surrounding properties west of Bernardo Avenue is EII (Estate II) single family residential with a maximum density of 2 du/acre.

B. AVAILABILITY OF PUBLIC SERVICES

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

2. Effect on Fire Service – The City Fire Department has indicated their ability to adequately serve the proposed project. The area currently is served by the City's Fire Station No 5 located at 2317 Felicita Road. The county parcels are within the Rincon Del Diablo Municipal Water District (MWD) Fire Department (Improvement District "E"). The subject county parcels would detach from the MWD and annex into the City Fire District. Since by agreement the City of Escondido already provides fire protection services to residents within this area of Improvement District "E," there would effectively be no change in service. Detachment from County Communications District # 135 would also occur. Water service is provided by Rincon Water and the three properties would continue to receive service from Rincon after annexation.

3. Traffic – Two of the three lots front onto and take access from Bernardo Avenue (a Local Collector), the third lot with the existing residence currently takes access from Vereda Callada (a privately maintained road). The Engineering Department indicated the proposed project would not result in a significant direct impact to the existing levels of service on the adjacent streets since a stable flow of traffic is maintained along the street segments. The Engineering Department also indicated the proposed project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels of service on any of the adjacent roadways or intersections since the project would not add 200 additional trips to a circulation element street with a service level below the mid-range of LOS D, and the

v/c ratio would not increase more than 0.02. The annexed portion of Bernardo Avenue (approximately 485 linear feet) can be adequately maintained by the City of Escondido.

4. Utilities & Drainage – Water service for the subject site is currently provided by Rincon Water. The applicant has entered into an agreement with the Water District to provide water service to the project. This will continue after annexation. The lot addressed off Vereda Callada is already connected to City sewer. It was granted an emergency Out of Agency Sewer Service Agreement in 2010 by San Diego LAFCO. Service to the remaining two properties would be provided by connecting to the existing sewer main in Bernardo Avenue. Prior to the two vacant properties developing, a capacity study would need to be submitted to our Utilities Division for review. The development of the site would not cause any diversion to or from the existing watershed. The project would be required to comply with National Pollution Discharge Elimination System (NPDES) standards and standard BMPs would be implemented during construction to adequately control erosion and siltation.

C. ENVIRONMENTAL STATUS

1. In compliance with CEQA, a Mitigated Negative Declaration (MND, case no.: ENV11-0002) was issued for the project on May 19, 2011.

2. The mailing of the MND Public Review Notice prompted neighbors with questions and concerns to contact Planning, but no additional environmental issues were identified. With the future development of a single family residence on each of the vacant lots, a pad would have to be created at an elevation that would allow the sewer lateral to gravity flow to the City's sewer main in Bernardo Avenue. The grading for the pads would potentially impact Coast Live Oak trees. The project will be required to plant replacement trees for the Oaks removed and to maintain existing grades and drainage flow around the remaining Oaks.

3. It is staff's opinion that with the implementation of the mitigation measures and conditions of approval, the project is not expected to have any significant impacts.

D. CONFORMANCE WITH CITY POLICY

General Plan – The three properties (totaling 3.42 acres) which are proposed for prezone and annexation have a General Plan land-use designation of Estate I, which would allow up to 1 du/ac. Each of the existing lots is over 1 acre in size and one of the subject properties is already developed with a single-family residence. The two remaining lots are largely undeveloped and vacant. The future construction of a single family residence on each of these lots would be consistent with the Estate I designation. Many of the surrounding lots, which were legally established, are 1 acre or larger in size and are County zoned A-70 (limited agriculture, 1 du/acre). The City of Escondido's General Plan designates these properties as Estate I (40,000 SF min. lot size, 1 du/acre). Essentially the status of these three properties as 1-acre single family residential lots would not change after annexation and no increase in density would be allowed and none of the lots could be split.

Care Facilities – The applicant recently submitted an application to the State of California's Department of Social Service's Community Care Licensing Division for a 6-bed residential care facility at the existing house. The State mandates that all jurisdictions within California allow care facilities in residential neighborhoods of 6 beds or less by right. The City's zoning code stipulates that requests for facilities of more than 6 beds must apply for a Conditional Use Permit which requires a public hearing and notices sent to property owners within 500 feet of the site. The owner could potentially build single family homes on the two vacant properties and establish 6-bed facilities in each. Each permit would be subject only to the approval of the State Community Care Licensing agency. If the lots are annexed into the City, any applications for a care facility of more than 6 beds would require a Conditional Use Permit.

Annexation of Roadway Segments – This discusses the applicant's request to change the Conditions of Approval pursuant to the letter dated 9/1/11. When the City Reviews properties requesting to annex, often the logical boundary to be drawn must also include adjacent roadway segments. These are necessary to create contiguity and to provide access to the properties being annexed. Upon annexation, the roadway segment becomes part of the City's jurisdiction and thus it is responsible for maintenance, repair and providing City services along that roadway. In this case, the adjacent section of Bernardo Avenue will be annexed to provide the contiguity to the existing City boundary. The road segment adjacent to the two vacant subject properties is already improved to City standards from the western edge to 10 feet easterly of the center line. Once the easterly edge is improved, this segment can provide access to all three of the properties being annexed without impacts to other roadways and intersections. Improvements along Bernardo Avenue would be the responsibility of the owner(s) at the time either of the vacant lots develops. In the case of Vereda Callada, this is currently a privately maintained rural country road. The roadway is far below the City's street standards and improving this segment to meet City standards would involve expensive construction impacting a wide swath of adjacent county properties. These would include both the two subject properties fronting Vereda Callada and those across the street due to the existing topography. These impacts have not been assessed environmentally. For these reasons, and the fact that annexing Vereda Callada would not create any additional contiguity to existing City boundaries, the City does not want to be responsible for Vereda Callada and has asked the applicant's engineer to provide a plan for access to the three subject lots from Bernardo Avenue and to relinquish access to Vereda Callada. When the annexation goes forward to San Diego LAFCO, it is possible that that commission could insist on the City accepting Vereda Callada as part of this annexation. In that event, a condition has been added to those in Exhibit B (see attached), which stipulates that Vereda Callada be improved to City Standards. Staff recommends maintaining the Conditions of Approval as currently drafted and shown in Exhibit B.

Conditions of Approval/Acceptance of Prior Built Structures, Roadways and Infrastructure – This discusses the applicant's request to change the Conditions of Approval pursuant to the letter dated 9/1/11. It has been the long-standing policy of the City not to accept illegal uses or structures as part of any annexation. Existing structures being annexed must always provide documentary proof that they were legally constructed in the County or be removed prior to annexation. Since LAFCO determines the boundaries of annexations as it relates to streets, and the City does not yet have the final determination from LAFCO, the City's conditions must reflect the need for improvements to roadways, closures or reconstruction of existing driveways, future dedications and access restrictions. The Conditions of Approval for this project related to the timing and extent of improvements along Bernardo Avenue and Vereda Callada have been crafted to provide for a better coordinated design and construction of improvements overall with less impact on traffic safety and the surrounding neighborhood. Staff recommends maintaining the Conditions of Approval as currently drafted and shown in Exhibit B.

E. ANALYSIS

Whether the proposed RE-40 zoning is appropriate and adequately reflects the development character of the properties and those adjacent.

The prezoning designation would be RE-40 (Residential Estate, 40,000 SF minimum lot size), a change from the County zoning of A-70 (limited agriculture, 1 du/acre minimum). The RE-40 zoning is consistent with the area's General Plan designation of Estate I as it exists east of Bernardo Avenue. The proposed project would not alter the residential land use in the area and the property owners could develop, make further improvements, and/or additions to their existing single-family residence provided they are in compliance with the City's RE-40 zone standards. All three properties are greater in size than one acre and thus larger than the 40,000 SF minimum lot size under the proposed RE-40 prezone designation. They would therefore all be conforming. None of the properties are large enough to split and no increase in the number of lots is possible. The project is consistent with the development character of the area, which is single family homes on large lots generally over 1 acre in size. Surrounding properties within the County also are designated Estate I in the City's General Plan, there-

fore annexation of adjacent properties in the future would result in consistent zoning and land use designation.

Whether the conceptual access and grading designs are appropriate for the site.

No permits to develop are part of this current request. However, the project's applicant, engineer and biologist have worked with City Staff to revise and refine a conceptual development plan that minimizes impacts to species on the three subject properties as well as impacts to adjacent properties if and when future development occurs. The driveway connecting the existing residence at 1029 Vereda Callada will be abandoned and a new access drive from Bernardo Avenue will replace it prior to recordation of the annexation. By shifting future residential building pads away from Oak woodland and incorporating retaining walls on the properties closest to Bernardo Avenue, impact to the most sensitive species, the Mesa Oaks, will be avoided. Overall tree loss would be limited to smaller Coastal Live Oaks and non-native ornamentals according to the latest plan. As a Mitigation Measure, these Oaks will have to be replaced by specimen stock of the same variety at a 1:1 or 2:1 ratio depending on the caliper of each tree lost. Grading will be below heights requiring a Grading Exemption. All development will be required to meet the most current Stormwater standards at the time of permit issuance.

Whether the proposed prezoning and annexation should be extended to include surrounding properties.

As suggested by San Diego LAFCO, a survey was conducted of four properties immediately to the south to gauge property owner interest in the annexation. None were interested in joining the request. San Diego LAFCO reviewed the original 3-lot annexation request and stated that they were supportive of the configuration. Various City and County departments have also received the proposed prezone and annexation request for review and concur that the subject properties are within the Escondido Sphere of Influence and can be adequately supplied services by the City. Utilities Department did, however, say that the existing sewer capacity in this area is limited and additional properties annexing now may require costly infrastructure upgrades. LAFCO agrees that bringing additional properties in at this time may be premature. Therefore, staff feels the proposed boundary for the prezone and annexation of three lots is appropriate as currently envisioned.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The properties range in size from 1.04 to 1.28 acres. Vegetation on the 3.42 acres consists of an Urban/Developed vegetation community (ornamental landscaping and areas of non-native vegetation which is mowed periodically to prevent weed growth and fire danger to adjacent residences) as well as Coastal Live Oak Woodland with the understory removed. No existing landscaping is proposed for removal under this Annexation/Prezone request.

C. GENERAL PLAN COMPLIANCE

1. Land Use Element Designation: The proposed prezone to RE-40 (Residential Estate, 40,000 SF minimum lot size) from the current County A-70 (limited agriculture, 1 du/acre) zone is consistent with the current Estate I General Plan land-use designation.

2. Circulation Element: The properties are presently located near the intersection of Bernardo Avenue and Vereda Callada. Bernardo Avenue is currently classified as a Local Collector (66'/42') in the Circulation Element. Vereda Callada is not a Circulation Element street, but a County-owned, privately maintained rural road. The conceptual design accompanying this annexation request abandons the existing driveway off Vereda Callada and proposes that all three properties gain future access off of Bernardo Avenue. This would not significantly impact levels-of-service to the adjacent streets or intersections.

3. Noise Element: None of the properties proposing to annex are located within a projected noise contour.

4. Trails: The City's Master Plan for Parks, Trails and Open Space does not identify any proposed trails that would affect the properties proposing to annex.

5. Hillside/Ridgeline: There are no skyline or intermediate ridges within the proposed prezone area.

EXHIBIT "A"

FINDINGS OF FACT/ FACTORS TO BE CONSIDERED
PHG 09-0021 PHG 09-0022

Prezone/Annexation

1. The public health, safety and welfare will not be adversely affected by the proposed change since the zoning will be consistent with the existing Estate I General Plan designation on the subject properties and the primary use of the properties will remain residential.

2. The properties involved are suitable for the uses permitted by the proposed zone since the permitted use will be the same single-family residential use permitted by the previous County zoning. In addition, the proposed density is consistent with surrounding residential development.

3. Annexation will result in jurisdictional detachment from County Service Area (CSA) No. 135 (San Diego Regional Communications System). Fire protection which is currently provided by the City of Escondido through an agreement with the County will continue, but come under the City of Escondido Fire Department jurisdiction. Police protection will change from County Sherriff to the City of Escondido Police Department jurisdiction.

4. All three properties are greater in size than one acre and thus larger than the 40,000 SF minimum lot size under the proposed RE-40 prezone designation. They would therefore all be conforming. None of the properties are large enough to split and no increase in the number of lots is possible.

5. The proposed prezone designation of RE-40 is consistent with the Estate I designations of the General Plan which allows up to 1 du/acre and a minimum lot size of 40,000 SF. The combined total of the three properties involved in this request is 3.42 acres or 148,975 SF, making the average lot size 49,658 SF.

6. The proposed prezoning will not conflict with any specific development plans for the properties, since none are being requested. The conceptual development plan is only to satisfy a San Diego LAFCO requirement. Any future development will be subject to the provisions of the Escondido General Plan and Zoning Code upon annexation.

7. If and when tree removal to accommodate grading on these properties is to be done, the current property owner will be required to mitigate for the removal of the more sensitive tree species according to the Mitigation Measures as detailed in the Mitigated Negative Declaration (MND case ENV 11-0002) and per the MND's signed Enforceable Commitment.

EXHIBIT "B"

CONDITIONS OF APPROVAL
PHG 09-00021, PHG 09-0022

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.

2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.

3. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the current amount required for a project with a Mitigated Negative Declaration. These fees must also include the current authorized County administrative handling fee. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Planning

1. Documentation or findings pursuant to Section 33-1241 shall be submitted to the Planning Division for any accessory structures, or additions to existing structures on the three lots being annexed, demonstrating that each was constructed legally in the County. Each structure without supporting documentation or findings must be removed prior to final annexation recordation.

2. Any improvements proposed for the subject lots will be evaluated for conformance with the mitigation measures identified in the Mitigated Negative Declaration (City log no. ENV11-0002) prepared for this project (see the Mitigation Monitoring's Attachment "A").

Utilities

1. The two vacant properties fronting Bernardo Avenue (APNs 238-400-1200 and 238-400-3200) will be required to submit a capacity study to the City's Utilities Division prior to development, which must demonstrate that enough remaining capacity exists to adequately serve these properties.

Engineering

STREET IMPROVEMENTS AND TRAFFIC

1. All required street improvements shall be provided with adequate right-of-way and improved in accordance with the City of Escondido's Design Standards and SUSMP.

2. Prior to recordation of the annexation, an Irrevocable Offer of Dedication to the City of Escondido for 11 feet of right-of-way along Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 238-400-1200, shall be executed by the owner.

