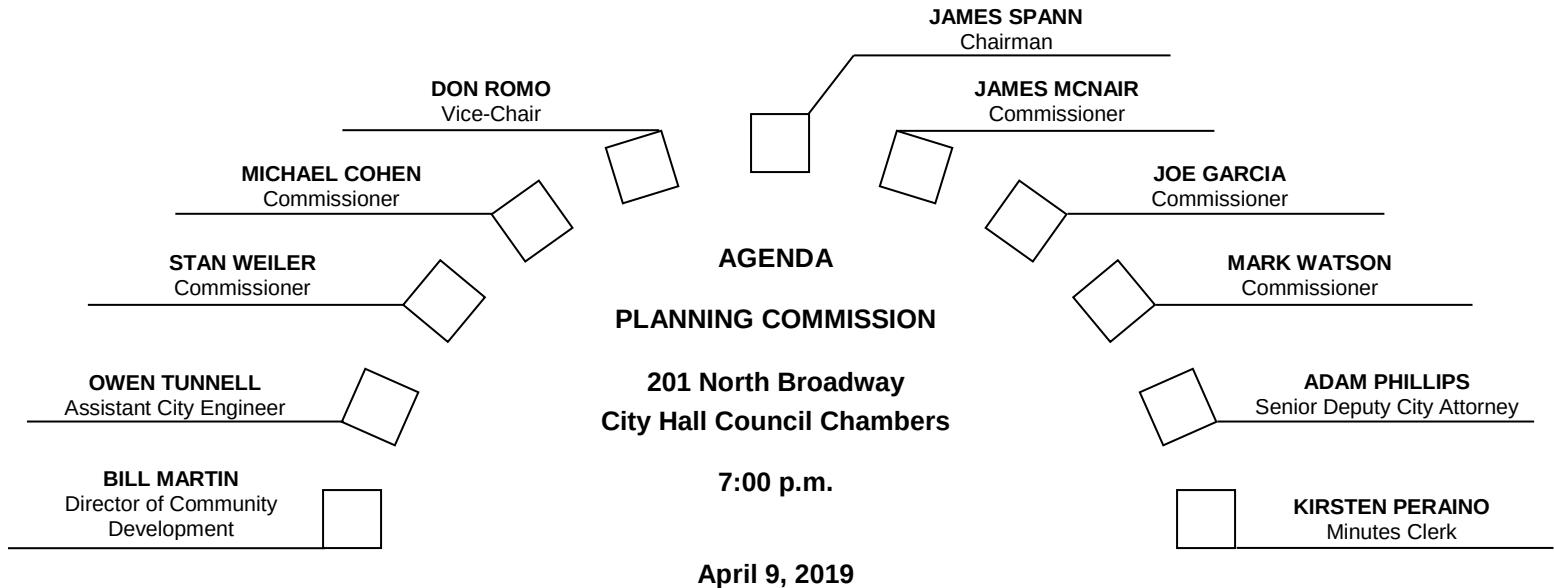


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7:00 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** 03/26/19

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

Electronic Media: Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

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

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

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

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

Availability of supplemental materials after agenda posting: any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

The Planning Division is the coordinating division for the Planning Commission.
For information, call (760) 839-4671.

E. WRITTEN COMMUNICATIONS:

"Under State law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda."

1. Future Neighborhood Meetings

F. ORAL COMMUNICATIONS:

"Under State law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

G. PUBLIC HEARINGS:

Please try to limit your testimony to 3 minutes.

1. [DOWNTOWN SPECIFIC PLAN AMENDMENT TO ALLOW DENSITY TRANSFER CREDITS WITHIN THE DOWNTOWN SPECIFIC PLAN AREA - PHG 17-0024 \(Continued from March 26, 2019\):](#)

REQUEST: A proposed amendment to the Downtown Specific Plan (DSP) to create a Density Transfer Program that would enable the City to transfer residential density from undeveloped or underutilized properties (sending areas) to developing properties (receiving areas) within the DSP. The overall amount of permitted residential development within the DSP would remain unchanged at a maximum of 5,275 dwelling units previously established in the General Plan. The proposal also includes the adoption of an addendum to the previously certified Environmental Impact Report for the General Plan and Downtown Specific Plan Update.

PROPERTY SIZE AND LOCATION: Approximately 475 acres extending from I-15 and West Valley Parkway to Palomar Hospital Downtown, between Washington and Fifth Avenues.

ENVIRONMENTAL STATUS: An Addendum to the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Final Environmental Impact Report for the Proposed Density Transfer Program was prepared for the proposed DSP Amendment by Harris & Associates, March 1, 2019.

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

2. MODIFICATION TO A MASTER DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT – PHG 19-0003:

REQUEST: A Modification to a previously approved Master Development Plan and a Conditional Use Permit to allow for the installation of a drive-through lane for an existing out pad building within the Felicita Town Center. A reduction in the amount of parking spaces required for the commercial center is requested in order to support the drive-through lane, landscape features, and construction of a new trash enclosure. A request to encroach into the required 10-foot street-side setback also is requested for a proposed architectural feature that would provide a cover over the drive-through pick-up window area. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 11.2-acre commercial center generally is located towards the southwestern corner of the intersection of South Centre City Parkway and Felicita Avenue, addressed as 1831 Centre City Parkway, in the City of Escondido, County of San Diego, California.

ENVIRONMENTAL STATUS: The Project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301/Class 1 “Existing Facilities” for additions to existing structures; and Section 15311, Class 11 “Accessory Structures” for the installation of accessory structures (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited small parking lots, on-premise signs, fencing, etc.

APPLICANT: Brixmor Property Group

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

H. CURRENT BUSINESS:

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

I. ORAL COMMUNICATIONS:

"Under State law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

J. PLANNING COMMISSIONERS

K. ADJOURNMENT

CITY OF ESCONDIDO

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

March 26, 2019

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

Commissioners present: James Spann, Chairman; Don Romo, Vice-chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: None.

Staff present: Adam Finestone, Principal Planner; Owen Tunnell, Principal Engineer; Adam Phillips, Senior Deputy City Attorney; Peggy Chapin, Contract Planner; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Garcia, seconded by Commissioner Watson to approve the Action Minutes of the March 12, 2019 meeting. Motion carried unanimously (7-0-0)

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: None.

PUBLIC HEARINGS:

1. AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN TO ESTABLISH A DENSITY TRANSFER PROGRAM WITHIN THE DOWNTOWN SPECIFIC PLAN AREA – PHG 17-0024:

REQUEST: A proposed amendment to the Downtown Specific Plan (DSP) to create a Density Transfer Program that would enable the City to transfer residential density from undeveloped or underutilized properties (sending areas) to developing properties (receiving areas) within the DSP. The overall amount of permitted residential development within the DSP would remain unchanged at a maximum of 5,275 dwelling units previously established in the General Plan. The proposal also includes the adoption of an addendum to the previously certified Environmental Impact Report for the General Plan and Downtown Specific Plan Update.

PROPERTY SIZE AND LOCATION: Approximately 475 acres extending from I-15 and West Valley Parkway to Palomar Hospital Downtown, between Washington and Fifth Avenues.

ENVIRONMENTAL STATUS: An Addendum to the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Final Environmental Impact Report for the Proposed Density Transfer Program was prepared for the proposed DSP Amendment by Harris & Associates, March 1, 2019.

PUBLIC SPEAKERS:

Sharon Sanders, Old Escondido Neighborhood Group, expressed concern about the project.

Carol Rea, Chair of the Historic Preservation Commission (HPC), expressed concern that the HPC received the item as information only and was not asked to provide formal comments.

Lisa Walker, President of the Old Escondido Neighborhood, expressed concern and stated that the OEN is neither for nor against the amendment.

STAFF RECOMMENDATION: Approval

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed the various aspects of the project.