3. Bernardo Avenue shall be improved to Local Collector Street standards along the frontages of APNs 238-400-1200 and 238-400-3200, as a condition of the first building permit for either lot. Improvement plans shall be approved by the City Engineer and all improvements bonded for, prior to the issuance of a building permit. All improvements shall be completed prior to the issuance of an occupancy permit for either lot.

The City of Escondido intends to approve the annexation request with its new jurisdictional boundary to include the adjacent portion of Bernardo Avenue but <u>not</u> Vereda Callada. The following conditions would apply to this situation:

Engineering

1. Prior to recordation of the annexation, documents shall be submitted to and approved by the Engineering Department for the relinquishment of access rights to Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 1200, to be recorded concurrently with the annexation.

2. Upon final LAFCO approval of the annexation, grading plans for the new driveway access from Bernardo Avenue to the existing house on APN 238-400-1100 shall be submitted to and approved by the City's Engineering Department, and the driveway shall be constructed or a bond for the construction shall be provided, prior to the recordation of the annexation. These driveway improvements shall be designed to accommodate the future Bernardo Avenue street improvements.

Fire

1. The applicant's conceptual development plan includes closing the existing driveway currently connecting APN 238-400-1100 with Vereda Callada and creating a new access driveway for this lot from Bernardo Avenue and extending over a utility easement between APNs 238-400-1200 and 238-400-3200. The new driveway shall be to City Standards including a minimum 16' width with no parking, the grade not to exceed 20%, and shall include a fire turn-around acceptable to the City's Fire Department. Driveways with grades over 15% must be of Portland cement with a rough broom finish.

In the event that Vereda Callada <u>is</u> included in the annexation, the Engineering conditions #1 & #2 and Fire condition #1 (see above) shall be omitted and the following Engineering condition will be added:

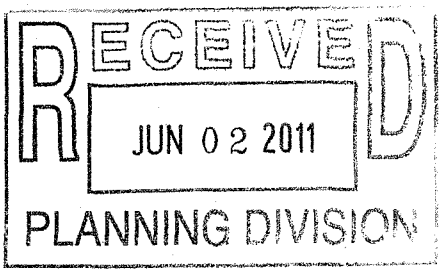
1. Vereda Callada shall be improved to Residential Street standards (half street +12') along APN 238-400-1100 and 238-400-1200 as a condition of annexation. Improvement plans shall be approved by the City Engineer and all improvements bonded for prior to completion of annexation. Improvements to Vereda Callada would also necessitate further environmental review.

Paul Bingham

From: Judi Marnella <jmarnella@pacbell.net>
Sent: Thursday, June 02, 2011 3:12 PM
To: Paul Bingham
Subject: Case # ENV11-0002

Dear Paul,
Thank you for discussing the above project with me this morning. The web site that mentions an "11 bed assisted living facility" is *Senior Care Authority.*
I Googled: **Senior Care Authority and Rosie's Place, Escondido.**
It says the license is **pending.**

Again, Thank you for your help.
Judy



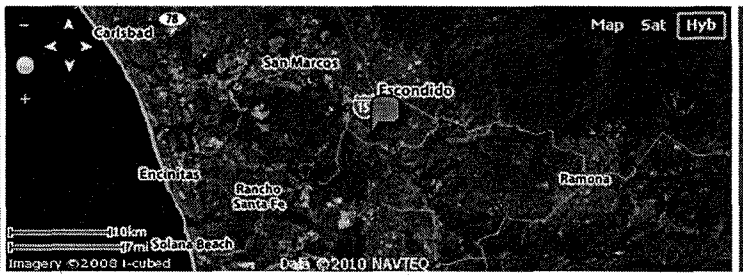
Rosie's Place - Assisted Living Facility in Escondido, California - Windows Internet Explorer

http://www.seniorcareauthority.com/assisted-living/ca/san-diego/escondido/rosies-place/

Your Source for Identifying the Highest Rated Assisted Living & Care Homes in CA

Contact us now for a FREE assessment at 866-717-2477 or evaluate your needs online.

Your Source for Identifying the Highest Rated Care Facilities



Find Assisted Living

CITY OR COUNTY

ZIP CODE

KEYWORDS

Find

- welcome *homepage*
- about *our services*
- helping you *make the right choice*
- care options *for seniors*
- evaluate *your needs*
- contact *senior care authority*
- articles *on senior care*
- blog *senior transitions*
- interviews *the aging boomers*
- what *they're saying*
- assisted living *facility directory*
- your own *senior care business*

Home » California Assisted Living » San Diego County » Escondido »

Rosie's Place

Assisted Living Facility in Escondido, CA

Capacity 11 people

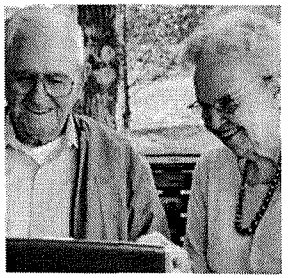
Licensed? Pending

Address Rosie's Place
1029 Vereda Callada
Escondido, CA 92029

County San Diego

Telephone **Call 866-717-2477 for assistance with this location and others in the area**

Though our search program (above) lists all the licensed assisted living and memory care locations in California, our team of Senior Care Advisors are available to provide you with an objective view of these locations.



Learn More About
Senior Care Authority Network

Inquire about Rosie's Place

Please submit the form below to receive information about your requested location. Your submission will be kept strictly confidential.

First Name

Last Name

Your E-Mail Address

Your Phone Number

Additional Comments

Paul Bingham

From: Valdez, Debbie <dvaldez@parks.ca.gov>
Sent: Monday, June 13, 2011 9:54 PM
To: Paul Bingham
Subject: case # ENV11-0002

Hello Mr. Bingham,

I spoke with you recently regarding the Young Family Trust, Case # ENV11-0002. I have received a notice of proposed mitigation negative declaration. I am very concerned about the removal of any Oak Tree / Trees in the area, they are very very old at least 200 to 300 years old. I feel it would be horrible for the environment to lose such a beautiful Historical resource.

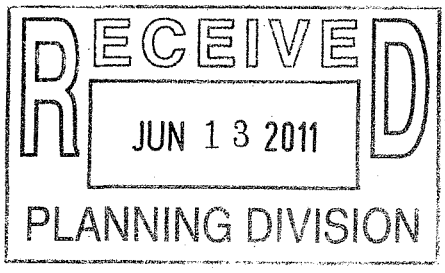
I am a close neighbor who has lived in this neighborhood for over 14 years and have chosen to live in this area because of the beautiful / quiet surroundings. I am strongly against this project.

Thank you for your time, and if you have any questions or concerns please feel free to contact me.

Concerned Neighbor,

Debbie Valdez
1005 Vereda Callada
Escondido, CA 92029

Home (760)-747-7536
Cell (760)715-5264



Paul Bingham

From: Steve Marnella <sciplast@pacbell.net>
Sent: Tuesday, June 14, 2011 1:57 PM
To: Paul Bingham
Subject: Concerns for Case ENV11-0002

RECEIVED
JUN 14 2011
PLANNING DIVISION

Hello Paul,

I am responding to your 05/19/11 Notice regarding Case No. ENV 11-0002.

It is difficult, as a layperson, to fully understand the intent or ramifications of this proposed annexation. In speaking with many of my neighbors, it appears that we are all equally uncertain.

We are aware of the related sewer annexation for this property, as well as, the recent construction activity and the conversion of the residence to a senior board & care facility known as "Rosie's Place". It is my understanding that a six bed facility is permitted by law within a residential neighborhood. And in accordance with that, I do not object. However, it has previously been stated by an employee of Rosie's Place that the ultimate plan is to expand the facility to 11 beds. In addition, there are indications on the internet that a license is pending for 11 beds. If the full intent of this current annexation application is to ultimately facilitate an 11 bed licensing then we would certainly object.

I have been told that the stated reason for this application is that the owner may want to sell the two undeveloped parcels. I question the need for annexation to accomplish that goal. Can they not currently be sold as individual county parcels?

Our neighborhood is a rural environment comprised of 1+ acre parcels, many with very large native oak trees. It is my belief that future development of the adjoining parcels might lead to the removal of many of the oaks, especially on the south-most parcel. In addition, a means would need to be constructed for these parcels to be accessed directly from Bernardo Avenue. There is natural drainage passing under Bernardo Avenue at this parcel, which causes a significant drop in elevation from the street level. Also the water flow (& damage to our street) was already negatively affected by the changes to drainage resulting from the annexation & development of the "Reserve" project to our west across Bernardo Avenue.

As you are aware, Vereda Callada is a private street, maintained by the residents of this neighborhood. Access to these Bernardo Avenue parcels should not be allowed from our street. Our privately maintained street has already been damaged by the contractors hired to install the sewer lines as they moved in equipment to complete the project. The contractor was unwilling to accept responsibility for the damage and/or make repairs. He instead relied on the tactic of "innocence by intimidation". I personally felt physically threatened by the actions and statements of this contractor when I made a request to obtain his business card. Other neighbors also had confrontations with this contractor during their work.

I fear that the **TRUE** purpose of this annexation is to facilitate the commercialization of a board & care facility. Our rural setting and atmosphere would be compromised by an expansion of Rosie's Place beyond the currently permitted 6 beds. If this is just an intermediate step that somehow facilitates further commercialization then I am in opposition to its approval.

As a side but related issue, I believe you have stated that Vereda Callada is an unmaintained county road, owned by the county but maintained by the residents. Can you please clarify that point and how it works? If

the street is owned by the county, wny is it not maintained by them. This intormation is in conflict with what I believe we were told a number of years ago when our street was in need of extensive repairs. We were told then that the street was both privately owned & maintained. That each property owner was responsible for maintaining the easement across their individual parcel.

Thank you for hearing and responding to my concerns regarding this project.

Steve Marnella

Paul Bingham

From: Stephen Marnella <sciplast@pacbell.net>
Sent: Thursday, June 16, 2011 8:52 AM
To: Paul Bingham
Subject: Re: More on Case ENV11-0002

Good Morning Paul,

Thank you for that clarification.

In addition to preservation of the oaks and drainage integrity, I do remain concerned that the TRUE long term (and perhaps hidden) agenda is to facilitate expansion of the commercial care facility. Please remain tuned in to that possibility on any additional applications and keep me posted of any further plans in that regard.

Thank you for your continued assistance.

Steve

From: Paul Bingham <Pbingham@ci.escondido.ca.us>
To: Stephen Marnella <sciplast@pacbell.net>
Sent: Wed, June 15, 2011 5:34:49 PM
Subject: RE: More on Case ENV11-0002

Hello Stephen,
This annexation request is to join the City and leave the County. We will not allow them any more lots, so density is not the issue. Their reason for annexing, we are told, is to gain sewer service access.
It is ultimately the San Diego Local Area Formation Commission (LAFCO) that approves or rejects annexation requests. If the City's Planning Commission votes in favor, that will simply be sent to them for consideration.
It is LAFCO that now requires a conceptual development plan just to change jurisdictions. Since we reviewed the plan, too, California Environmental Quality Act requires us to then evaluate that potential project environmentally. That is where the mitigation for the Oaks came in.
This current request is not to gain approval for any development. Once in the City, any development requests will have to come in separately. They will then have to meet strict building, stormwater and other standards.
The State mandates that we – or the County – or any jurisdiction – allow 6-bed care facilities in residential zones. If it exceeds 6, we require a Conditional Use Permit here in the City. If they came in with three neighboring houses all asking for 6-bed permits, I think we would see that as a red flag and insist on a CUP application from them.
Thanks, for your questions and comments,

- Paul

From: Stephen Marnella [mailto:sciplast@pacbell.net]
Sent: Wednesday, June 15, 2011 2:51 PM
To: Paul Bingham
Subject: Re: More on Case ENV11-0002

Hello Paul,

Thank you very much for your email. I appreciate your vigilance in working to maintain the tranquility and park-like setting of our neighborhood. We have lived here for 23 years and the massive oak trees were a big

part of what originally attracted us to this neighborhood. We have always felt like an extension of the Felicita Park. I am sure you are familiar with the charm & splendor of the park. Well, that is the environment we wake up to and enjoy living in each and every day. It is the primary reason we chose to build our home in this neighborhood. I would not want to see this beauty diminished or the tranquility & uniqueness of this neighborhood compromised by a commercial endeavor.

In your email you mention a conceptual development plan. Unfortunately the day-to-day operation of my business does not afford me the opportunity to be able to come to City Hall to review these plans. Could you give me a brief overview of what is being proposed?

If the plan is detailed enough to have identified individual trees for removal, have they also proposed a specific "type" of development? Have conceptual buildings been identified?

What is the stated reason for this proposal? If annexation is approved, will the next step be to propose building two more 6 bed facilities on the two adjoining parcels?

If these two parcels are developed, has the impact on drainage been considered? As I stated in my previous correspondence, we came up on the short end of that issue when the "Reserve" project was annexed and developed several years ago. I do not profess to be an engineer and with all due respect to the engineers that worked on the Reserve project at the time, they were not correct in stating that the Reserve would not have a negative impact on our neighborhood. My evaluation and comments are not based in engineering calculations but instead actual day-to-day living in this neighborhood for the past 23 years. I can say, without a doubt, that our privately owned street HAS been negatively affected (and damaged) by the increased water runoff from the Reserve, even during "dry" days and seasons. On rainy days we are totally inundated with water runoff from the Reserve and all of this water is channeled through these subject parcels and then subsequently dumped onto our private street.

Thank you for your continued assistance and information.

Regards,
Steve

From: Paul Bingham <Pbingham@ci.escondido.ca.us>
To: Steve Marnella <sciplast@pacbell.net>
Sent: Tue, June 14, 2011 4:59:33 PM
Subject: RE: More on Case ENV11-0002

Hello Steve,
Thank you for both of your e-mails. Let me attempt quick answers to your latest two questions here.
1) Once the properties are annexed, they would be under City jurisdiction. While allowing up to a 6 bed facility is mandated by State law, anything above that requires a Conditional Use Permit that must go before the City's Planning Commission. Historically requests to put them in residential neighborhoods have failed.
2) In the City he cannot remove any native trees without first getting a Tree Removal Permit. We would study carefully what was requested in light of California CEQA law.
The revised conceptual development plan the applicant has put forward proposes the removal of some non-protected smaller Oaks and other existing non-native ornamentals. We understand that there is probably no way to develop either site and gain the necessary access to each without losing at least some. We have worked with the applicant's engineer and biologist to come up with a plan that greatly reduces the harm to larger and more sensitive Oaks growing there. In addition, the applicant will have to mitigate for the Oaks he does remove at either 1:1 or 2:1 ratio (depending on the caliper lost) with specimen sized oaks of the same species. In the end we are pushing for more Oaks, not less.
Thank you again for your comments. Copies will be given to the Planning Commissioners and the contents folded into the staff report I am currently writing.
Should you have any further questions or concerns, please feel free to contact me.
- Paul

-----Original Message-----
From: Steve Marnella [mailto:sciplast@pacbell.net]
Sent: Tuesday, June 14, 2011 2:47 PM
To: Paul Bingham
Subject: More on Case ENV11-0002

Hello Paul,

I have one more thought regarding the annexation application referred to as case no ENV11-0002. Would it be possible as a condition for approval to have the applicant agree in writing that:

1) He will not expand the board & care facility beyond 6 beds, and

2) He will not remove oak trees to facilitate development.