COMMISSION ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Garcia to postpone the vote for two weeks to the April 9, 2019 Planning Commission Meeting in order to obtain additional public input. Motion carried unanimously. (7-0-0)

ADJOURNMENT:

Chair Spann adjourned the meeting at 7:57 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, April 9, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

Adam Finestone, Acting Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.1
Date: April 9, 2019

TO: Planning Commission

FROM: Planning Division Staff

SUBJECT: Continued Public Hearing for a Proposed Amendment for the Downtown Specific Plan to create a Density Transfer Program – PHG 17-0024

Background

On March 26, 2019, the Planning Commission considered a proposed amendment to the Downtown Specific Plan (DSP) to create a Density Transfer Program. This program would enable the City to transfer residential density from undeveloped or underutilized properties (sending areas) to developing properties (receiving areas) within the DSP. The overall amount of permitted residential development within the DSP would remain unchanged at a maximum of 5,275 dwelling units previously established in the General Plan. Upon hearing the staff report as presented by staff, the Commission opened the hearing for public comments.

The Planning Commission heard public testimony from the following speakers: Sharon Sanders, Old Escondido Neighborhood (OEN), Carol Rea, Chair of the Historic Preservation Commission (HPC), and Lisa Walker, President of the OEN. The speakers expressed the following concerns:

- Public input on this item has been disregarded;
- HPC received an information-only presentation on the Density Transfer Program on March 21, 2019. The Planning Commission report should be amended to note HPC did not express support; and
- The OEN group did not vote to support or oppose the amendment.

Subsequent to receiving oral testimony, the Commission closed the public hearing and provided the following comments:

- Commissioners Romo and Cohen generally stated that there needs to be more people downtown and more residential growth.
- Commissioner McNair stated that we need to vitalize downtown. Recent projects that have been completed have not added enough activity.

Continued Hearing for Proposed Density Transfer Program

April 9, 2019

Page 2

- Commissioner Weiler stated that he is not against moving density from one place to another. However, the public testimony on this issue was important and there may not have been enough public input on the proposed program.
- Commissioner Garcia stated that we need more residents in the area and affordable housing is necessary. He mentioned there is not enough parking downtown and questioned whether the density transfer program would be the best way to get development downtown.
- Chairman Spann stated there was not enough community input on the proposal.

The Commission voted 7-0 to continue the hearing until April 9th to allow for more public outreach.

Discussion

Since the public hearing of March 26, 2019, staff has contacted local community groups including Old Escondido Neighborhood, Historic Preservation Commission, Downtown Business Association, and the Chamber of Commerce to encourage their input and attendance at the Planning Commission hearing on April 9, 2019. Additionally, city staff prepared a flyer (attached) that provides information about the purpose of the proposed Density Transfer Program. Key program highlights include:

- It would help incentivize future development and keep it in the downtown area to support nearby retailers, services, entertainment, and attract other new businesses;
- The overall amount of new development within the downtown would remain the same; and
- The program helps accommodate the city's share of future regional housing needs with a greater mix of housing types and choices.

The flyer was forwarded to each of the groups noted above and was posted on the city's website and made available at the front counter in the Planning Division.

The flyer also advertised an open house presentation scheduled to be conducted in the Mitchell Room at City Hall on Monday, April 8, at 5:00 p.m. to offer an opportunity for community members to discuss their concerns with staff. Comments received at the open house will be discussed at the April 9th Planning Commission meeting.

Attached is the original staff report for the Planning Commission's review and consideration of the proposed amendment.

Attachment 1: April 2, 2019, Outreach Flyer for Density Transfer Program

Attachment 2: March 26, 2019, Planning Commission Staff Report

Downtown Escondido Density Transfer Program



The State of California has a serious housing shortage, which impacts the number of homes available and how much they cost. As a result, many families struggle to find decent housing and/or they see the majority of their paychecks go immediately to mortgage payments or escalating rents.

So what can be done?

One answer is to build more housing. An increasing supply of housing would provide more housing choices and theoretically put downward pressure on prices. One of the ways that the City of Escondido can facilitate new housing development and encourage more apartments and condominiums is to ensure the financial success of the development by increasing its density. In consideration of this, **the City is currently considering the creation of a program in the downtown area to allow the transfer of residential density from underutilized properties to provide more incentives to developing properties to build more housing** in efficient locations where we already have infrastructure and public services nearby.

The draft program, called the **Density Transfer Program**, is currently scheduled to be considered by the City's decision-makers. Before a decision is made, we want give you the opportunity to review important information, learn about the program, and share your comments.

KEY PROGRAM HIGHLIGHTS:

-  It would help incentivize future development - and keep it in the downtown area to support nearby retailers, services, entertainment, and attract other new businesses that are part of a desirable downtown economy.
-  The overall amount of new development within the downtown would remain the same - however, if a new project leaves some density on the table and doesn't build-out their site fully, the program creates a flexible way to still achieve the ultimate build-out of the downtown and create a future sustainable center of activity.
-  The program helps accommodate the city's share of future regional housing needs with greater mix of housing types and choices, in smart growth locations rather than sprawl, which benefits everyone in the community.

Several public and stakeholder meetings have already been held over the past couple of months to help educate and solicit input from the public on the proposed program. While these meetings have been valuable and beneficial, it is important to try a different approach and reach out to those folks who have historically been unable to make meetings due to other conflicts and responsibilities, as well as garner interest from those who previously participated. **Please join us at one of events or participate in one of the ways listed in this flyer!**

YOUR VOICE COUNTS!

You have four (4) ways to learn more and provide input over the next couple of weeks.

1. Open house presentation:

Monday, April 8th in the Mitchell Room, Escondido City Hall 201 North Broadway, from 5:00 p.m. to 6:00 p.m.

2. City Planning Commission meeting:

Tuesday, April 9th, in the Council Chambers, Escondido City Hall, at 7:00 p.m.

3. Mobile community conversations:

Invite our staff to come to you! We understand that not everyone is able to attend community meetings, so join the conversation at a time and place that works for you.

4. Online:

Learn about the program on the project website and tell us what you think.

PROJECT WEBSITE: <https://www.escondido.org/dsp-transfer-development-rights-program.aspx>

PROJECT INFO AND CONTACT: Mike Strong, Assistant Planning Director
760-839-4556 or mstrong@escondido.org



PLANNING COMMISSION

Agenda Item No.: **G.1**
Date: March 26, 2019

PROJECT NUMBER / NAME: PHG 17-0024 - Density Transfer Program

REQUEST: A proposed amendment to the Downtown Specific Plan (DSP) to create a Density Transfer Program that would enable the City to transfer residential density from undeveloped or underutilized properties (sending areas) to developing properties (receiving areas) within the DSP. The overall amount of permitted residential development within the DSP would remain unchanged at a maximum of 5,275 dwelling units previously established in the General Plan. The proposal also includes the adoption of an addendum to the previously certified Environmental Impact Report for the 2012 General Plan and Downtown Specific Plan Update..

LOCATION: Properties in the DSP

APPLICANT: City of Escondido

APN / APNS: N/A

PRIMARY

REPRESENTATIVE: Planning Division

GENERAL PLAN / ZONING: SPA #9 /
Downtown Specific Plan

DISCRETIONARY ACTIONS REQUESTED: Specific Plan Amendment

PROJECT PLANNER: Bill Martin, Community Development Director
bmartin@escondido.org

CEQA RECOMMENDATION: An Addendum (Harris & Associates, March 1, 2019) to the previously adopted EIR for 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR (Final EIR).

STAFF RECOMMENDATION: Provide a recommendation to City Council to approve the Specific Plan Amendment and Density Transfer Program.

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-06

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS: ☒ Bill Martin, Community Development Director
☒ Mike Strong, Assistant Planning Director

A. BACKGROUND:

First approved by the City Council in the 1980s, the Downtown Specific Plan (DSP) has been amended over the years in response to a particular community interest or to accommodate new development. However, the specific plan's primary purpose remains the same: to provide a comprehensive plan for land use, development regulations and incentives, design guidelines and strategies directed at facilitating a dynamic city center and downtown environment. The DSP currently encompasses approximately 475 acres extending from I-15 and West Valley Parkway to Palomar Hospital, between Washington and Fifth Avenues including the urban core along Grand Avenue where Escondido was incorporated in 1888.

In 2012, there were approximately 1,200 dwelling units existing in the DSP planning area. Since then, only 185 units have been constructed within the DSP. Another 126 units have been approved but not yet constructed. In 2013, an amendment to the DSP (Planning Case no. PHG 13-0018) increased the boundaries of the planning area by adding approximately 58 acres by rezoning adjacent properties. The amendment also updated residential densities by increasing the maximum density permitted in some areas from 45 dwelling units to 75 or 100 dwelling units per acre. Among other things, the objectives of the DSP Amendment were to create a development scheme that encourages economic development and vitality in a more urban environment. Overall, the 2013 amendment maintained a buildout of 5,275 dwelling units in the downtown area for the planned horizon year of 2035 as previously analyzed in the certified 2012 General Plan Final EIR. The current remaining balance of available residential units within the DSP is 3,764 units.

Today, cities and counties of all sizes have implemented plans to re-invest and re-grow their downtowns. Many agencies are finding that housing is an essential element in revitalizing downtown districts. A healthy residential component to a downtown area generates customers, and a constant flow of foot traffic supports nearby retailers, services, entertainment, and other businesses that are part of a desirable downtown economy. By incorporating a higher density of residents in the downtown mix, the amount of activity increases, which in turn creates even more vibrancy. This research, and related findings, helps support making the case of re-evaluating what is happening in downtown Escondido and identify specific market opportunities appropriate for our area. And it is important that the City of Escondido review policies and procedures on an on-going basis to ensure a customer-focused government.

Residential growth requires expanding the existing housing stock by encouraging and securing multi-family development. One of the ways to encourage multi-family development is to ensure the financial viability of the development project by increasing density where desired, but not increasing the overall planned density for the area. This can be accomplished by transferring density from one area where development has already occurred and won't develop further or where a developing parcel does not propose to utilize all of its development potential. This is called Density Transfer or Transfer of Development Rights (TDR).

A number of communities across the United States have adopted strategic policies and ordinances to enable transferring development potential for the purpose of conserving or restraining or managing growth. Communities of Montgomery County, Maryland, King County, Washington, New Jersey Pinelands, New Hampshire, and the County of San Diego are just a few of the many examples that provide a policy framework for transferring housing credits from an area the community wants to preserve for environmental and/or agricultural interests to an area where they want to encourage more growth. Although most TDR programs are equity mechanisms mainly developed to protect open space, what is unique about the proposed DSP Amendment is an incentive-based program that secures higher density in the downtown mix, ensuring that the vision of the downtown is achieved.

B. PROJECT ANALYSIS:

1. Program Purpose

The purpose of the Density Transfer Program (DTP) is to enable the City to transfer densities from undeveloped or underutilized properties (sending areas) within the Downtown Specific Plan (DSP) to developing properties (receiving areas). The program would increase the probability that the anticipated number of dwelling units in the Downtown Specific Plan area could actually be achieved by allowing a developing property to increase its density beyond what current zoning would permit when other properties have underdeveloped to less than the maximum density. The transfer density would be held in a Density Credit Pool until assigned to a particular development project.

2. TDR Program Basics and Proposed Approach

A typical TDR ordinance takes away planned density from one property and transfers the density to a property within a developing area allowing the receiving property owner to get more density than what is zoned. This approach requires a financial value determination of future density of the sending area and then negotiating payment from a developer in the receiving area. It also requires a deed restriction for perpetuity limiting further development on the sending property which often results in an unwilling seller. Often times, the density transfer does not materialize due to unresolved issues related to determining value and payment from the sending area. Rather than creating a process that raises concerns related to taking property value from a sending property and having to determine financial value of the density to be transferred to a receiving property, a more simplified approach is proposed. This approach is to place available density within a density pool that may be used by a developer to increase density beyond what would be approved through the planned density on the site. A “Density Credit Pool” would include selecting unused density from one parcel and transferring that density to a developing site.

- ***Sending Area*** - Areas identified as constrained from further growth or density. This may include an area or property where residential development has occurred at less than the maximum density and further development is not anticipated. Unused density is transferred to a Density Credit Pool.

- **Receiving Area** - Area identified as having additional potential for development beyond that allowed by existing zoning. The increased density can only be utilized by transferring density from a Density Credit Pool.
- **Density Credit Pool** - The proposed DTP would establish a “density credit pool.” A Density Credit Pool consists of unused density from undeveloped or underutilized properties. Available density with the Density Credit Pool could be transferred to a developing parcel to increase the density beyond what is permitted through maximum density allowances. Severed rights must be transferred (i.e. Sending Area and Receiving Area) through the Density Credit Pool program. The overall transfer of density from sending areas to receiving areas would not exceed the overall planned density of the DSP.

Traditional TDR programs and the proposed Density Credit Pool approach are based on the idea that land ownership involves a bundle of rights and these rights can be separated and/or sold individually. Both methodologies sever rights from one parcel, which transfers and allows more development on the second parcel while reducing or preventing development on the originating parcel. The key difference between the two methodologies is that the proposed approach pre-qualifies rights and banks them for coordinated efficiency and expedited permit processing.

3. Program Administration

The City would kick start the density credit pool with unused density from a city-owned parcel or parcels within the DSP. The City would consider continuing to fill the Density Credit Pool with excess unused density transferred from other undeveloped, developed, or developing properties that are not developing to the maximum density allowed by current zoning (Sending Areas). A deed restriction would be placed on a sending area property to document the transfer of unused density into the pool. At a later time, the property owner of a sending property could request reallocation of transferred density should they desire to increase the density on their property if the density units are still available or if there are additional units available in the density credit pool.

Allocation of the density from the pool would only occur when developing properties request additional density beyond that permitted by the DSP or if units had been previously severed to the Density Credit Pool. The request for an increase in units would require City Council approval of a Planned Development Permit and Development Agreement (or other agreement approved by City). Provided there is adequate density available in the Pool, there would be no ceiling on the amount of density that could be requested, but rather each development would be scrutinized through the entitlement and environmental review process to ensure appropriate and desired development that is compatible with the downtown community. A property owner or developer who requests density from the Density Credit Pool would submit an application for a Planned Development Permit and Development Agreement concurrently with any other required development application to the Planning Division. The Planning Division would review the application for TDR program compliance, project design, environmental concerns/CEQA process, zoning compliance, and other city and state regulations.

When a development is approved to receive density from the Density Credit Pool, those density units would be deducted from the density credit pool. Monitoring of the density credit pool would be accomplished by utilizing tables which detail information regarding sending and receiving properties and documents the available density within the DSP. Comprehensive tables would list pertinent data for each sending and receiving property such as assessor parcel numbers, addresses, ownerships, acreages, existing dwelling units and/or allowable dwelling units, additional dwelling units requested, application dates, approval dates, available number of units within the pool, and resolution number approving the allocations.

Administration of the transfer of density between the density credit pool, sending areas, and receiving areas would be routinely monitored to ensure that the number of dwelling units for the DSP would not be permitted to exceed the buildout of 5,275 units. An annual report to the City Council regarding the DSP Density Credit Pool would be presented by staff as part of the General Plan Annual Progress Report to outline approved projects, constructed projects, balance left in the density pool and recommendations for the upcoming year.

Ultimately, the DSP Density Credit Pool would encompass an assembly of available, unused density units from undeveloped and underdeveloped properties (Sending Areas) that can be used to increase the density of a developing parcel (Receiving Area). The overall transfer of density from Sending Areas to Receiving Areas would not exceed the overall planned density of the DSP. The proposed project would not approve density transfer credits for specific development projects because it is unknown for which sites or how many density credits may be requested within the DSP and it would be too speculative to make any development assumptions. Rather, as future development projects come forward, they would be subject to applicable City regulations and requirements, as well as project-specific CEQA analysis.

4. General Plan / Zoning

How land uses are arranged in a community helps establish its identity and character. In general, the goals identified in the Land Use / Community Form Element foster Escondido's role as an urban center. For example, Community Character Policy 1.3 focuses development into areas where land use changes achieve the community's long term goals. It also states that the City should facilitate development that is consistent with the build out vision for each area through incentive programs. The proposed project strives to achieve these objectives by increasing the utilization of its land base through a TDR Program to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient and sustainable use of public facilities and infrastructure. Therefore, the TDR Program also substantially complies with a number of economic development and growth management policies.