Thanks.

Steve Marnella

Paul Bingham

From: Paul Bingham
Sent: Tuesday, July 05, 2011 8:01 AM
To: 'Karen Thurman'
Subject: RE: 1029 Vereda Callada

Hi Karen,
I'm not sure what the bonding process is. That is something handled through our Engineering Dept.
They are the ones that are also requiring the driveway be built, so it would be best to contact them. The number there is 760-839-4651. Homi Namdari, the City Engineer who wrote the condition, can be reached at 760-839-4085.
Thanks,
Paul

From: Karen Thurman [mailto:pinkthurman@yahoo.com]
Sent: Thursday, June 30, 2011 6:32 PM
To: Paul Bingham
Cc: pink Thurman
Subject: 1029 Vereda Callada

Hi Paul.

This is Karen again. When you called me back today I forgot to ask you about obtaining a bond for the construction of Bernardo driveway stated on page 2, item #4 of your conditions for the driveway. What is the bond process and would a driveway still have to be built before annexation approval? I'd sure like to be present at this meeting next Wed.,

Regards,

Karen

Paul Bingham

From: Rozanne Cherry
Sent: Tuesday, July 19, 2011 9:34 AM
To: Jorge
Cc: Leroy Young; Paul Bingham; Homi Namdari
Subject: RE: Bernardo-Young Annexation PHG 09-0021, PHG 00922

Jorge,
I understand that Paul Bingham and Homi Namdari discussed your letter of July 6, 2011 at the meeting you attended with them on that same day. Further staff discussions have occurred regarding your comments and some revisions to the draft conditions of approval are being made. The conditions are also being adjusted to clearly indicate which conditions will apply depending on whether LAFCO will require the City to annex Vereda Callada or not. Paul will forward the revised conditions to you as soon as they are ready.

Regards,

Rozanne Cherry
Principal Planner
City of Escondido
201 N. Broadway
Escondido, CA 92025
760-839-4536
rcherry@escondido.org

From: Jorge [mailto:jp@jpeng.com]
Sent: Wednesday, July 13, 2011 12:09 PM
To: Rozanne Cherry
Cc: Leroy Young
Subject: Bernardo-Young Annexation PHG 09-0021, PHG 00922

Re: Bernardo-Young Annexation
PHG 09-0021, PHG 00922

Rozanne;

Have you been able to review our attached letter delivered to your office on July 6, 2011?

Your response is appreciated.

Sincerely,

Jorge H. Palacios, RCE

JP Engineering, Inc.
4849 Ronson Court, Suite 105
San Diego, CA 92111
858-569-7377
858-569-0830 Fax

jp@jpeng.com
www.jpeng.com

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4849 Ronson Court
Suite No. 105
San Diego, CA 92111
Tel 858.569.7377
Fax 858.569.0830
Web www.jpeng.com
Email jp@jpeng.com

July 6, 2011

Ms. Rozanne Cherry
Planning Division
City of Escondido
201 North Broadway
Escondido, CA 92025

RECEIVED
JUL 06 2011
PLANNING DIVISION

Re: Bernardo-Young Annexation
PHG 09-0021, PHG 09-0022

File Code: 881-09

Dear Ms. Cherry;

We have reviewed the enclosed draft Conditions of Approval for the proposed annexation referenced above, which were e-mailed to us by Mr. Paul Bingham of your department on June 23, 2011 and we have the following comments:

Planning

Condition No. 1:
There is an existing tool and storage shed in A.P.N. 238-400-12-00. There are not accessory buildings in A.P.N. 238-400-32-00. A lot tie agreement of A.P.N. 238-400-12-00 to A.P.N. 238-400-11-00 will prevent the current owner to sell the legal parcel , A.P.N. 238-400-12-00, to a future buyer for development of this parcel. The tool and storage shed in A.P.N. 238-400-12-00 has been used for over twenty years. The applicant feels that the shed should remain and if the City still insists on it being removed, it should be done with the issuance of the Building Permit for A.P.N. 238-400-12-00 and not with the annexation.

Condition No. 2:
No Comment.

Fire

Condition No. 1:
The applicant's conceptual development plan does not include closing the existing driveway currently connecting A.P.N. 238-400-11-00 with Vereda Callada. The applicant has agreed to create a new access driveway for this lot from Bernardo Avenue at the request of the City, to avoid annexation of Vereda Callada. A drive-thru will be a better solution for fire rather than a fire turn-around.

Engineering

Condition No. 1:
No Comment.

Condition No. 2:
Bernardo Avenue shall be improved to local collector street standards along each frontage of A.P.N.'s 238-400-12-00 and 238-400-32-00 as a condition of the Building Permit for each lot. Improvement plans shall be approved by the City Engineer and all improvements bonded for or constructed, prior to the issuance of the occupancy permit for each lot.

Condition No. 3:
The applicant does not want to give up the access rights to Vereda Callada prior to recordation of the annexation. The Development Plan is still conceptual and until the final construction plans are drawn, it is premature for the City to ask the applicant to give up the access rights with the recordation of the annexation. This issue should be dealt with the final building plans for A.P.N. 238-400-12-00. The applicant also contributes to the maintenance of Vereda Callada and he feels that he should still be entitled to use Vereda Callada for A.P.N. 238-400-11-00 and 238-400-12-00.

Condition No. 4:
The new driveway access from Bernardo Avenue to the existing house on A.P.N. 238-400-11-00 shall be constructed as a part of the building permit for A.P.N. 238-400-12-00 not prior to the recordation of the annexation.

Condition No. 5:
There is no need for an irrevocable offer of dedication to the City for 11 feet of right-of-way along Vereda Callada along the frontages of A.P.N. 238-400-11-00 and A.P.N. 238-400-12-00, since Vereda Callada is not being annexed to the City.

Condition No. 6:
This condition shall be deleted since the agreement of the new driveway access from Bernardo Avenue to A.P.N. 238-400-11-00 is for the purpose to not annex Vereda Callada to the City of Escondido. If LAFCO requires us to annex Vereda Callada to the City of Escondido, all of the above conditions would need to be revised or amended prior to annexation of the three (3) legal parcels.

Your consideration and response to the above request prior to our Planning Commission Hearing of July 26, 2011 will be appreciated.

Sincerely,
JP ENGINEERING, INC.

Jorge H. Palacios, RCE
Principal Engineer

JHP/jw

Enclosures

cc: Paul Bingham, Planning Division
Homi Namdari, Engineering Division
Fire Division
Leroy Young

"This copy of an earlier draft came with the applicant's 7/6/11 letter."

EXHIBIT "B"

DRAFT CONDITIONS OF APPROVAL

PHG 09-00021, PHG 09-0022

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.

2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.

3. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of $2,060.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of $50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Planning

1. The City of Escondido's Zoning Code does not allow accessory buildings alone on single family zoned lots. If accessory structure(s) still exist on the two lots APN 238-400-1200 and 238-400-3200 at the time of final LAFCO annexation approval, they must be removed; relocated to the lot with a single family residence; or a Lot-Tie agreement tying the non-conforming lot(s) to APN 238-400-1100 must be immediately applied for with the City of Escondido and the document recorded. In the event of a Lot-Tie, the subject lot(s) cannot then be sold, transferred or further developed until the accessory structure(s) have been removed and a Lot-Tie Rescission application approved and the document recorded.

2. Any improvements proposed for the lots will be evaluated for conformance with the mitigation measures identified in the Mitigated Negative Declaration (City log no. ENV11-0002) prepared for this project (see the Mitigation Monitoring's Attachment "A").

Fire

1. The applicant's conceptual development plan includes closing the existing driveway currently connecting APN 238-400-1100 with Vereda Callada and creating a new access driveway for this lot

from Bernardo Avenue and extending over a utility easement between APNs 238-400-1200 and 238-400-3200. The new driveway shall be to City Standards including a minimum 16' width with no parking, the grade not to exceed 20%, and shall include a fire turn-around acceptable to the City's Fire Department. Driveways with grades over 15% must be of Portland cement with a rough broom finish.

DRAFT ENGINEERING CONDITIONS OF APPROVAL

PHG 09-0021, PHG 09-0022

STREET IMPROVEMENTS AND TRAFFIC

1. All required street improvements shall be provided with adequate right-of-way and improved in accordance with the City of Escondido's Design Standards and SUSMP.

2. Bernardo Avenue shall be improved to Local Collector Street standards along the frontages of APNs 238-400-1200 and 238-400-3200, as a condition of first building permit for either lot. Improvement plans shall be approved by the City Engineer and all improvements bonded for, prior to the issuance of a building permit. All improvements shall be completed prior to the issuance of an occupancy permit for either lot.

3. Prior to recordation of the annexation, documents shall be submitted to and approved by the Engineering Department for the relinquishment of access rights to Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 1200, to be recorded concurrently with the annexation.

4. Upon final LAFCO approval of the annexation, grading plans for the new driveway access from Bernardo Avenue to the existing house on APN 238-400-1100 shall be submitted to and approved by the City's Engineering Department, and the driveway shall be constructed or a bond for the construction shall be provided, prior to the recordation of the annexation. These driveway improvements shall be designed to accommodate the future Bernardo Avenue street improvements.

5. Prior to recordation of the annexation, an Irrevocable Offer of Dedication to the City for 11 feet of right-of-way along Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 238-400-1200, shall be executed by the owner.

6. In the event that Vereda Callada is annexed to the City of Escondido, Vereda Callada shall be improved to Residential Street standards (half street +12') along APN 238-400-1100 and 238-400-1200 as a condition of annexation. Improvement plans shall be approved by the City Engineer and all improvements bonded for prior to completion of annexation. Improvements to Vereda Callada would also necessitate further environmental review.

▪ CIVIL ENGINEERING
▪ LAND PLANNING
▪ SURVEYING

ENGINEERING

4849 Ronson Court
Suite No. 105
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Tel 858.569.7377
Fax 858.569.0830
Web www.jpeng.com
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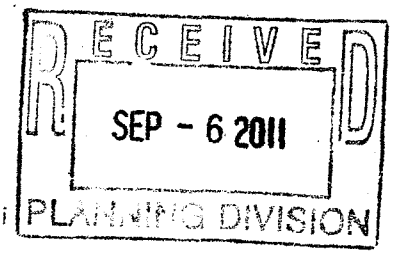
September 1, 2011



Mr. Paul Bingham
Planning Division
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: Bernardo-Young Annexation
PHG 09-0021, PHG 09-0022

File Code: 881-09

Dear Mr. Bingham;

We have reviewed the Conditions of Approval for the proposed annexation referenced above, which were included as Exhibit "B" of the previous Staff Report and on behalf of the owner, Young Family Trust, we have the following requests for your consideration:

General

Condition Nos. 1, 2 and 3:
No Comment

Planning

Condition No. 1:
There is an existing tool and storage shed in A.P.N. 238-400-12-00. There are not accessory buildings in A.P.N. 238-400-32-00. The tool and storage shed in A.P.N. 238-400-12-00 has been used for over twenty years. The applicant feels that the shed should remain and if the City still insists on it being removed, it should be done with the issuance of the Building Permit for A.P.N. 238-400-12-00 and not with the annexation. Another option is to allow the applicant to permit the existing shed with the future building permit for A.P.N. 238-400-12-00

Condition No. 2:
No Comment.

Utilities

Condition No. 1:
No Comment

Engineering - Street Improvements and Traffic

Condition No. 1:
No Comment.

Condition No. 2:
Vereda Callada is not a part of the City annexation and an offer of dedication should not be required prior to the annexation. The offer of dedication, if required, should be a part of a building permit, not of a City annexation.

Condition No. 3:
Bernardo Avenue shall be improved to local collector street standards along each frontage of A.P.N.'s 238-400-12-00 and 238-400-32-00 as a condition of the Building Permit for each lot instead of either lot. Improvement plans shall be approved by the City Engineer and all improvements bonded for or constructed, prior to the issuance of the occupancy permit for each lot instead of either lot.

Engineering

Condition No. 1:
Vereda Callada is not a part of the City Annexation. Relinquishment of access rights to Vereda Callada along the frontages of the two north parcels, A.P.N.'s 238-400-11-00 and 238-400-12-00 is premature and it shall not be required prior to annexation.

Condition No. 2:
The new driveway access from Bernardo Avenue to the existing house on A.P.N. 238-400-11-00 shall be conditioned to be built with the grading plans for the future building permit for A.P.N. 238-400-11-00 and not prior to the recordation of the annexation.

Fire

Condition No. 1:
The applicant's conceptual development plan does not include closing the existing driveway currently connecting A.P.N. 238-400-11-00 with Vereda Callada. The applicant has agreed to create a new access driveway for this lot from Bernardo Avenue at the request of the City, to avoid annexation of Vereda Callada. A drive-thru rather than closing the driveway at Vereda Callada will be a better solution for fire rather than a fire turn-around. The fire condition shall be reworded to include the 16' driveway from Bernardo Avenue to connect to the existing 16' driveway of A.P.N. 238-400-12-00 and should not include a fire turn-around.

Your consideration to this request will be appreciated.

Sincerely,
JP ENGINEERING, INC.

Jorge H. Palacios, RCE
Principal Engineer

JHP/jw

Enclosures

cc: Leroy Young

"This copy of Exhibit "B" came with the applicant's letter on 9/6/11."

EXHIBIT "B"

CONDITIONS OF APPROVAL
PHG 09-00021, PHG 09-0022

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.

2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.

3. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of $2,060.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of $50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Planning

1. Documentation or findings pursuant to Section 33-1241 shall be submitted to the Planning Division for any accessory structures, or additions to existing structures on the three lots being annexed, demonstrating that each was constructed legally in the County. Each structure without supporting documentation or findings must be removed prior to final annexation recordation.