Transferring density from one property to another also offers opportunities to meet the State House Goals more readily. The Housing Element is a component of the General Plan that assesses the housing needs of all economic segments of the City. It covers the period from January 1, 2013, through December 31, 2020, and identifies strategies and programs that focus on: 1) Conserving and improving existing affordable housing; 2) Providing adequate housing sites;

3) Assisting in the development of affordable housing; 4) Removing governmental and constraints to housing development; and 5) Promoting fair housing opportunities.

Properties within the Downtown Specific Plan area that have the potential for development and/or redevelopment were identified. Adoption of the TDR Program would conform to SB166 (“No-Net-Loss”) and Housing Elements goals since residential units necessary to be constructed to meet these goals could be ultimately achieved even if projects incrementally underperform on site by site density yield counts. On properties where density is planned but not utilized to its full potential, the unused density (i.e. units) could be constructed on other developing sites. Many of the units required for the Regional Housing Needs Assessment could be accomplished by encouraging and facilitating new housing development in the downtown where adequate public services and much infrastructure is available. By offering developers a tool to increase density in areas that are prime for development and supported by existing infrastructure, the City would be supporting smart growth principles and encouraging development at a much earlier pace.

5. Supplemental Details of Request

1. Property Size: The Downtown Specific Plan encompasses approximately 475 acres extending from I-15 and West Valley Parkway to Palomar Hospital (Downtown Campus) between Washington Avenue and Fifth Avenue.
2. Existing Zoning: The DSP contains seven land use districts, each allowing residential uses within specific areas: Historic Downtown (HD), Park View (PV), Centre City Urban (CCU), Gateway Transit (GT), Mercado (M), Southern Gateway (SG) and Creekside Neighborhood (CN).
3. Proposed Amendment: The purpose of the TDR Program is to enable the City to transfer densities from undeveloped or underutilized properties (Sending Areas) within the DSP developing properties (Receiving Areas). The program would increase the probability that the anticipated number of dwelling units in the DSP area could actually be achieved by allowing a developing property to increase its density beyond what current zoning would permit when other properties have underdeveloped to less than the maximum density. The transfer density would be held in a Density Credit Pool until assigned to a particular development project.

6. Public Input

The proposed Density Transfer Program was presented to several community groups that have generally been interested in downtown-related issues.

1. Downtown Business Association – January 9, 2019
2. Escondido Chamber of Commerce – January 10, 2019
3. Old Escondido Neighborhood Group – February 20, 2019
4. Historic Preservation Commission – March 21, 2019

The Downtown Business Association and the Chamber were very receptive to the Density Transfer Program as it would work towards increasing the amount of development in the downtown area thereby improving the amount of foot traffic to the downtown businesses. The Old Escondido Neighborhood Group supported the DTP concept, but expressed potential concerns that could occur at the project level when transfers are proposed. The group was advised that any potential project involving a density transfer would have to go through the development review and approval process with a final public hearing at the City Council.

C. ENVIRONMENTAL STATUS:

The 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR (Final EIR) was certified on May 23, 2012, by the Escondido City Council. An Addendum to the previously certified Environmental Impact Report was prepared by Harris & Associates (March 1, 2019) to assess the potential impacts of the proposed amendment to the Downtown Specific Plan.

The proposed Addendum concluded that there are no substantial changes to the circumstances under which the proposed TDR Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed TDR Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with utilities and service systems impacts of the proposed TDR Program were evaluated in the Final EIR. The TDR Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

D. CONCLUSIONS:

The Planning Commission is the authorized agency for reviewing and providing recommendations to the City Council. The Planning Commission is being asked to consider the Amendment to the Downtown Specific Plan and the supporting Addendum to the previously approved EIR and provide comments to the City Council. The proposed project is consistent with the General Plan and the project meets all the applicable zoning standards. The project as proposed will not have a significant effect on the environment. No development is proposed as part of this Amendment to the DSP. Any future development requesting an increase in density based on the approval of the Amendment will be evaluated on a case by case basis and will be subject to review through a Planned Development.

Staff recommends that the Planning Commission recommend approval of Planning Case No. PHG 17-0024 based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2019-06 (Attachment 2) to the City Council.

ATTACHMENTS:

1. Downtown Specific Plan Maps
2. Draft Planning Commission Resolution No. 2019-06
3. Resolution No. 2019-06 – Exhibits A, B, C and D
 - Exhibit A – Findings of Fact
 - Exhibit B – Amendment to the Downtown Specific Plan
 - Exhibit C – Density Transfer Program
 - Exhibit D – Final EIR Addendum for TDR Program

Downtown Specific Plan

LAND USES



FIGURE II-1

Downtown Specific Plan

LAND USES

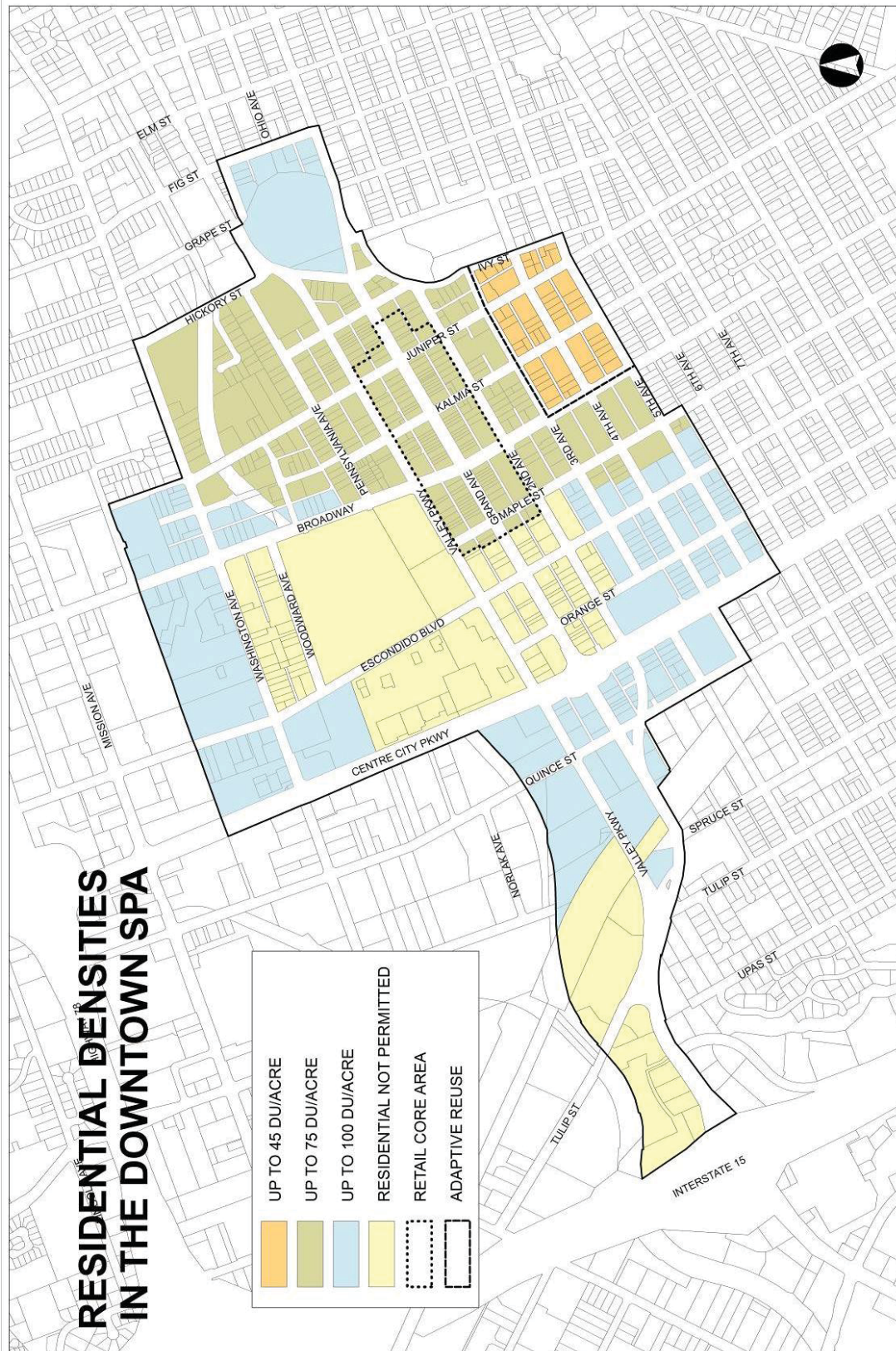


FIGURE II-5

ATTACHMENT 2

Planning Commission

Hearing Date: March 26, 2019

Effective Date: March 27, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN (DSP) TO ALLOW FOR DENSITY TRANSFERS WITHIN THE DSP AND RECOMMEND APPROVAL OF A DENSITY TRANSFER PROGRAM

APPLICANT: CITY OF ESCONDIDO

CASE NO: PHG 17-0024

WHEREAS, the City of Escondido filed an application to amend the Downtown Specific Plan (DSP) to create a Density Transfer Program that would allow for transfer of residential density from undeveloped and/or underutilized properties (sending properties) to developing parcels (receiving properties) to encourage the production of housing at all income levels; and

WHEREAS, the proposed Density Transfer Program is a modification to the Downtown Specific Plan language to provide for opportunities for transferring of density within the DSP on a case by case basis, subject to approval by the City Council through the approval of a Planned Development Permit and Development Agreement (or other agreement approved by City); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines

(14 California Code of Regulations Section 15000 et. seq.), the City is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, the Planning Division did study said request and does recommend approval of the Project; and

WHEREAS, the Planning Commission of the City of Escondido did, on March 26, 2019, hold a duly noticed public hearing as prescribed by law and all those desired to be heard were heard. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including background information, goals and objectives of the DSP, the proposed Density Transfer Program, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated March 26, 2019, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing.

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

1. That the above recitations are true and correct.
2. Pursuant to CEQA, an Addendum to the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Final

Environmental Impact Report for the Proposed Amendment to the DSP and Density Transfer Program was prepared by Harris & Associates on March 1, 2019 and attached as Exhibit "D". The addendum determined that the Density Transfer Program would not cause a new significant impact or substantially increase the severity of previously identified significant impacts that would require major revisions to the Final EIR. There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. Therefore, none of the conditions in State CEQA Guidelines 15162, 15163, and 15164 would require the recirculation of the EIR; and

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "A." In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission does hereby recommend approval of the Amendment to the Downtown Specific Plan, Exhibit "B" and the Density Transfer Program as attached as Exhibit "C."

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 26th day of March 26, 2019, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, 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.

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

EXHIBIT “A”

FACTORS TO BE CONSIDERED/FINDINGS OF FACT PHG 17-0024

Environmental Determinations:

1. The 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR (Final EIR) was certified on May 23, 2012, by Resolution No. 2013-85 of the Escondido City Council. A Mitigation Monitoring and Reporting Program (MMRP), Findings of Fact, and a Statement of Overriding Considerations regarding the EIR were also adopted at the same public hearing.
2. The 2012 Final EIR, Mitigation Monitoring and Reporting Plan, and Final EIR Addendum, collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the Project and the request to substitute a mitigation measure, and shall be referred to herein collectively as the "CEQA Documents."
3. That the Record of Proceedings upon which the Planning Commission bases its decision includes, but is not limited to: (1) the 2012 Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the 2012 Final EIR; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the 2012 Final EIR, the Final EIR Addendum, and the Project itself; (3) the evidence, facts, findings and other determinations set forth herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the 2012 Final EIR, the Final EIR Addendum, and the Project itself; (6) all documentary and oral evidence received at public meetings and hearings or submitted to the City during the comment period relating to the and/or elsewhere during the course of the review of the Final EIR Addendum; and (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.
4. That the Planning Commission finds the Final EIR Addendum and findings contained therein, demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the adopted 2012 Final EIR remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous 2012 Final EIR.

5. That the Planning Commission finds and determines that the applicable provisions of CEQA and the State CEQA Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto. The Planning Commission finds and determines that the evidence in the record constitutes substantial evidence to support the actions taken and the findings made in this Resolution, that the facts stated in this Resolution are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentation, the staff report and all materials in the Project files. There is no substantial evidence, nor are there other facts, that detract from the findings made in this Resolution herein. The Planning Commission expressly declares that it considered all evidence presented and reached these findings after due consideration of all evidence presented to it and makes a recommendation to the City Council to adopt the Project as set forth.

Amendment to the Downtown Specific Plan:

1. At a time when the City of Escondido needs to take every measure prudent to encourage and promote the production of housing at all income levels, there are instances in which the City allows potential new dwelling unit construction to be lost. For example, if an action, such as a development project, results in a lower-density development than was anticipated through Zoning or by the General Plan, no mechanism is in place to encourage or ensure recovery of the lost density. Establishing a Transfer of Development Rights (TDR) Program and Density Credit Pool or an equivalent program could give the City of Escondido the opportunity to ensure that we're maximizing housing production to combat our current housing crisis. Such a strategy is consistent with local Housing Element goals and would help the San Diego region and the State of California take incremental steps towards addressing the acute housing affordability crisis.
2. The Downtown Specific Plan (DSP) contains seven land use districts, each allowing residential uses within specific areas: Historic Downtown (HD), Park View (PV), Centre City Urban (CCU), Gateway Transit (GT), Mercado (M), Southern Gateway (SG) and Creekside Neighborhood (CN). The overall strategic goals of all seven districts are to:
 - Ensure its economical viability,
 - Create a local and regional destination,
 - Foster a vibrant atmosphere that offers mixed uses, offices, and high density residential, create identifiable signage that strengthens its character,
 - Street level and human scale design elements,
 - Preservation of historical sites and structures,

- Focus on pedestrian orientation along Grand Avenue (District HD),
- Offer higher residential densities that support downtown commercial,
- Expand pedestrian connections and alternative transportation modes,
- Create pleasing exterior decor and public art, and
- Maximize parking opportunities.

The Project proposes to establish a TDR Program in the DSP that anchors higher density in the downtown mix, ensuring that the vision of the downtown is achieved through increasing supply and removing barriers to development. The proposed, complementary Density Credit Pool helps ensure that the overall density of the DSP is not exceeded by pre-qualifying rights and banks development rights for coordinated efficiency and expedited permit processing. Granting the proposed amendment to the DSP would be based upon sound principles of land use because General Plan Update and the Final EIR evaluated the buildout of the Downtown Specific Plan to consist of 5,275 dwelling units. Due to a variety of factors including market conditions, the economy, construction costs, and land values, the number of new dwelling units constructed since 2012 has not kept up with the pace of growing housing needs. The TDR Program is based on the idea that land ownership involves a bundle of rights and that these rights can be separated or sold individually. The proposed TDR program creates an incentive-based program to facilitate new development at higher densities.

The proposed amendment to the DSP would help ensure the future economic vitality of the City's core and increase the amount of activity to the downtown. A healthy residential component to a downtown area helps generate customers – and a constant flow of foot traffic supports nearby retailers, services, entertainment, and other businesses that are part of a desirable downtown economy. By incorporating a higher density of residents in the downtown mix, the amount of activity increases, which in turn creates even more vibrancy. The proposed Project would serve to encourage new development within the downtown resulting in improved housing types, tenures, and choices, while increasing property values and property tax rates.

3. Granting the proposed amendment would not change the existing zoning or land use as specified in the DSP and would not cause deterioration of bordering land uses or create special problems for the area because the property is zoned for and encourages multi-family development and a mix of housing in a dense urban environment. All new development would be subject to the City's development application and approval processes and the density increase would be approved on a case-by-case basis by the City Council. The General Plan Update and EIR evaluated potential impacts of development and has planned for a maximum of

5,275 dwelling units and the project would not exceed the maximum buildout as evaluated and proposed.