2. Any improvements proposed for the subject lots will be evaluated for conformance with the mitigation measures identified in the Mitigated Negative Declaration (City log no. ENV11-0002) prepared for this project (see the Mitigation Monitoring's Attachment "A").

Utilities

1. The two vacant properties fronting Bernardo Avenue (APNs 238-400-1200 and 238-400-3200) will be required to submit a capacity study to the City's Utilities Division prior to development, which must demonstrate that enough remaining capacity exists to adequately serve these properties.

Engineering

STREET IMPROVEMENTS AND TRAFFIC

1. All required street improvements shall be provided with adequate right-of-way and improved in accordance with the City of Escondido's Design Standards and SUSMP.

2. Prior to recordation of the annexation, an Irrevocable Offer of Dedication to the City for 11 feet of right-of-way along Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 238-400-1200, shall be executed by the owner.

3. Bernardo Avenue shall be improved to Local Collector Street standards along the frontages of APNs 238-400-1200 and 238-400-3200, as a condition of first building permit for either lot. Improvement plans shall be approved by the City Engineer and all improvements bonded for, prior to the issuance of a building permit. All improvements shall be completed prior to the issuance of an occupancy permit for either lot.

The City of Escondido intends to approve the annexation request with its new jurisdictional boundary to include the adjacent portion of Bernardo Avenue but not Vereda Callada. The following conditions would apply to that configuration:

Engineering

1. Prior to recordation of the annexation, documents shall be submitted to and approved by the Engineering Department for the relinquishment of access rights to Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 1200, to be recorded concurrently with the annexation.

2. Upon final LAFCO approval of the annexation, grading plans for the new driveway access from Bernardo Avenue to the existing house on APN 238-400-1100 shall be submitted to and approved by the City's Engineering Department, and the driveway shall be constructed or a bond for the construction shall be provided, prior to the recordation of the annexation. These driveway improvements shall be designed to accommodate the future Bernardo Avenue street improvements.

Fire

1. The applicant's conceptual development plan includes closing the existing driveway currently connecting APN 238-400-1100 with Vereda Callada and creating a new access driveway for this lot from Bernardo Avenue and extending over a utility easement between APNs 238-400-1200 and 238-400-3200. The new driveway shall be to City Standards including a minimum 16' width with no parking, the grade not to exceed 20%, and shall include a fire turn-around acceptable to the City's Fire Department. Driveways with grades over 15% must be of Portland cement with a rough broom finish.

In the event that Vereda Callada is included in the annexation, the Engineering conditions #1 & #2 and Fire condition #1 (see above) shall be omitted and the following Engineering condition will be added:

1. Vereda Callada shall be improved to Residential Street standards (half street +12') along APN 238-400-1100 and 238-400-1200 as a condition of annexation. Improvement plans shall be approved by the City Engineer and all improvements bonded for prior to completion of annexation. Improvements to Vereda Callada would also necessitate further environmental review.

ESCONDIDO
City of Choice

CITY COUNCIL

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

Agenda Item No.: _____
Date: January 27, 2010

TO: Honorable Mayor and Members of the City Council

FROM: Jonathan Brindle, Director of Community Development

SUBJECT: Resolution to document initiation of an Out-of-Agency Sewer Service Agreement, Case number PHG09-0021.

RECOMMENDATION:

Adopt Resolution R2010-08 making application to LAFCO for an Out-of-Agency Sewer Service Agreement for connection to the City's sewer, 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 1.28 acre lot experiencing septic failure at 1029 Vereda Callada (APN 238-400-1100). The project was previously initiated for simple Annexation/Prezoning together with two other lots on September 23, 2009.

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 September 23, 2009, the City Council approved the initiation of an Annexation/Prezoning of an existing residence together with two adjacent unimproved residential lots also owned by the applicant. This decision was based on information provided in the previous staff report, which is attached. After further study, staff found the two vacant properties fronting Bernardo would be problematic to bring into the City and develop at this time due to a number of issues raised by Engineering, Planning and Utilities. The applicant has now received a letter from the County's Department of Environmental Health, documenting eminent failure of the existing residence's septic system on Vereda Callada and suggesting connection to public sewer, which is available in Bernardo Avenue.

The connection will cross the adjacent corner parcel (owned by the applicant) which will require a deed restriction or other mechanism to insure long term maintenance across the adjacent parcel. Because LAFCO now requires a resolution of action, staff is requesting that the Council adopt Resolution No. R2010-08 authorizing staff to make application to LAFCO for

an Out-of-Agency Service Agreement and to process an Irrevocable Offer of Annexation. This will solve the immediate problem with the failing septic system while allowing staff to continue working with the applicant to resolve the annexation issues associated with the two undeveloped lots.

Respectfully submitted,

Jonathan H. Brindle
Director of Community Development

Paul K. Bingham
Assistant Planner II

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

MITIGATED NEGATIVE DECLARATION

CASE NO.: ENV11-0002

DATE ISSUED: July 3, 2011

PUBLIC REVIEW PERIOD: July 3, 2011 through July 25, 2011

PROJECT DESCRIPTION: The proposed annexation and prezoning of three properties totaling approximately 3.42 acres. The 1.04 acre lot addressed as 2950 Bernardo Avenue (APN 238-400-3200) is vacant. The 1.28 acre lot addressed as 1029 Vereda Callada (APN 238-400-1100) is fully developed with a residence and the adjacent 1.1 acre lot directly to the west (APN 238-400-1200) is vacant except for two outbuildings. Prezoning designation for this area will be PZ-RE-40 (40,000 SF minimum lot size).

LOCATION: Along the east side of Bernardo Avenue, just south of the intersection of Bernardo Avenue and Vereda Callada, addressed as 2950 Bernardo Avenue (APN 238-400-3200), 1029 Vereda Callada (APN 238-400-1100) and a third unaddressed lot on Bernardo to the west (APN 238-400-1200).

APPLICANT: The Young Family Trust

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

Findings: The findings of this review are that the Initial Study identified potentially significant impacts associated with existing native vegetation and the grading needed for development. However, mitigation measures incorporated into the project, and agreed to by the applicant, would reduce impacts to a less than significant level.

Paul K. Bingham
Assistant Planner II

FILED
Ernest J Dronenburg, Jr., Recorder County Clerk
JUN 30 2011
BY L. Kesian DEPUTY

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on JUN 30 2011
Posted JUN 30 2011 Removed
Returned to agency on
Deputy L. Kesian

CITY OF ESCONDIDO
Planning Division
201 North Broadway
Escondido, CA92025-2798
(760) 839-4671
www.ci.escondido.ca.us

Environmental Checklist Form (Initial Study Part II)

1. Project title and case file numbers: Bernardo-Young Annexation, PHG 09-0021, Pre-Zone PHG09-0022, and Mitigated Negative Declaration ENV11-0002.

2. Lead agency name and address: City of Escondido, 210 N. Broadway, Escondido, CA 92025

3. Lead agency contact person name, title, phone number and email: Paul K. Bingham, 760-839-4306

4. Project location: Along the east side of Bernardo Avenue, just south of the intersection of Bernardo Avenue and Vereda Callada, addressed as 2950 Bernardo Avenue (APN 238-400-3200), 1029 Vereda Callada (APN 238-400-1100) and a third unaddressed lot on Bernardo to the west (APN 238-400-1200).

5. Project applicant's name, address, phone number and email: Leroy Young, Trustee of the Young Family Trust, P.O. Box 84450, San Diego, CA 92138 , 858-337-4707.

6. General Plan designation: Estate I, which allows up to 1 du/ac.

7. Zoning: 1 acre residential lots with County zoning for the development of single-family residences.

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

   The proposed annexation and prezoning of three properties totaling approximately 3.42 acres. The three lots would also be detached from County Service Area No. 135 and the Rincon Del Diablo Fire Protection District. The 1.04 acre lot addressed as 2950 Bernardo Avenue (APN 238-400-3200) is vacant. The 1.28 acre lot addressed as 1029 Vereda Callada (APN 238-400-1100) is fully developed with a residence and the adjacent 1.1 acre lot directly to the west (APN 238-400-1200) is vacant except for two outbuildings. Prezoning designation for this area will be PZ-RE-40 (40,000 SF minimum lot size).

9. Surrounding land uses and setting (briefly describe the project's surroundings):

   Other similarly zoned 1 acre+ residential lots, some developed with single family residences and some still vacant with disturbed Oak woodland.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

    San Diego LAFCO must approve the proposed annexation request before any City authorized development can take place.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Geology and Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.

☒ I find that, although the proposed project might have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made, or agreed to, by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.

☐ I find that the proposed project might have a significant effect on the environment and/or deficiencies exist relative to the City's General Plan Quality of Life Standards, and the extent of the deficiency exceeds the levels identified in the City's Environmental Quality Regulations pursuant to Zoning Code Article 47, Section 33-924 (b), and an ENVIRONMENTAL IMPACT REPORT shall be required.

☐ I find that the proposed project might have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect: a.) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and b.) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT shall be required, but it shall analyze only the effects that remain to be addressed.

☐ I find that, although the proposed project might have a significant effect on the environment, no further documentation is necessary because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.

Signature	Date
Paul K. Bingham, Assistant Planner II	
Printed Name and Title	

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. This section evaluates the potential environmental effects of the proposed project, generally using the environmental checklist from the State CEQA Guidelines as amended and the City of Escondido Environmental Quality Regulations (Zoning Code Article 47). A brief explanation in the Environmental Checklist Supplemental Comments is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take into account the whole action involved, including off-site, on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts and mitigation measures. Once the lead agency has determined that a particular physical impact might occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. The definitions of the response column headings include the following:

   A. "Potentially Significant Impact" applies if there is substantial evidence that an effect might be significant. If there are one or more "Potentially Significant Impact" entries once the determination is made, an EIR shall be required.

   B. "Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 2 below, "Earlier Analyses," may be cross-referenced). Measures incorporated as part of the Project Description that reduce impacts to a "Less than Significant" level shall be considered mitigation.

   C. "Less Than Significant Impact" applies where the project creates no significant impacts, only less than significant impacts.

   D. "No Impact" applies where a project does not create an impact in that category. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. Earlier Analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   A. Earlier Analysis Used. Identify and state where it is available for review.

   B. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of an adequately analyzed earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   C. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

3. Lead agencies are encouraged to incorporate references to information sources for potential impacts into the checklist (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

4. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

5. The explanation of each issue should identify the significance of criteria or threshold, if any, used to evaluate each question, as well as the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I.	**AESTHETICS.** Would the project:				
	a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
	b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
	c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
	d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
II.	**AGRICULTURAL RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
	a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency or (for annexations only) as defined by the adopted policies of the Local Agency Formation Commission, to non-agricultural use?	☐	☐	☐	☒
	b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
	c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☒	☐
III.	**AIR QUALITY.** Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
	a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐
IV. BIOLOGICAL RESOURCES: Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e. Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V.	**CULTURAL RESOURCES.** Would the project:				
	a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
	b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
	c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
	d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI.	**GEOLOGY AND SOILS.** Would the project:				
	a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
	i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
	ii. Strong seismic ground shaking?	☐	☐	☒	☐
	iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	iv. Landslides?	☐	☐	☒	☐
	b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
	c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☒	☐
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?	☐	☐	☒	☐
b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially depleting groundwater supplies or substantially interfering with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?	☐	☐	☒	☐
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?	☐	☐	☒	☐
e. Cause significant alteration of receiving water quality during or *following construction*?	☐	☐	☒	☐
f. Cause an increase of impervious surfaces and associated run-off?	☐	☐	☒	☐
g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h. Cause potentially significant adverse impact on ground water quality?	☐	☐	☒	☐
i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?	☐	☐	☒	☐
j. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	☐	☐	☒	☐
k. Create or exacerbate already existing environmentally sensitive areas?	☐	☐	☒	☐
l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?	☐	☐	☒	☐
m. Impact aquatic, wetland or riparian habitat?	☐	☐	☒	☐
n. Otherwise substantially degrade water quality?	☐	☐	☒	☐
o. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
r. Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐
X. LAND USE PLANNING. Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐
XI. MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?	☐	☐	☐	☒
XII. NOISE. Would the project result in:				
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XIV. PUBLIC SERVICES. Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii.Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐
XV. RECREATION. Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI.	**TRANSPORTATION/TRAFFIC.** Would the project:				
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	☐	☐	☒	☐
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e.	Result in inadequate emergency access?	☐	☐	☒	☐
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐
XVII.	**UTILITIES AND SERVICE SYSTEMS.** Would the project:				
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c.	Require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e. Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐
XVIII. **MANDATORY FINDINGS OF SIGNIFICANCE.** Would the project:				
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range, of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒
d. Where deficiencies exist relative to the City's General Plan Quality of Life Standards, does the project result in deficiencies that exceed the levels identified in the Environmental Quality Regulations {Zoning Code Section 33-924 (a) }?	☐	☐	☐	☒

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

MITIGATED NEGATIVE DECLARATION

(Case No.: ENV11-0002)

ENVIRONMENTAL CHECKLIST SUPPLEMENTAL COMMENTS

INTRODUCTION

This **Mitigated Negative Declaration (MND)** assesses the environmental effects of the proposed project involving the proposed annexation and pre-zoning of three properties on approximately 3.42 acres of land, addressed as 2950 Bernardo Avenue (APN 238-400-3200), 1029 Vereda Callada (APN 238-400-1100) and an adjacent unaddressed lot also fronting Bernardo Avenue (APN 238-400-1200).

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

The detailed Supplemental Comments included in this document identifies and evaluates physical impacts to the environment associated with developing or implementing the proposed project based on preliminary review of a variety of environmental factors identified in the attached Environmental Checklist. In analyzing the project it has been determined that impacts related to vegetation removal would occur. Based on information and documentation incorporated in the analysis, it has been concluded that this Initial Study warrants issuing a Mitigated Negative Declaration (MND). The MND acknowledges that certain aspects of the project would cause significant impact(s) on the environment but those impacts would be reduced to an acceptable level by incorporating Mitigation Measures. As provided by CEQA, the City of Escondido will act as a responsible agency because of its role in reviewing and potentially approving or issuing permits for the project.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the **Mitigated Negative Declaration (MND)** in writing before the end of the 20-day public review period starting on July 3, 2011 and ending on July 25, 2011. Written comments on this environmental document shall be submitted to the following address by 5:00 p.m. July 25, 2011. Following the close of the public comment review period, the City of Escondido will consider this **Mitigated Negative Declaration (MND)** and all received comments in determining the approval of this project.