4. The proposed amendment to the DSP and the Density Transfer Program have been considered in relationship to its effect on the community, and the request would be in compliance with the goals and objectives of the Downtown Specific Plan, PP I-2, such as:
 - a. to encourage an economically viable Downtown,
 - b. encouraging higher residential densities in key locations that support Downtown non-residential uses,
 - c. pedestrian environments that provides connections, convenient access and opportunities for alternative modes of transportation, and
 - d. a vibrant and exciting environment with land uses that foster an “18-hours” atmosphere in addition to areas that provide mixed use, office, employment and high-density residential opportunities.
5. As detailed in the Planning Commission staff report dated March 26, 2019. The impacts of the proposed project will not adversely affect the goals and objectives of the Downtown Specific Plan and all future development will be subject to the development permit application procedures, General Plan policies or the provisions of the Municipal Code.

EXHIBIT “B”

Amendment to the Downtown Specific Plan PHG17-0024

Amend the Downtown Specific Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

Page II-10 - Amend Residential Densities. Add new text to establish TDR Program.

The Downtown SPA will accommodate up to 5,275 residential units. Residential densities range from 45 up to 100 units per acre. The specific locations within each District prescribing maximum densities are shown in Figure II-5.

Allowable residential densities may be exceeded on a case-by-case basis through a density transfer process subject to approval of a Planned Development Permit and Development Agreement (or other agreement approved by City), filed concurrently with all other necessary land development permit requests. The Density Transfer Program consists of the sale or transfer of one parcel's development rights of dwelling units to another parcel, which allows more residential development on the second parcel while reducing or preventing development on the originating parcel. Overall density within the Downtown SPA cannot exceed the maximum buildout of 5,275 residential units.

The Density Transfer Program requires a deed restriction to be recorded on the Sending Area property to demonstrate that the development rights are severed from the lot designated as a Sending Area. No “fractional” units may be severed or re-allocated. Residential density may be transferred as “whole” numbers from Sending Areas in the Downtown SPA to Receiving Areas in the Downtown SPA. The mechanism to sever dwelling units from a Sending Area and/or allocate units to a Receiving Area shall be through a Density Credit Pool, managed by the Planning Division.

EXHIBIT “C”

Density Transfer Program

Program Purpose

A typical TDR ordinance takes away planned density from one property and transfers the density to a property within a developing area allowing the receiving property owner to get more density than what is zoned. This approach requires a financial value determination of future density of the sending area and then negotiating payment from a developer in the receiving area. It also requires a deed restriction for perpetuity limiting further development on the sending property which often results in an unwilling seller. Often times, the density transfer does not materialize due to unresolved issues related to determining value and payment from the sending area. Rather than creating a process that raises concerns related to taking property value from a sending property and having to determine financial value of the density to be transferred to a receiving property, a more simplified approach is proposed. This approach is to place available density within a density pool that may be used by a developer to increase density beyond what would be approved through the planned density on the site. A “Density Credit Pool” would include selecting unused density from one parcel and transferring that density to a developing site.

- ***Sending Area*** - Areas identified as constrained from further growth or density. This may include an area or property where residential development has occurred at less than the maximum density and further development is not anticipated. Unused density is transferred to a Density Credit Pool.
- ***Receiving Area*** - Area identified as having additional potential for development beyond that allowed by existing zoning. The increased density can only be utilized by transferring density from a Density Credit Pool.
- ***Density Credit Pool*** - The proposed DTP would establish a “density credit pool.” A Density Credit Pool consists of unused density from undeveloped or underutilized properties. Available density with the Density Credit Pool could be transferred to a developing parcel to increase the density beyond what is permitted through maximum density allowances. Severed rights must be transferred (i.e. Sending Area and Receiving Area) through the Density Credit Pool program. The overall transfer of density from sending areas to receiving areas would not exceed the overall planned density of the DSP.

Traditional TDR programs and the proposed Density Credit Pool approach are based on the idea that land ownership involves a bundle of rights and these rights can be separated and/or sold individually. Both methodologies sever rights from one parcel, which transfers

and allows more development on the second parcel while reducing or preventing development on the originating parcel. The key difference between the two methodologies is that the proposed approach pre-qualifies rights and banks them for coordinated efficiency and expedited permit processing.

Program Administration

The City would kick start the density credit pool with unused density from a city-owned parcel or parcels within the DSP. The City would consider continuing to fill the Density Credit Pool with excess unused density transferred from other undeveloped, developed, or developing properties that are not developing to the maximum density allowed by current zoning (Sending Areas). A deed restriction would be placed on a sending area property to document the transfer of unused density into the pool. At a later time, the property owner of a sending property could request reallocation of transferred density should they desire to increase the density on their property if the density units are still available or if there are additional units available in the density credit pool.

Allocation of the density from the pool would only occur when developing properties request additional density beyond that permitted by the DSP or if units had been previously severed to the Density Credit Pool. The request for an increase in units would require City Council approval of a Planned Development Permit and Development Agreement (or other agreement approved by City). Provided there is adequate density available in the Pool, there would be no ceiling on the amount of density that could be requested, but rather each development would be scrutinized through the entitlement and environmental review process to ensure appropriate and desired development that is compatible with the downtown community. A property owner or developer who requests density from the Density Credit Pool would submit an application for a Planned Development Permit and Development Agreement concurrently with any other required development application to the Planning Division. The Planning Division would review the application for TDR program compliance, project design, environmental concerns and CEQA process, zoning compliance, and other city and state regulations.

When a development is approved to receive density from the Density Credit Pool, those density units would be deducted from the density credit pool. Monitoring of the density credit pool would be accomplished by utilizing tables which detail information regarding sending and receiving properties and documents the available density within the DSP. Comprehensive tables would list pertinent data for each sending and receiving property such as assessor parcel numbers, addresses, ownerships, acreages, existing dwelling units and/or allowable dwelling units, additional dwelling units requested, application dates, approval dates, available number of units within the pool, and resolution number approving the allocations.

Administration of the transfer of density between the density credit pool, sending areas, and receiving areas would be routinely monitored to ensure that the number of dwelling units for the DSP would not be permitted to exceed the buildout of 5,275 units. An annual report to the City Council regarding the DSP Density Credit Pool would be presented by staff as part of the General Plan Annual Progress Report to outline approved projects, constructed projects, balance left in the density pool and recommendations for the upcoming year.

Ultimately, the DSP Density Credit Pool would encompass an assembly of available, unused density units from undeveloped and underdeveloped properties (Sending Areas) that can be used to increase the density of a developing parcel (Receiving Area). The overall transfer of density from Sending Areas to Receiving Areas would not exceed the overall planned density of the DSP. As future development projects come forward, they would be subject to applicable City regulations and requirements, as well as project-specific CEQA analysis.

Density Transfer Program Benefits

The benefits of a Density Transfer Program and a Density Credit Pool include:

1. Simple effective method for maximizing density in the urban core to support an established business community.
2. City maintains oversight for managing transfers and density accounting.
3. There is no assumed “taking” of property rights as only excess density is transferred into the pool.
4. It is a mechanism that can transfer density without the expenditure of public funds.
5. There is no need to conduct costly appraisals or property evaluations.
6. It reduces the need to negotiate the value of density and places focus on benefits to the DSP.
7. It reduces administration time of monitoring sending and receiving areas.
8. Increased residential activity in the DSP area would improve financial viability and vibrancy downtown.
9. Improvements within DSP would further the goals of the DSP.
10. The City would realize increased property values and tax revenues.
11. It encourages new residential and mixed-use development because of the simplification of the process as it does not involve complex appraisals and negotiations.
12. It allows opportunities for a variety of housing for various income levels by increasing the amount of density in a development.
13. It is consistent with recent state housing law regarding “no net loss.”

Addendum to the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Final Environmental Impact Report for the Proposed Density Transfer Program

March 1, 2019

Prepared for:



**Contact: Bill Martin, AICP
201 North Broadway
Escondido, CA 92025
(760) 839-4671**

Prepared by:



**Contact: Diane Sandman, AICP
600 B Street, Suite 2000
San Diego, CA 92101
(619) 481-5013**

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Figure 2. Downtown SPA Districts

Figure 3. Downtown SPA Residential Densities

Figure 4. Downtown SPA Building Height Limits

Figure 5. Downtown SPA Land Uses

Table

Table 2-1 Regional Housing Needs Allocation for 2013 - 2020

Section 1 Introduction

The City of Escondido (City) has developed a comprehensive plan to identify areas that comprise the downtown, selected goals, and objectives that envision its future, and plan for organized development of the downtown communities (See Figure 1: Regional Location Map). The Downtown Specific Plan area (DSP) currently encompasses approximately 475 acres extending from I-15 and West Valley Parkway to Palomar Hospital, between Washington and Fifth Avenues including the urban core along Grand Avenue where Escondido was incorporated in 1888. First approved by the City Council in the 1980s, the DSP has been amended over the years, however, its primary purpose remains the same: to provide a comprehensive plan for land use, development regulations and incentives, design guidelines, and strategies directed at ensuring an economically viable downtown.