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

Contact: Paul Bingham, Planner
Telephone: (760) 839-4306
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A hard copy of this document and any associated plans and/or documentation are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division

DETAILED PROJECT DESCRIPTION / LOCATION

The proposal involves the pre-zoning and annexation of three properties, each just over 1 acre in size, totaling approximately 3.42 acres of land. The properties are addressed as 2950 Bernardo Avenue (APN 238-400-3200), 1029 Vereda Callada (APN 238-400-1100) and the unaddressed parcel on the southeastern corner of Bernardo Avenue and Vereda Callada (APN 238-400-1200). The lot addressed as 1029 Vereda Callada is fully developed with an existing single-family residence and ornamental landscaping. The remaining two parcels which front Bernardo Avenue are mostly undeveloped, except for a few outbuildings, and the natural cover remaining on both having been disturbed by human activity.

It is proposed that the three properties be pre-zoned as PZ-RE-40 (Residential Estates, Single-Family, 40,000 SF minimum lot size), consistent with the City of Escondido's General Plan designation of one acre residential lots and the County's General Plan of Residential 2 (1 du/acre). Annexation to the City of Escondido would involve the detachment from County Service Area (CSA) No. 135 and the Rincon Del Diablo Fire Protection District (RDDFPD). RDDFPD fire protection is currently provided to this area by agreement by the City of Escondido via its Fire Station #5, therefore no actual change to fire services to the three subject properties would actually take place. Water service would continue with Rincon Del Diablo Municipal Water District. Sewer services will be provided by the City of Escondido by attaching to the existing City sewer line in Bernardo Avenue.

With Local Area Formation Commission (LAFCO) approval in April, 2010, the property at 1029 Vereda Callada was allowed to connect to City sewer through an Out of Agency Service Agreement and is already connected to the City's sewer service. It has been determined that the two undeveloped lots fronting Bernardo Avenue also cannot be adequately served by septic systems due to a high water table.

These two lots along Bernardo Avenue are anticipated to be developed in the future with single-family residential units. A conceptual design for grading and residential unit pad creation has been submitted and reviewed for consistency with the RE-40 zoning code development standards which will apply. These properties will both take access off of Bernardo Avenue and full street improvements along the eastern side of Bernardo Avenue would have to be completed to City standards. The grading and utilities improvements required for constructing residential units on these two properties will necessitate the removal of some native vegetation. The impact to these two properties has been evaluated by Pacific Southwest Biological Services, Inc. It is not anticipated that any Grading Exemptions will be necessary. No existing structures of any historical value will need to be removed.

The subject properties do not include any Open Space areas, trails, recreation facilities, Landscape Maintenance District areas or oversight by any existing HOAs. Overhead utilities do exist along the eastern side

of Bernardo Avenue and may be subject to undergrounding requirements once the two vacant residential lots develop.

ANICIPATED PUBLIC MEETINGS/HEARINGS:

-Planning Commission:
The proposal is tentatively scheduled for Planning Commission consideration on July 26, 2011. A separate public hearing notice will be mailed confirming the Planning Commission time and date.

PROJECT ENVIRONMENTAL SETTING
The subject properties have been utilized as a private residence with appurtenant structures and contain largely intact Coast live oak Woodland with the understory removed. The overall appearance is rural suburban, with the existing single-family dwelling having been built in 1969. Surrounding dwellings to the north, east and south have similar ages. The lot sizes are mostly 1 acre or larger, which is consistent with the County's Residential II General Plan designation. County zoning is A-70, denoting limited agriculture and 1 dwelling unit per acre density. A Planned Development across Bernardo Avenue to the west is within the City of Escondido and most of the subdivision lots there are smaller than ½ acre each. Access to the existing residence addressed as 1029 Vereda Callada is from Vereda Callada via a long private gated driveway.

Surrounding properties rely on on-site septic systems. The house at 1029 Vereda Callada is currently served by City sewer, having obtained an emergency Out of Agency Sewer Service Agreement April 5, 2010. A covenant was also recorded at that time allowing a private sewer line to be installed between the two subject properties along Bernardo Avenue so that the existing residence can connect to the City's sewer line. Because of high water table conditions on the three subject properties, it has been determined that septic systems will not be viable on any of them. Water service to the properties is provided by Rincon Del Diablo MWD. Existing overhead lines along the eastern side of Bernardo Avenue supply the subject site with other utilities.

The zoning and land uses adjacent to the proposed development area are as follows:
North: Across Vereda Callada the properties are County zoned A-70 (limited agriculture, 1 du/acre) and have small orchards and single-family dwellings on 1-acre or larger lots.
South: The properties are County zoned A-70 (limited agriculture, 1 du/acre) and have single-family dwellings on 1-acre or larger lots.
East:. The properties are County zoned A-70 (limited agriculture, 1 du/acre) and have single-family dwellings on 1-acre or larger lots.
West: Across Bernardo Avenue (a Local Collector roadway) are two ornamentally landscaped public Open Space properties which serve as detention basins for the Queen's Gate Planned Development (PD-R). The detention basins and subdivision are within the City of Escondido and the zoning is PD-R-1.22 (single-family residential – 1.22 du/acre on lots between ½-acre to 1-acre in size).

I. LAND USE PLANNING AND AESTHETICS

Significance Criteria and Impact Analysis
The effects of a project on existing or planned land uses are considered significant if the proposed project would:
a. Physically divide an established community;

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

The City of Escondido General Plan designates the proposed project site as Estate I, which allows single family residential estate development, and is to be pre-zoned RE-40 (Residential Estates, 40,000 SF minimum lot size). The project is surrounded by ½-acre to 1-acre lots. From a land use perspective no adverse impacts from the project, and off-site improvements are anticipated because these existing lots to be annexed do not exceed the density or character of development already anticipated in the City's General Plan. The proposed project would not disrupt or divide the physical arrangement of the area because no change in lot configurations are proposed. Access to the subject site's three lots currently are provided by Bernardo Avenue and Vereda Callada. Bernardo Avenue will have a 66' R.O.W, which is a public roadway. The street is identified on the City's Circulation Element as a 42'/66' Local Collector. Development of the project and proposed improvements would not adversely alter or impact the existing circulation pattern throughout the surrounding neighborhood, nor preclude the development of surrounding parcels because the segment of road adjacent to the project would be improved to its full width. The project's construction also would not create any new land use barriers, or otherwise divide or disrupt the physical arrangement of the surrounding community because no new lots or roadways would be created. Further, the configuration of the areas' existing street network and sidewalks would not be affected by the project because no increased density beyond that already anticipated would occur. Adequate public facilities are available and water and sewer service can be provided to the project with nominal extension of nearby existing facilities.

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

The proposed project would not conflict with applicable environmental plans since the subject site do not contain any sensitive species/habitat, or any area designated for preservation (as indicated on the latest MHCP maps) or any other conservation planning area. The removal of any mature trees would be replaced in conformance with the Escondido Zoning Code Article 55 with specimen sized trees at a minimum 1:1 ratio and protected trees at a minimum 2:1 ratio.

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

The 3-lot subject site slopes from 665 to 610 with an elevation change of 55 feet across the site. There are no significant visual resources or any significantly prominent topographical features as identified in the City's General Plan or Area Plans. The property is not located on a ridgeline identified in the Community Open Space/Conservation Element of the General Plan. Development of the proposed use and off-site improvements would not significantly alter the developed character of the site nor adversely impact any scenic views through and across the property. Existing vegetation would be replaced by new landscaping. The project would not damage any significant scenic resources within a designated State scenic highway or create an aesthetically offensive site open to the public since the site is not located along a State scenic highway and the property would be developed with single family residential development in accordance with the underlying General Plan land-use designation. A moderate amount of grading is proposed for the site and any grading and subsequent compaction of the site, as necessary, will be per City standards (Article 55, Escondido Zoning Code) to the satisfaction of the City Engineer.

Cumulative Impacts: Existing and planned developments have altered and would continue to alter the existing landforms and visual setting throughout the general project area. However, given the existing, approved and proposed development pattern in the project area, as well as what is anticipated in the General Plan buildout, the change in the visual setting would not represent a significant individual or cumulatively significant impact.

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

Development of the subject site would create some additional sources of light and glare in the area. The primary source of light would be from typical on-site residential lighting. All proposed lighting near adjacent properties would be designed to minimize the overflow of light onto off-site areas. Compliance with the City's Outdoor Lighting Ordinance would ensure that impacts related to light and glare, resulting from development of the site, are less than significant.

II. AGRICULTURE RESOURCES

Significance Criteria and Impact Analysis

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

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

The project site is within a residential area and under County A-70 zoning, limited agriculture is also permitted. The site is not listed as Prime Agricultural Lands as identified in the General Plan Final EIR, which was prepared for the City's most recent General Plan revisions in 2000. The site does not appear to have been used for agricultural purposes, however it is not involved in a Williamson Act Contract or other agricultural land contract. Therefore, the proposed development would not result in significant individual or cumulative impacts to agricultural resources.

III. TRANSPORTATION/TRAFFIC

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

1. *Causes the level of service (LOS) of a circulation element street to fall below a mid-range of LOS "D" and /or adds more than 200 ADT to a circulation element street with a LOS below the mid-range "D" yet above LOS "F". According to the Escondido General Plan, the minimum acceptable LOS is "C";*

2. *Exceeds, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways;*

3. *Results in a change of air traffic patterns, including either an increase in traffic levels or in a location that results in substantial safety risks or increased hazards due to a design feature; or,*

4. *Results in inadequate emergency access or parking capacity, or conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).*

5. *General Plan Circulation Policy D2.3 states that: "...Due to the physical design characteristics, environmental resource considerations, existing development, freeway interchange impacts and incomplete system improvements, level of service "C" may not be feasible in all areas at all times. However, level of service "C" should be pursued in the ultimate implementation of the circulation system."*

Project Impacts – Two of the three lots front onto and take access from Bernardo Avenue, the third from Vereda Callada. The Engineering Department indicated the proposed project would not result in a significant direct impact to the existing levels of service on the adjacent streets since a stable flow of traffic is maintained along the street segments. The Engineering Department also indicated the proposed project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels of service on any of the adjacent roadways or intersections since the project would not add 200 additional trips to a circulation element street with a service level below the mid-range of LOS D, and the v/c ratio would not increase more than 0.02.

Design Features/Hazards/Emergency Access – The proposed development would not result in inadequate emergency access, as determined by the Fire Department. Emergency and non emergency response times of the Escondido Fire Department would remain the same with the proposed development. Appropriate sight distance along Bernardo Avenue would be provided at the project driveways. The driveway from 1029 Vereda Callada is already existing and would not change.

Off-Site Improvements – The project proposes off-site circulation improvements involving installing curb, gutter and sidewalks along the eastern side of Bernardo Avenue in order to facilitate adequate access to the property and to address appropriate circulation.

Cumulative Impacts – The above traffic data indicated the project would not result in any significant direct or cumulative impact to the Levels-of-Service of the adjacent road segments and intersections. The project is subject to all citywide development and traffic impacts fees at the time of building permit issuance to offset project related impacts.

Temporary Construction Traffic – Temporary construction-related traffic impacts would occur during grading and construction activities. Moderate grading is anticipated to prepare the site and equipment used for grading and excavation generally would remain on site and would not contribute to a substantial increase in traffic. Approximately 385 truck loads would be anticipated over the course of the grading operations to bring in the fill material to the site. Additional traffic would be associated with employee trips to and from the site, equipment delivery and removal, and other related activities. Potential impacts from hauling and construction operations would be avoided by requiring the project proponent to coordinate and implement safety/traffic control measures with the City that minimize potential conflicts. All measures would be implemented prior to the onset of construction activities.

On-Site Parking – Appropriate on-site parking would be provided for each phase of the project. On-street parking along Vereda Callada would continue to be provided.

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

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

IV. AIR QUALITY

Significance Criteria and Impact Analysis

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

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

City of Escondido Significance Criteria:

Project related impacts exceeding any of the following South Coast Air Quality Management District (SCAQMD) daily emissions criteria can be considered significant:

- *Carbon Monoxide (CO)* — *550 lbs*
- *Reactive Organic Gases (ROG)* — *55 lbs*
- *Oxides of Nitrogen (NOx)* — *55 lbs*
- *Fine Particulate Matter (PM)* — *150 lbs*

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

For long-term emissions, the direct impacts of a project can be measured by the project's consistency with regional plans to improve and maintain air quality. Local air-quality impacts are directly related to the number of vehicle trips and operation levels on adjacent streets and intersections. For planning purposes, the APCD assumed the City's General

Plan designation of E1 in calculating the air quality impacts. According to CEQA Guidelines, a project normally is considered to have a significant air quality impact if it violates any ambient air quality standard, contributes substantially to an existing or projected air-quality violation, or exposes sensitive receptors to substantial pollution concentrations.

Project-Related Impacts – Long-term emissions are related to the amount of vehicular traffic generated by the project. The Engineering Department indicated the anticipated additional trips (24 ADTs) generated from the two future residences would not significantly impact the existing Levels of Service on the adjacent streets or intersections. Therefore, the anticipated daily emissions would not exceed local or South Coast Air Quality Management District (SCAQMD) daily emissions criteria. Since the project would not deteriorate the level of service on adjacent streets and intersections, and is not anticipated to exceed SCAQMD thresholds of significance, the project would not result in a significant impact to local or regional air quality. While the proposed project would have an incremental impact to basin-wide air-quality, the individual impacts attributed to the project are immeasurably small on a regional scale and would not cause ambient air-quality standards to be exceeded on a regional scale. Therefore, the project will not have a significant impact on air quality and no mitigation measures are required.

Construction-Related Emissions

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

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

Typical earthwork operations would include clearing, grubbing, building demo, and general pad formation and construction of retaining walls. Proposed grading for the two future residences consists of approximately 406 cubic yards of cut and approximately 4,980 cubic yards of fill, with import of approximately 4,574 cubic yards of material. Construction equipment primarily would be utilized in an incremental fashion over the course of construction. Due to the relatively small amount of grading anticipated and small size of the project, no significant earthwork or diesel truck impacts are anticipated. Approximately 385 truck loads would be anticipated over the course of the grading operations to bring in the fill material to the site. Maximum daily emissions of NOx during construction periods are not projected to exceed City thresholds or APCD standards based on similar studies performed for similar size grading operations.

Construction activities also are a source of fugitive dust emissions that may be a substantial, but temporary impact on local air quality. Dust from grading and other site preparation would generate particulate matter emission. With appropriate use of grading and operation procedures (in conformance with APCD Best Management Practice for dust control), the project would not generate significant particulate matter or dust. The City of Escondido Grading Ordinance and erosion control requirements include provisions for dust control to reduce impacts to air quality during grading and construction activities. At a minimum, these ordinances and provisions require projects to perform regular watering and timely revegetation of disturbed areas to minimize the dust and airborne nuisance impacts to off-site receptors.

Emissions from construction equipment, worker and delivery and material-hauling trucks, and construction-related power consumption would be temporary and would result in an extremely small contribution to the SDAB and therefore would not result in a significant impact. Operations emissions come from area sources, including

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

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

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

Odors - During construction, diesel equipment operating at the site may generate some nuisance odors. However, due to the temporary nature of construction, odors associated with project construction would not be considered significant.

Global Climate Change - Global climate change alleged to be caused by greenhouse gases (GHG) is currently one of the important and widely debated scientific, economic, and political issues in the United States. Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. With the adoption of AB 32, the California Global Warming Solutions Act of 2006, the State of California has determined that global warming proposes a serious threat to the State's economy, public health and environment. As such, actions which may contribute to global warming are beginning to be addressed in CEQA documents. The adopted legislation defines the greenhouse gasses to be considered and regulated as follows: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

An individual project of this scale and nature would not generate enough greenhouse gas emissions to significantly influence global climate change. Greenhouse gas emissions occur in a worldwide system and the project does participate in this potential impact through its incremental contribution, which is combined with the cumulative increase of all other sources of greenhouse gases. There currently are no published thresholds for measuring the significance of a project's cumulative contribution to global climate change. The State of California currently is working to define the greenhouse gas inventory which existed in 1990 to provide a statewide benchmark against which to measure progress. Once that inventory is determined, AB 32 measures future acceptable emissions against that standard over a period of several years. Although the incremental contribution to CHG is not considered significant due to the relatively small size and potential for impacts from the project, newer projects throughout the City of Escondido continue to implement certain California Air

Resources Board Greenhouse Gas Emission Reduction Strategies.

V. BIOLOGICAL RESOURCES

Significance Criteria and Impact Analysis

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

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

The 3.42-acre site has been disturbed and all native understory plant cover has been removed from the project site through past urban uses. The site does not contain any sensitive or protected habitat or animal species. Mature trees on the site consist of native Coastal Live Oaks (Quercus agrifolia), Mesa Oaks (Quercus engelmannii) and various other non-native landscape tree species. Two existing Mesa Oaks, which are designated as a vulnerable species by the California Department of Fish & Game, will not be effected by the project. Eighteen (18) smaller Coast Live Oak trees will be removed and/or adversely affected by the development of the subject site. The City of Escondido's Grading Ordinance (Article 55) requires that the removal of any Oak tree with a trunk caliper of 4 inches or greater as measured 4.5 feet from grade must be replaced at a ratio of 1:1 and any Oak tree with a trunk caliper of 10 inches or above must be replaced at a 2:1 ratio with specimen-sized trees. The development of the proposed project would not conflict with the provisions of an adopted or proposed Habitat Conservation Plan. A review of the City's draft MHCP planning efforts indicates that the project site is not considered biologically significant or strategically located to warrant being included in a regional or local natural open space preserve.

No plant or animal species recognized as threatened or endangered by the U.S. Fish and Wildlife Service, or California Department of Fish and Game are located or anticipated to be present within the proposed development area as indicated in reports and addenda dating from July 13, 2010, November 10, 2010, December 23, 2010 and February 17, 2011 prepared by R. Mitchel Beauchamp (for Pacific Southwest Biological Services, Inc.) who assessed the site. The property is not listed as an open space corridor or animal migration corridor on any City open space planning maps, nor is the site listed on the City' Parks, Trails and Open Space Plan, or any local or regional plan. No drainage courses meeting the standards of Jurisdictional Waters exist on the subject property. No Resource Agency permits would be required for the proposed development since the project would not remove any protected or endangered habitats or species.

MITIGATION MEASURES

The applicant must submit grading plans and landscaping plans demonstrating:
(1) by the use of retaining walls or other devices that no grade changes will occur around any remaining Coast Live Oak or Mesa Oak trees within 1 foot of their driplines; (2) that no drainage courses will be diverted into or away from those dripline protected zones; and, (3) that replacement Coast Live Oak trees will be planted of sufficient size and on a 1:1 or 2:1 ratio for all such trees lost to grading to the satisfaction of the Director of Community Development and consistent with Article 55. The replacement trees are to be planted with temporary irrigation installed to the satisfaction of the Director of Community Development. Therefore, with these mitigation measures, potential impacts will be less than significant.

VI. CULTURAL RESOURCES

Significance Criteria and Impact Analysis

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

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

The site's current condition is suburban and there are no cultural or historically sensitive resources located on the site as identified in a report prepared July 23, 2010 by Brian F. Smith & Associates, Inc. There are no structures located on the site that are over 50 years old. The project site has been significantly disturbed by previous development. No significant archaeological or paleontological impact has been identified for the project site and no prehistoric resources have been previously recorded on the project site. The City of Escondido General Plan EIR (1990) does not include the project site in areas identified as having potential paleontological resources. The site does not appear to contain any indicators of significant cultural resources or geologic features. The site also does not contain any resources listed on the City's Historic Sites. Therefore, the project would not result in a significant impact to cultural resources.

VII. GEOLOGY AND SOILS

Significance Criteria and Impact Analysis

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

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

iii. Seismic-related ground failure, including liquefaction; or,
iv. Landslides.

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

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

The topography of the site generally slopes and drains from west to east. Elevations on the site range from between 665 and 655 feet on the west, and 610 feet on the east. The soils in this project area are classified as Fallbrook sandy loam, Visalia sandy loam and Wyman loam. Proposed grading consists of approximately 406 cubic yards of cut and approximately 4,980 cubic yards of fill, with import of approximately 4,574 cubic yards of material.

Based on evaluations of the existing septic system on the lower lot (1029 Vereda Callada), the site does contain high groundwater. If any potential groundwater or drainage issues are encountered they are effectively addressed through appropriate grading and drainage techniques/improvements. Due to the geologic characteristics of the site and the proposed grading it is anticipated that blasting will not be required. Any blasting that would occur would comply with the City's Blasting Ordinance. The proposed development would not result in any substantial soil erosion or the loss of topsoil because all areas not developed with structures, paving or hardscape would be landscaped. Appropriate compaction of the site would be required to support the proposed buildings and other improvements. Appropriate on-site drainage facilities would be constructed in conformance with the city's grading and storm water provisions. Other potential geologic hazards such as tsunamis, seiches, liquefaction or should be considered to be negligible or nonexistent. Grading and development of the site would be constructed in conformance with any recommendations of a final soils and engineering report, and therefore a significant geology and soils impact would not occur.

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

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

Significance Criteria and Impact Analysis

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

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

The project would be required to comply with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. Due to the nature of the project and the lack of hazardous materials associated with the proposed development, the project would not result in the creation of any health hazards nor would it involve a risk of an explosion or the release of hazardous substances since there would be no hazardous substances associated with the project. The site is not listed in any of the searched regulatory databases.

No significant odors, pools of liquid, significantly stained soils, indicators of underground storage tanks, pits or ponds were observed on the site. No evidence or indication of releases of petroleum hydrocarbons, heavy metals, hazardous chemicals, or other "recognized environmental conditions" have been revealed at the subject site in its present or previous conditions. Development of the site would not involve the routine transport, use, or disposal of hazardous materials. The project does not involve the use or storage of hazardous materials that would result in a reasonably foreseeable upset or accident conditions. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Water for the site would be provided by the Rincon Del Diablo Municipal Water District from existing mains located within the adjacent streets/easements. No groundwater wells would be used to supply water for the site. Accordingly, the project will not create a significant risk of upset or hazard to human health and safety.

e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, impacts would occur if the project results in safety hazard for people residing or working in the project area; or,*
f. *For a project within the vicinity of a private airstrip, the project results in a safety hazard for people residing or working in the project area; or,.*
g. *Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or,*
h. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

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

Based on interviews and comments from the Police and Fire Departments the project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan. The proposed development is not expected to result in the need for additional emergency and fire facilities. The project would be required to comply with all applicable Fire, Building, and Health and Safety Code, which would eliminate any potential risk of upset.

The City Fire Department has indicated their ability to adequately serve the proposed project. The project would not expose people or structures to a significant risk of loss, injury or death involving wild fires since the site is in an urban setting and would be irrigated. The project is not located within an identified Fire Hazard Area as indicated on Figure 5.7.2 of the 2000 General Plan Update EIR.

IX. HYDROLOGY AND WATER QUALITY

Significance Criteria and Impact Analysis

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

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

l. *Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters; or,*
m. *Impact aquatic, wetland or riparian habitat.*

The site topography ranges from 665 feet in the west to 610 feet in the east. Runoff from the site currently drains toward the east. The Engineering Division indicated the proposed increase in drainage is not considered significant and would not pose any adverse impacts to downstream facilities. The project would be required to comply with National Pollution Discharge Elimination System (NPDES) standards; consequently, the Engineering Department has determined that runoff from the project would not be considered significant and the project would not materially degrade the existing drainage facilities. The City would provide sewer and water service from mains located within the adjacent street or easements; consequently, no significant impact is expected to occur to the groundwater table. The project is outside the 100-year flood plain area as identified on current Flood Insurance Rate Maps (FIRM). Therefore, the project site is not subject to potential flooding, landslides or mudflows.

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

The project would not withdraw groundwater or interfere with groundwater recharge and groundwater table level. Grading operations associated with the project development are not expected to impact groundwater or be a factor during removal and any recompaction onsite. Water service to the site would be provided by Rincon Water. Standard BMPs would be implemented during construction to adequately control erosion and siltation impacts to a less than significant level. The development of the site would not cause any diversion to or from the existing watershed. Proper use of erosion and sediment control measures as well as BMPs (which are standard requirements as part of the grading permit) would reduce potential water quality impacts to less than significant. The project does not include activities that would discharge pollutants into groundwater aquifers.

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

The project site is located outside the 100-year flood zone according to SanGIS. Therefore, no structures would impede or redirect flood flows. The project does not propose to construct a levee or dam and would not otherwise expose people or structures to a significant risk of flooding. The project does not include activities that would increase the risk of inundation by seiche, tsunami, or mudflow. Therefore, the project will have a less than significant impact on hydrology and water quality.

X. MINERAL RESOURCES

Significance Criteria and Impact Analysis

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

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

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

XI. NOISE

Significance Criteria and Impact Analysis

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

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

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

The project site is not located adjacent to a projected 1990 noise contour of 60 dB or greater. Therefore exterior noise measures would not be required for the proposed project. General Plan Noise Policy E1.2 states the

following: In accordance with Table IV-2, the goal for outdoor noise levels in residential areas is a CNEL of 60 dB or less. However, a CNEL of 60 dB or less is a goal that may not necessarily be achievable in all residential areas within the realm of economic or aesthetic feasibility. This goal should be applied where outdoor use is a major consideration (e,g., schools, churches and recreation areas). The three backyard areas on the subject site would be shielded from the adjacent roadway noise on Bernardo Avenue by the existing topography, setbacks and proposed buildings. Interior areas would be constructed with noise attenuation features to conform to General Plan policies.

Construction Noise

Noise impacts from construction are a function of the noise generated by the construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Noise levels within and adjacent to the specific construction sites would increase during the construction period. Construction would not cause long-term impacts since it would be temporary and daily construction activities would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. Upon completion of the project, all construction noise would cease. No pile driving or explosives blasting is anticipated as a result of the project and, thus, no significant vibrations or groundborne noise would be associated with construction of the proposed project. However, any blasting would be preformed in conformance with City of Escondido regulations.

Operational Noise

Development of the project would incrementally increase noise levels within the immediate area. Noise from operation of the proposed project would result from grading and other construction activities on a temporary basis. However, operation of the proposed use would not introduce any new or unusual noise sources that would significantly impact existing uses adjacent to the project site since appropriate setbacks would be provided in accordance with General Plan densities and the Rural Estate zoning for 1-acre lots A slight increase in vehicle trips along the area roadways would incrementally add to the noise level. However, these trips would be disbursed throughout the day and the incremental increase would not be considered significant nor require any mitigation.

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

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

XII. POPULATION AND HOUSING

Significance Criteria and Impact Analysis

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

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

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

Population within the surrounding area and city would incrementally increase as a result of this project. However, the density of this development would be in conformance with the General Plan's land-use designation of Estate I. The site is considered an "infill" project site is located within a developed area of the city and adjacent to similar development and densities and intensities. Therefore, the proposed development of the two vacant lots would not significantly alter the location, distribution or population density within the area, nor would it adverse impact the City's housing demand. Development as prescribed by the "tier system" is intended to avoid leapfrog development, protect and preserve the City's amenities, and guide growth in a generally outward direction from the existing urbanized core. The project site and surrounding areas are designated Tier 2A/Felicita neighborhoods, and are described as planned and zoned for RE-40.

The site does not contain any existing housing or rental units that would be displaced. The proposed project would add two (2) units to the existing housing stock and would not create a demand for additional housing. The project would not be considered growth inducing since the project site is within an existing residential area and adequate public facilities are available within the area to serve the project.

XIII. PUBLIC SERVICES

Significance Criteria and Impact Analysis

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

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

The City Fire Department has indicated their ability to adequately serve the proposed project. The area currently is served by Fire Station No 5, located at 2317 Felicita Road.

The county parcels are within the Rincon Del Diablo Municipal Water District (MWD) Fire Department (Improvement District "E"). The subject county parcels would detach from the MWD and annex into the City Fire District. Since by agreement the City of Escondido already provides fire protection services to residents within this area of Improvement District "E," there would effectively be no change in service. Detachment from County Communications District # 135 would also occur. Water service is provided by Rincon Water and would continue to receive service from Rincon after annexation.

   ii. *Police protection*

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

anticipated.

iii. Schools

The site is within the Escondido Union School District and the Escondido Union High School District. Students would likely attend Bernardo Elementary, Bear Valley Middle School and San Pasqual High School. School District boundaries are determined by the school districts. Development of the project would result in additional elementary and high school students. The Escondido Elementary School District and Escondido High School District have indicated with past projects that due to the continuing growth throughout the area, they are unable to meet the Quality-of-Life Standards approved within the City of Escondido's General Plan without mitigation of student housing needs generated by new development. However, the incremental impact of the proposed project on the school system would be offset by the future impact fees collected upon issuance of building permits. These fees are set by the school district. The City's Growth Management provisions require a will-serve letter from the school district prior to issuance of building permits.

iv. Parks

The project would result in an incremental increase in demand on the City's recreational facilities; the site would not contain its own recreational amenities. However, the development fees paid by this project would offset any potential impact on the existing facilities. The project would not affect existing recreational opportunities since the site currently is not used for recreational activities and is not listed as a potential park site in the City's Master Plan of Parks, Trails and Open Space. Therefore, no significant impact to recreational resources would occur as a result of the project.

v. Libraries

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

vi. Gas/Electric

SDG&E would provide gas and electric facilities to the project. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered SDG&E facilities.