In 2012, the City adopted the General Plan Update (GP 2012 Update) that represents both an evaluation and vision for the future. For planning purposes, the GP 2012 Update establishes 2035 as the “horizon year.” The GP stated goals and policies are aimed at guiding growth and development in that direction. It establishes a vision and goals for the DSP area and analyzes potential impacts of a buildout of 5,275 residential units. In 2012, there were approximately 1,200 dwelling units in the DSP. Since then, 185 units have been constructed within the downtown area. Another 126 units have been approved but not yet constructed. In 2013, an amendment (2013 PHG 13-0018) added approximately 58 acres to the downtown planning area and increased densities in some areas from 45 dwelling units to 75 or 100 dwelling units per acre. Additionally, some areas previously permitted for residential uses were modified to exclude any new residential uses. Overall, the 2013 amendment maintained a buildout of 5,275 dwelling units in the downtown area for the planned horizon year of 2035 as previously analyzed in the certified GP 2012 Final Environmental Impact Report (EIR). The current remaining balance of available residential units within the DSP is 3,764 units.

The DSP contains seven land use districts, each allowing residential uses within specific areas: Historic Downtown (HD), Park View (PV), Centre City Urban (CCU), Gateway Transit (GT), Mercado (M), Southern Gateway (SG) and Creekside Neighborhood (CN) (See Figure 2: Downtown SPA Districts). The overall strategic goals of all seven districts are to:

- Ensure its economic viability,
- Create a local and regional destination,
- Foster a vibrant atmosphere that offers mixed uses, offices, and high density residential,
- Create identifiable signage that strengthens its character,
- Street level and human scale design elements,
- Preservation of historical sites and structures,
- Focus on pedestrian orientation along Grand Avenue (HD District),

- Offer higher residential densities that support downtown commercial,
- Expand pedestrian connections and alternative transportation modes,
- Create pleasing exterior decor and public art, and
- Maximize parking opportunities.

In order to promote and achieve the DSP goals, an active population who live, work, and play within the downtown is required. Without adequate residential housing opportunities to generate enough pedestrian activity to support restaurants, stores, and businesses, the downtown will not achieve its goals. Residential growth requires expanding the existing housing stock by encouraging and securing multi-family development.

One of the ways to encourage multi-family development is to ensure the financial viability of the development project by increasing density where desired, but not increasing the overall planned density for the area. This can be accomplished by transferring density from one area where residential development is allowed but not anticipated, development has already occurred and would not be developed further, or where a developing parcel does not propose to utilize all of its development potential (“Sending Area”).

The proposed Density Transfer Program project includes an amendment to the DSP to include a new policy to help facilitate a density credit pool. The density credit pool is an assembly of available, unused density units from undeveloped, developed, or developing properties that can be used to increase the density of a developing parcel (“Receiving Area”). Initially, the density credit pool will be composed of City-owned undeveloped parcels or parking lot parcels. Additional, parcels may be added into the density credit pool as demand from developing parcels increases. The overall transfer of density from Sending Areas to Receiving Areas would not exceed the overall planned density of the DSP. The proposed project would not designate density transfer credits for specific development projects because it is unknown for which sites or how many density credits may be requested within the DSP and it would be too speculative to make any development assumptions. Rather, as future development projects come forward, they would be subject to applicable City regulations and requirements, as well as project-specific CEQA analysis.

Section 2 **Background**

2.1 Regional Housing Needs

The Housing Element is a component of the General Plan that assesses the housing needs of all economic segments of the City. Adopted in 2012, the Housing Element covers the planning period from January 1, 2013, through December 31, 2020 and identifies strategies and programs that focus on:

- Conserving and improving existing affordable housing,
- Providing adequate housing sites,
- Assisting in the development of affordable housing,
- Removing governmental and constraints to housing development, and
- Promoting fair housing opportunities.

The state of California requires all cities to adopt a Housing Element that includes efforts to provide adequate housing to all income levels. The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. Communities use the RHNA in land use planning, prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment and household growth. The RHNA does not necessarily encourage or promote growth, but rather allows communities to anticipate growth, so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses social equity, fair share housing needs. The RHNA is assigned by income category (California Government Code Sections 65584 – 65584.09). Approximately 40 percent of the need is for very low income and low income housing (collectively “lower income housing”) for households generally earning 80 percent or less of median income; approximately 20 percent of the need is for moderate income housing, which are households earning between 80 and 120 percent of median income; and the remaining 40 percent of the need is for above-moderate income housing, which are households earning above 120 percent of median income.

Each community must demonstrate that it has enough sites properly zoned for housing to allow its total RHNA to be built in the next five to eight years. The Housing Element must contain an inventory of sites that permit housing development. For each site, the inventory must list the number of housing units that can be accommodated on the site, given the zoning and other constraints, and indicate whether the site is suitable for lower income, moderate income, or above moderate income housing.

With recent state law SB 166, ‘no net loss’ provisions apply when a site included in the Housing Element’s inventory of sites is either rezoned to a lower residential density or a project is approved at a lower residential density than shown in the Housing Element.

RHNA refers to the number of units identified by SANDAG (San Diego Association of Governments) that each jurisdiction should provide over a particular planning period to ensure adequate regional projected housing needs by household income levels are met. San Diego’s regional housing needs allocation covers an 11-year period from January 2010 to December 2020. The housing allocation targets not only unit construction but also the agency’s ability to provide adequate sites through planning and land use regulations.

For SANDAG’s current RHNA period, the City’s fair share is 4,175 units spread over various income levels. The RHNA includes a fair share adjustment which allocates future construction by each income category to reduce the potential to over-concentrate lower income households in one community. The City’s Housing Element projects the following number of units within each income category that could be constructed during the period 2013 through 2020.

Table 2-1 Regional Housing Needs Allocation for 2013 - 2020

Income Category (percentage of County’s AMI)	Number Of Units	Percent
Extremely Low (30% or less)	460	11.0%
Very Low (31-50%)	582	13.9%
Low (51-80%)	791	19.0%
Moderate (81-120%)	733	17.6%
Above Moderate (over 120%)	1,609	38.5%
Total	4,175	100.0%

The City’s Housing Element has documented the number of units for each income category either approved or constructed since January 1, 2010. A total of 776 residential units in all categories have been approved or constructed in this timeframe. The remaining number of RHNA units necessary is 3,399, including 952 for Extremely Low and Very Low, 767 for Low, 733 for Moderate, and 947 for Above Moderate households.

Properties that have the potential for development and/or redevelopment were identified within the DSP. The potentially developable properties or underdeveloped properties included parking lots, structures prime for renovation, marginally operated businesses, nonconforming uses, and sites that had the capacity for additional units either through renovation or through reconstruction. Recent development in the downtown area has realized densities of at least 70-percent of the maximum allowable density.

The Housing Element estimated that the DSP could potentially achieve an overall density of 75-percent of the 45 allowable units per acre to determine an overall density of 33.75 units per acre.

Using a density of 33.75 units per acre, GIS mapping of vacant and underutilized sites, and site review, resulted in a projected amount of 3,205 units. However, as previously stated, an amendment to the DSP (2013 PHG 13-0018) modified the boundaries of the SPA, increased maximum densities from 45 dwelling units per acre to 75 or 100 dwelling units per acre, and added the Palomar Medical Center property. The GP 2012 Final EIR, certified on May 23, 2012, estimated that buildout of the DSP would result in a total of 5,275 units, which reflects the increase in densities not reflected in the Housing Element prepared in August 2011 and adopted shortly after in 2012.