XIV. UTILITIES AND SERVICE SYSTEMS

Significance Criteria and Impact Analysis

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

a. *exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;*
b. *require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*

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

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

Sewer Service – Escondido's wastewater treatment plant, located on Hale Avenue, has the capacity to handle the potential increase in demand for service generated by the project. The anticipated increase would be relatively small and would have an insignificant impact to the existing facilities. The project also complies with established General Plan Quality-of-Life Standards for Sewer Service. Sewer service could be provided by the extension of mains within the adjoining street system or easements to the two lots along Bernardo. The lot addressed off Vereda Callada is already connected to City sewer. It was granted an emergency Out of Agency Sewer Service Agreement in 2010 by San Diego LAFCO.

Water Service – Water service for the project would be provided by Rincon Water. The applicant has entered into an agreement with the Water District to provide water service to the project.

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

MANDATORY FINDINGS OF SIGNIFICANCE

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

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

ATTACHMENT "A"
MITIGATION MONITORING REPORT
CASE NO.: ENV11-0002
RELATED CASES: PHG09-0021 and PHG09-0022

PROJECT NAME: Bernardo-Young Annexation
PROJECT LOCATION: South Bernardo Avenue and Vereda Callada
PROJECT DESCRIPTION: Pre-zone and Annexation of 3 unincorporated lots totaling 3.42 acres.
APPROVAL BODY/DATE: City Council, August 10, 2011
PROJECT MANAGER: Jorge Palacios, JP Engineering, 858-569-7377
CONTACT PERSON: Paul Bingham, Assistant Planner II, 760-839-4306

Phase at which the Mitigation Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION. NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTING	CERTIFIED INTITIAL/DATE	COMMENTS
PRIOR TO APPROVAL OF GRADING, BUILDING AND LANDSCAPE PLANS					
Project will necessitate the removal of, or changing the established grade around some existing Coast Live Oak trees and/or their hybrids.	The applicant must submit grading plans and landscaping plans demonstrating: (1) by the use of retaining walls or other devices that no grade changes will occur around any remaining Coastal Live Oak and Mesa Oak trees within 1 foot of their driplines; (2) that no drainage courses will be diverted into or away from those dripline protected zones; and, (3) that replacement oak trees will be planted of sufficient size and on a 1:1 or 2:1 ratio for all such trees lost to grading to the satisfaction of the Director of Community Development and according to Article 55.	IV. (a & e) Biological Resources	Applicant		
PRIOR TO CERTIFICATE OF OCCUPANCY					
Have the potential to degrade the quality of the environment by reducing the number of a rare or endangered plant.	The replacement trees (see above) are to be planted with temporary irrigation installed to the satisfaction of the Director of Community Development.	XVIII. (a) Mandatory Findings of Significance	Applicant		

Materials Use in Preparation of this Analysis

1. Escondido General Plan and Environmental Impact Report
2. Escondido General Plan Update and Environmental Impact Report, 2000
3. Escondido Zoning Code and Land Use Maps
4. SANDAG Summary of Trip Generation Rates
5. Escondido Historic Sites Survey
6. City of Escondido
   a. Public Works Department
   b. Engineering Division
   c. Traffic Division
   d. Building Division
   e. Fire Department
   f. Police Department
   g. Planning Division
7. FIRM maps (Flood Insurance Rate Maps)
8. Draft MHCP maps (Multiple Habitat Conservation Program)
9. USGS Map for San Diego (Escondido) area
10. County of San Diego Department of Environmental Health (DEH), Hazardous Material Management Division (HMMD) Hazardous Sites List
11. Biological analysis prepared by Pacific Southwest Biological Services, Inc., dated July 13, 2010 and addendums dated November 10, 2010, December 23, 2010 and February 17, 2011.
12. Cultural Study prepared by Brian F. Smith & Associates, Inc., dated July 23, 2010
13. Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents (Comment Draft, March 5, 2007).
14. Escondido Drainage Master Plan (1995)

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PLANNING DIVISION
201 NORTH BROADWAY
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(760) 839-4671

ACKNOWLEDGEMENT OF ENFORCEABLE COMMITMENT

Case No.:ENV11-0002

The items listed on the attached Mitigation Monitoring Program constitute an enforceable commitment in conformance with Section 21081.6(b) of the California Environmental Quality Act (Public Resources Code Sections 21000-21178). The applicant shall be required to provide, and comply with, all of the mitigation measures listed herein. These mitigation measures also have been included as conditions of the project approval.

05-23-11	LEROY YOUNG SR.	
Date	Applicant's Name (printed)	Applicant's Signature

RESOLUTION NO. 2011-144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, MAKING APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR INITIATION OF PROCEEDINGS FOR THE ANNEXATION/ REORGANIZATION OF THREE RESIDENTIAL PROPERTIES AND ADJACENT ROADWAY TOTALING 3.891 ACRES AND PREZONING THE AREA TO PZ-RE-40 (RESIDENTIAL ESTATES, 40,000 SF MINIMUM LOT SIZES)

Planning Case Nos. PHG09-0021, PHG09-0022, ENV11-0002

WHEREAS, the Planning Commission on September 27, 2011, considered a proposed annexation and prezone at a noticed public hearing and recommended that the City Council approve the jurisdictional reorganization consisting of an annexation to the City of Escondido and prezoning to PZ-RE-40 (Residential Estates, 40,000 SF minimum lot size) three residential properties and an adjacent segment of Bernardo Avenue totaling 3.891 acres located at the southeast corner of Bernardo Avenue and Vereda Callada, more particularly described in Exhibit "C" and depicted in Exhibit "D"; and

WHEREAS, the following determinations were made:

1. That a notice was published and mailed as required by the Escondido Zoning Code and applicable State law.

2. That the application was assessed in conformance with the California Environmental Quality Act and that a Mitigated Negative Declaration was issued on May 19, 2011, City Log No. ENV11-0002.

3. That a staff report was presented discussing the issues in the matter.

4. That a public hearing was held and that all persons desiring to speak did so.

5. That Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido; and

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

WHEREAS, that this annexation/reorganization is necessary in order for the subject properties to receive urban services available from the City of Escondido; and

WHEREAS, that this reorganization is consistent with the Sphere of Influence of the City of Escondido and affected districts; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Prezone, Annexation/Reorganization, and adopt the Mitigated Negative Declaration and Mitigation Monitoring Report, as reflected in the Details of Request contained in the staff reports, and on the plans and documents on file in the offices of the City Clerk and Planning Division; and

WHEREAS, the City Council of the City of Escondido desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for the proposed annexation/reorganization.

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

1. That the above recitations are true.

2. That the City Council has reviewed and considered the Mitigated Negative Declaration prepared for this project in conformance with the California Environmental Quality Act (CEQA), the staff reports, and has heard and considered testimony given at the public hearing, and certifies the project would not result in any significant impacts to the environmental since all project related impacts will be mitigated to less than significant levels.

3. That the Findings of Facts and Factors to be Considered, attached as Exhibit "A" to this resolution and is incorporated by this reference, were made by said Council, and upon their consideration along with the staff reports (copies of which are on file in the Planning Division), public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council approves the proposed Prezone, Annexation/Reorganization (Case Nos. PHG09-0021 and PHG09-0022), and adopts Mitigated Negative Declaration (Case No. ENV11-0002) as reflected on plans and documents on file in the offices of the City Clerk and Planning Division, and subject to the Conditions of Approval set forth as Exhibit "B," attached to this resolution and incorporated by this reference.

4. That the following changes of reorganization are proposed:

a. Annexation of the subject territory to the City of Escondido as legally described in Exhibit "C" and shown in Exhibit "D." Exhibits "C" and "D" are attached to this resolution and are incorporated by this reference; and

b. Detachment of the subject territory from the County Communications District Service Area 135; and

c. Detachment of the subject territory from the Rincon Del Diablo Fire Protection District.

5. That application and proposal is hereby made to the Local Agency Formation Commission of the County of San Diego for the following annexation/reorganization:

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

b. The following changes of organization are proposed:

1) Annexation of territory legally described in Exhibit "C" and shown in Exhibit "D"; and

2) Detachment of the subject territory from the County Communications District Service Area No. 135; and

3) Detachment of the subject territory from the Rincon Del Diablo Fire Protection District.

c. This reorganization is necessary in order for the subject properties to receive urban services available from the City of Escondido.

d. The Local Formation Commission of the County of San Diego is hereby requested to undertake proceedings for the annexation/ reorganization proposed herein.

6. That the City Council of the City of Escondido hereby requests the Local Agency Formation Commission to designate the City of Escondido as conducting agency, and that the City of Escondido be authorized to order the proposed annexation.

7. 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 Commission of San Diego County.

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

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

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

EXHIBIT "A"

FINDINGS OF FACT/ FACTORS TO BE CONSIDERED
PHG 09-0021 PHG 09-0022

Prezone/Annexation

1. The public health, safety and welfare will not be adversely affected by the proposed change since the zoning will be consistent with the existing Estate I General Plan designation on the subject properties and the primary use of the properties will remain residential.

2. The properties involved are suitable for the uses permitted by the proposed zone since the permitted use will be the same single-family residential use permitted by the previous County zoning. In addition, the proposed density is consistent with surrounding residential development.

3. Annexation will result in jurisdictional detachment from County Service Area (CSA) No. 135 (San Diego Regional Communications System). Fire protection which is currently provided by the City of Escondido through an agreement with the County will continue, but come under the City of Escondido Fire Department jurisdiction. Police protection will change from County Sherriff to the City of Escondido Police Department jurisdiction.

4. All three properties are greater in size than one acre and thus larger than the 40,000 SF minimum lot size under the proposed RE-40 prezone designation. They would therefore all be conforming. None of the properties are large enough to split and no increase in the number of lots is possible.

5. The proposed prezone designation of RE-40 is consistent with the Estate I designations of the General Plan which allows up to 1 du/acre and a minimum lot size of 40,000 SF. The combined total of the three properties involved in this request is 3.42 acres or 148,975 SF, making the average lot size 49,658 SF.

6. The proposed prezoning will not conflict with any specific development plans for the properties, since none are being requested. The conceptual development plan is only to satisfy a San Diego LAFCO requirement. Any future development will be subject to the provisions of the Escondido General Plan and Zoning Code upon annexation.

7. If and when tree removal to accommodate grading on these properties is to be done, the current property owner will be required to mitigate for the removal of the more sensitive tree species according to the Mitigation Measures as detailed in the Mitigated Negative Declaration (MND case ENV 11-0002) and per the MND's signed Enforceable Commitment.

EXHIBIT "B"

CONDITIONS OF APPROVAL
PHG 09-00021, PHG 09-0022

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.

2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.

3. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the current amount required for a project with a Mitigated Negative Declaration. These fees must also include the current authorized County administrative handling fee. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Planning

1. Documentation or findings pursuant to Section 33-1241 shall be submitted to the Planning Division for any accessory structures, or additions to existing structures on the three lots being annexed, demonstrating that each was constructed legally in the County. Each structure without supporting documentation or findings must be removed prior to final annexation recordation.

2. Any improvements proposed for the subject lots will be evaluated for conformance with the mitigation measures identified in the Mitigated Negative Declaration (City log no. ENV11-0002) prepared for this project (see the Mitigation Monitoring's Attachment "A").

Utilities

1. The two vacant properties fronting Bernardo Avenue (APNs 238-400-1200 and 238-400-3200) will be required to submit a capacity study to the City's Utilities Division prior to development, which must demonstrate that enough remaining capacity exists to adequately serve these properties.

Engineering

STREET IMPROVEMENTS AND TRAFFIC

1. All required street improvements shall be provided with adequate right-of-way and improved in accordance with the City of Escondido's Design Standards and SUSMP.

2. Prior to recordation of the annexation, an Irrevocable Offer of Dedication to the City of Escondido for 11 feet of right-of-way along Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 238-400-1200, shall be executed by the owner.

3. Bernardo Avenue shall be improved to Local Collector Street standards along the frontages of APNs 238-400-1200 and 238-400-3200, as a condition of the first building permit for either lot. Improvement plans shall be approved by the City Engineer and all improvements bonded for, prior to the issuance of a building permit. All improvements shall be completed prior to the issuance of an occupancy permit for either lot.

The City of Escondido intends to approve the annexation request with its new jurisdictional boundary to include the adjacent portion of Bernardo Avenue but <u>not</u> Vereda Callada. The following conditions would apply to this situation:

Engineering

1. Prior to recordation of the annexation, documents shall be submitted to and approved by the Engineering Department for the relinquishment of access rights to Vereda Callada along the frontages of the two northerly lots, APNs 238-400-1100 and 1200, to be recorded concurrently with the annexation.

2. Upon final LAFCO approval of the annexation, grading plans for the new driveway access from Bernardo Avenue to the existing house on APN 238-400-1100 shall be submitted to and approved by the City's Engineering Department, and the driveway shall be constructed or a bond for the construction shall be provided, prior to the recordation of the annexation. These driveway improvements shall be designed to accommodate the future Bernardo Avenue street improvements.

Fire

1. The applicant's conceptual development plan includes closing the existing driveway currently connecting APN 238-400-1100 with Vereda Callada and creating a new access driveway for this lot from Bernardo Avenue and extending over a utility easement between APNs 238-400-1200 and 238-400-3200. The new driveway shall be to City Standards including a minimum 16' width with no parking, the grade not to exceed 20%, and shall include a fire turn-around acceptable to the City's Fire Department. Driveways with grades over 15% must be of Portland cement with a rough broom finish.

In the event that Vereda Callada <u>is</u> included in the annexation, the Engineering conditions #1 & #2 and Fire condition #1 (see above) shall be omitted and the following Engineering condition will be added:

1. Vereda Callada shall be improved to Residential Street standards (half street +12') along APN 238-400-1100 and 238-400-1200 as a condition of annexation. Improvement plans shall be approved by the City Engineer and all improvements bonded for prior to completion of annexation. Improvements to Vereda Callada would also necessitate further environmental review.

EXHIBIT "C"
LEGAL DESCRIPTION
PHG 09-0021; PHG 09-0022

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN A PORTION OF BLOCK 22 OF HOMELAND ACRES ADDITION TO ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1909, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION POINT OF THE WESTERLY LINE OF BERNARDO AVENUE 40 FEET WIDE AS SHOWN ON SAID MAP NO. 1205 AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF VEREDA CALLADA 30 FEET WIDE, SAID POINT ALSO BEING A POINT ON THE EASTERLY BOUNDARY OF THE CITY OF ESCONDIDO AS ESTABLISHED BY THEIR RESOLUTION NO. 89-019, ADOPTED FEBRUARY 10, 1989, BY SAID CITY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE, LEAVING SAID WESTERLY BERNARDO AVENUE RIGHT OF WAY AND SAID CITY BOUNDARY, ALONG THE WESTERLY EXTENSION OF SAID SOUTHERLY LINE, (1) SOUTH 77°48'00" EAST 40.00 FEET TO A POINT ON THE INTERSECTION OF THE EASTERLY BERNARDO AVENUE RIGHT OF WAY AND THE SOUTHERLY VEREDA CALLADA RIGHT OF WAY;

THENCE, LEAVING SAID EASTERLY BERNARDO AVENUE RIGHT OF WAY, ALONG SAID SOUTHERLY VEREDA CALLADA RIGHT OF WAY, (2) SOUTH 77°48'00" EAST 453.54 FEET;

THENCE, LEAVING SAID SOUTHERLY RIGHT OF WAY, (3) SOUTH 12°18'30" WEST 233.00 FEET;

THENCE, (4) NORTH 77°48'00" WEST 238.35 FEET;

THENCE, (5) SOUTH 12°18'30" WEST 145.00 FEET;

THENCE, (6) SOUTH 70°21'36" WEST 124.73 FEET;

THENCE, (7) SOUTH 79°09'09" WEST 118.00 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY OF SAID BERNARDO AVENUE;

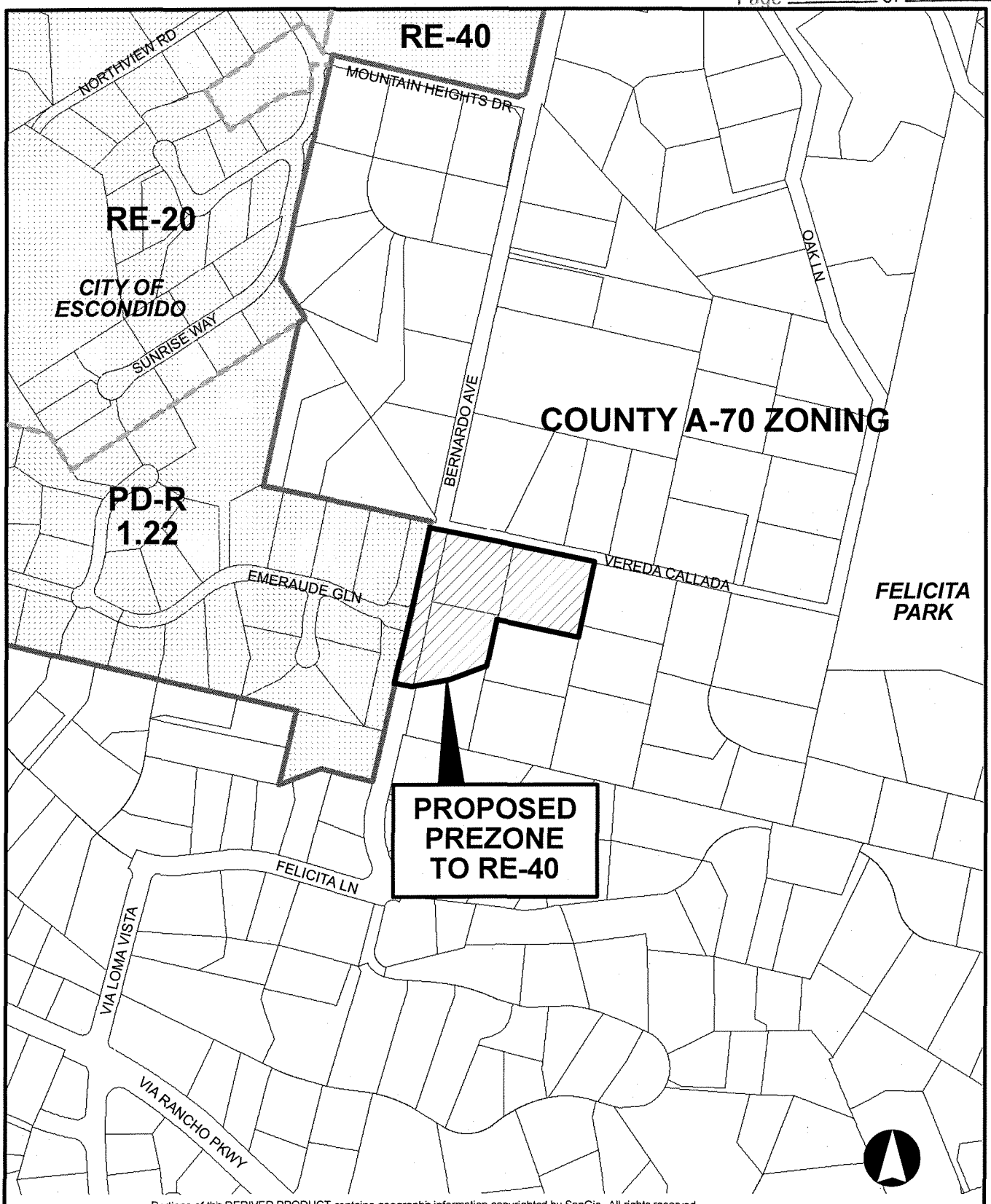
THENCE, (9) NORTH 77°47'30" WEST 40.00 FEET, TO A POINT ON SAID CITY BOUNDARY, WITHIN THE RIGHT OF WAY OF SAID BERNARDO AVENUE;

THENCE, (10) NORTH 12°12'30" EAST 489.99 FEET, ALONG SAID CITY BOUNDARY TO THE TRUE POINT OF BEGINNING AND CONTAINING 3.891 ACRES OF LAND MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

Exhibit "D"

Resolution No. 2011-144
Exhibit "D"
Page 1 of 1



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PROPOSED PREZONE AND ANNEXATION
PHG 09-0021/PHG 09-0022/ENV 11-0002

L
LOCATION/ZONING

ORDINANCE NO. 2011-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, PREZONING THREE RESIDENTIAL LOTS TOTALING 3.42 ACRES ADDRESSED AS 2950 BERNARDO AVENUE, 1029 VEREDA CALLADA AND A THIRD UNADDRESSED LOT ON BERNARDO WITH APN 238-400-1200 FROM COUNTY ZONING TO CITY PREZONING RE-40 (RESIDENTIAL ESTATES; 40,000 SQ. FT. MINIMUM LOT SIZE)

Planning Case No. PHG09-0022
Related Cases: PHG09-0021, ENV11-0002

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

SECTION 1. That notice of a public hearing has been given and public hearings have been held before the Planning Commission September 27, 2011, and City Council on November 9, 2011, on this issue.

SECTION 2. That the City Council has reviewed and considered the Mitigated Negative Declaration (Case No. ENV11-0002) prepared for this project and has determined no significant environmental impacts will result from approving this project.

SECTION 3. That upon consideration of the staff report, Planning Commission recommendation and all public testimony presented at the hearing held on this prezoning, the City Council finds that this prezoning is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the Zone District Map of the City of Escondido is hereby amended by reclassifying the real property depicted on Exhibit "A" and legally described

on Exhibit "B" from County zoning to City PZ-RE-40; Exhibits "A" and "B" are attached to this Ordinance and incorporated by this reference.

SECTION 5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be 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.

Exhibit "A"

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Exhibit "A"
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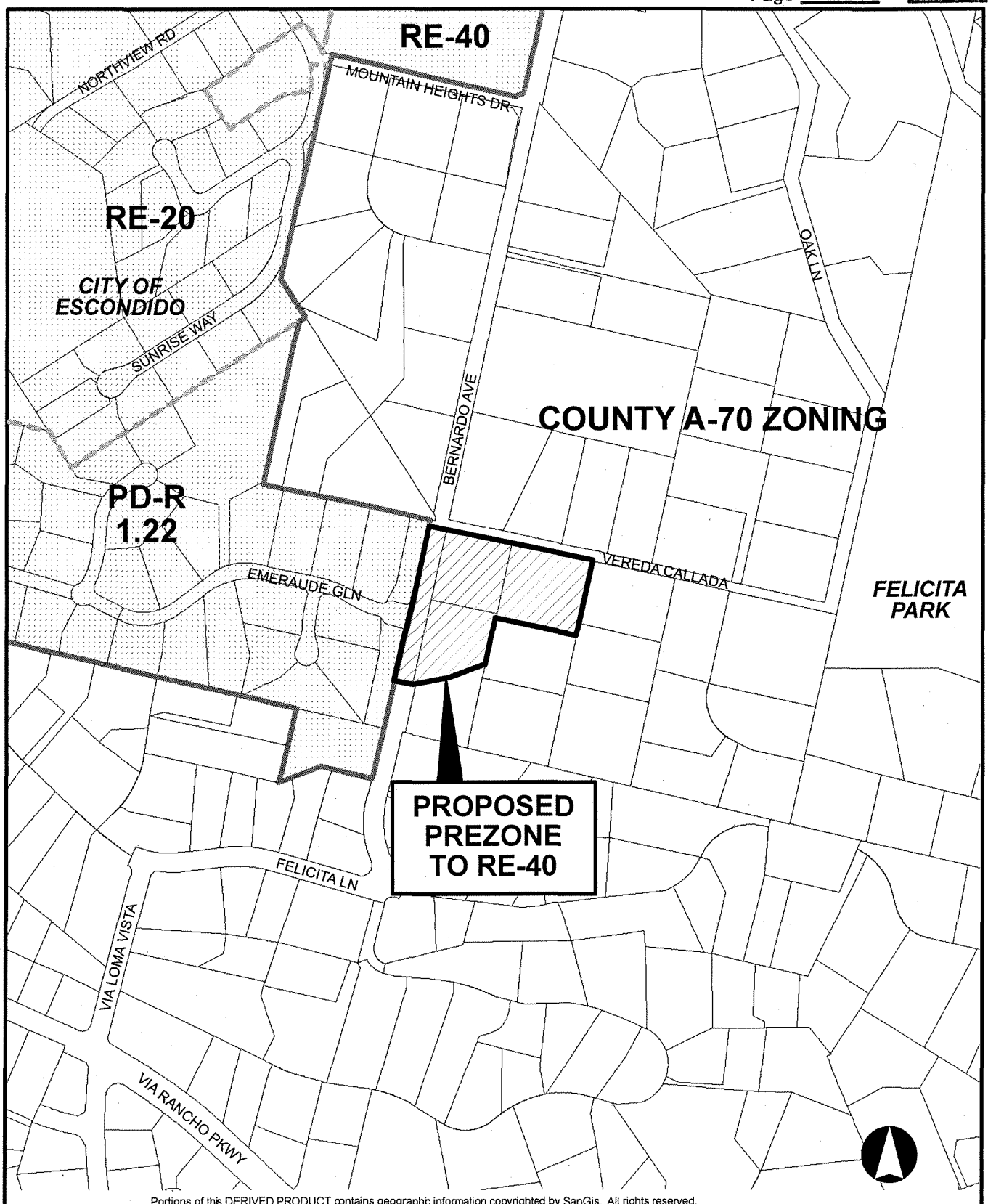

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PROPOSED PREZONE AND ANNEXATION
PHG 09-0021/PHG 09-0022/ENV 11-0002

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LOCATION/ZONING

Exhibit "B"

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Exhibit "B"
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LEGAL DESCRIPTION
PHG 09-0021; PHG 09-0022

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN A PORTION OF BLOCK 22 OF HOMELAND ACRES ADDITION TO ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1909, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION POINT OF THE WESTERLY LINE OF BERNARDO AVENUE 40 FEET WIDE AS SHOWN ON SAID MAP NO. 1205 AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF VEREDA CALLADA 30 FEET WIDE, SAID POINT ALSO BEING A POINT ON THE EASTERLY BOUNDARY OF THE CITY OF ESCONDIDO AS ESTABLISHED BY THEIR RESOLUTION NO. 89-019, ADOPTED FEBRUARY 10, 1989, BY SAID CITY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE, LEAVING SAID WESTERLY BERNARDO AVENUE RIGHT OF WAY AND SAID CITY BOUNDARY, ALONG THE WESTERLY EXTENSION OF SAID SOUTHERLY LINE, (1) SOUTH 77°48'00" EAST 40.00 FEET TO A POINT ON THE INTERSECTION OF THE EASTERLY BERNARDO AVENUE RIGHT OF WAY AND THE SOUTHERLY VEREDA CALLADA RIGHT OF WAY;

THENCE, LEAVING SAID EASTERLY BERNARDO AVENUE RIGHT OF WAY, ALONG SAID SOUTHERLY VEREDA CALLADA RIGHT OF WAY, (2) SOUTH 77°48'00" EAST 453.54 FEET;

THENCE, LEAVING SAID SOUTHERLY RIGHT OF WAY, (3) SOUTH 12°18'30" WEST 233.00 FEET;

THENCE, (4) NORTH 77°48'00" WEST 238.35 FEET;

THENCE, (5) SOUTH 12°18'30" WEST 145.00 FEET;

THENCE, (6) SOUTH 70°21'36" WEST 124.73 FEET;

THENCE, (7) SOUTH 79°09'09" WEST 118.00 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY OF SAID BERNARDO AVENUE;

THENCE, (9) NORTH 77°47'30" WEST 40.00 FEET, TO A POINT ON SAID CITY BOUNDARY, WITHIN THE RIGHT OF WAY OF SAID BERNARDO AVENUE;

THENCE, (10) NORTH 12°12'30" EAST 489.99 FEET, ALONG SAID CITY BOUNDARY TO THE TRUE POINT OF BEGINNING AND CONTAINING 3.891 ACRES OF LAND MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.