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Section 3 Basis of Decision to Prepare an EIR Addendum

The 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR (Final EIR) was certified on May 23, 2012, by the Escondido City Council. A Mitigation Monitoring and Reporting Program (MMRP), Findings of Fact, and a Statement of Overriding Considerations regarding the EIR were also adopted at the same public hearing.

The GP 2012 Update is a statement of long-range public policy to guide the use of private and public lands within the City, the City's Sphere of Influence (SOI) and some areas adjacent to the City's SOI. The DSP Update provides a comprehensive plan for land use, development regulations, development incentives, design guidelines and other related actions aimed at implementing the strategic goals for the downtown area as set forth in the General Plan goals and policies. The E-CAP establishes goals and policies to reduce greenhouse gas (GHG) emissions by incorporating environmental responsibility into the City's daily management of residential, commercial and industrial growth, education, energy and water use, air quality, transportation, waste reduction, economic development, and open space and natural habitats. The Final EIR has been structured to serve as a tiering document for future development projects within the city pursuant to the requirements of CEQA.

The State CEQA Guidelines have established types of actions to be taken to address changes to a project for which a CEQA document has previously been approved, based on the significance or severity of new or increased environmental impacts that could result from project changes, new information, changing circumstances, or changes to mitigation measures or alternatives. When an EIR has been certified for a project (such as the Final EIR), no additional environmental review is required except as provided for in Sections 15162, 15163, and 15164 of the State CEQA Guidelines, which sets forth the circumstances under which a project may warrant a subsequent EIR or negative declaration, a supplement to an EIR, or an addendum to an EIR or negative declaration, as stated below.

Section 15162 Subsequent EIRS and Negative Declarations

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental

- effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 Supplement to an EIR

- (a) The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
 - (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
 - (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- (b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- (c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
- (d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- (e) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

Section 15164 Addendum to an EIR or Negative Declaration

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

The City, as the lead agency, has determined that an Addendum is the appropriate CEQA document to address the proposed Density Transfer Program because while it requires changes or additions to the previously certified Final EIR, it does not propose substantial changes or new information that would require preparation of a subsequent or supplemental EIR. The proposed project is a policy update to the DSP and no density transfer credits would be approved for specific development projects as part of the proposed project. Future development projects requesting credits from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as project-specific CEQA analysis. Based on the environmental analysis provided in Chapter 5, Environmental Analysis, of this Addendum, none of the circumstances of the DSP as analyzed in the previously certified Final EIR, have changed with respect to the proposed Density Transfer Program. In addition, the proposed project would not create substantial changes or bring to light new information of the substantial importance that was not previously examined in the Final EIR. As a result, the City has prepared this Addendum instead of a subsequent or supplemental EIR. The proposed Density Transfer Program may, therefore, be approved as an activity covered within the scope of the Final EIR.

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Section 4 Project Description

4.1 Project Location

The proposed Density Transfer Program project is located in the DSP area which includes the City's central urban core and encompasses approximately 500 acres extending from I-15 and West Valley Parkway to Fig Street, north of Washington Avenue and south of Fifth Avenue (see Figure 2: Downtown SPA Districts).

4.2 Project Characteristics

The proposed project would amend the DSP Section B Residential Development under Residential Densities on Page II-10. The following language shown in italics would be added to the existing DSP text below:

The Downtown SPA will accommodate up to 5,275 residential units. Residential densities range from 45 up to 100 units per acre. The specific locations within each District prescribing maximum densities are shown in Figure 3: Downtown SPA Residential Densities. Allowable residential densities may be exceeded on a case-by-case basis through a density transfer process subject to approval of a Planned Development. Residential density may be transferred from a density credit pool managed by the Planning Division, provided there is available density in the density pool. Overall density within the Downtown SPA cannot exceed the maximum buildout of 5,275 residential units.

Establishment of the Density Transfer Program would conform to SB166 and the City's Housing Element goals, as residential units necessary to be constructed to meet these goals would not be reduced. On the contrary, density may actually be achieved at a higher pace. With properties where density is planned but not utilized to its full potential, those excess units could be transferred to the density credit pool and become available to be constructed on other sites. Not only does the DSP allow for adequate density that will encourage residential growth, it allows for an increase in density that results in more affordable and diverse housing types. By offering developers a tool to increase density in the areas that are appropriate for development, it could encourage development at a much earlier pace.

Many of the units required for the RHNA could be accomplished by encouraging and facilitating new housing development in the DSP where adequate public services and infrastructure are available.

As previously discussed, the proposed project is a policy update to the DSP and no density transfer credits would be approved for specific development projects as part of the proposed project. Future development projects requesting credits from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as project-specific CEQA analysis.

4.3 Density Transfer Program Administration

The Density Transfer Program would provide for administration and monitoring of the transfer of density between properties and the density credit pool to ensure that the number of dwelling units for the DSP would not be permitted to exceed the buildout of 5,275. The density credit pool could initially be supplied by density transferred from undeveloped city-owned parcels within the DSP, and then continue to be filled with “excess/unused” density from other undeveloped or developing properties. These properties would be known as the “Sending Area.” A deed restriction on the Sending Area property would document the transfer of density. The property owner could request at a later time, reallocation of those units should they desire to increase density of the property, as long as there are available units in the density credit pool.

Each property owner or developer who requests an increase in density from what could be permitted through current regulations contained in the DSP would submit an application for a Planned Development permit to the Planning Division. This property would be known as the “Receiving Area.” The Planning Division would review the Planned Development application for application completion, project design, environmental concerns, zoning compliance, and other City and state regulations. Provided there is adequate density available in the density credit pool, there would be no ceiling on the amount of density that could be requested above what is permitted, but rather each development would be scrutinized through the entitlement and environmental review process to ensure appropriate and desired development within the community.

When a development is approved for an increase in density, the approved dwelling units would be deducted from the density credit pool. The Density Transfer Program would monitor the density credit pool by utilizing tables detailing information regarding the sending and receiving properties and a summary table for the entire DSP. The tables would list pertinent data for each sending and receiving property: assessor parcel number, address, ownership, acreage, existing dwelling units and/or allowable dwelling units, additional dwelling units requested, project application number, application date, approval date, available number of units within the district pool, number of units approved, and resolution number. A comprehensive table would actively, closely monitor the overall available density within the DSP.

An annual report to the City Council regarding the DSP Density Transfer Program would be presented by City staff to outline approved projects, constructed projects, balance of units available, and recommendations for the upcoming year.

Section 5 Environmental Analysis

This section of the Addendum analyzes the potential environmental effects associated with the implementation of the Density Transfer Program as compared to the environmental analysis provided in the Final EIR. Each environmental topic is organized to first identify the impacts and significance level determinations previously identified in the Final EIR; second, to identify the impacts of the Density Transfer Program and whether new or increased severity of significant impacts would occur; and lastly; state whether the Density Transfer Program would result in substantial changes in the circumstances or new information not previously identified in the Final EIR. This section provides substantial evidence to support the findings in Section 3, Basis for Decision to Prepare Addendum, that the Density Transfer Program would not create substantial changes, or bring to light new information of substantial importance that was not previously examined in the Final EIR, which would trigger the preparation of a subsequent or supplemental EIR as set forth in State CEQA Guidelines Sections 15162 and 15163. As such, it is consistent with the provisions of State CEQA Guidelines Section 15164 regarding an addendum to an EIR. Information and technical analyses from the Final EIR are utilized throughout this Addendum.

5.1 Aesthetics

5.1.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with aesthetics and determined the corresponding level of significance.

Issue 4.1-1 Scenic Vistas (Less than Significant)

Issue 4.1-2 Scenic Resources (Less than Significant)

Issue 4.1-3 Visual Character or Quality (Less than Significant)

Issue 4.1-4 Light or Glare (Less than Significant)

These less than significant impacts were addressed in Section 4.1, Aesthetics, of the Final EIR on pages 4.1-1 through 4.1-50 under the headings noted above.

As described in the Final EIR Section 4.1, Aesthetics, Issues 4.1-1, 4.1-2, 4.1-3, and 4.1-4 would result in less than significant impacts resulting from the implementation of the Escondido General Plan Update (GP 2012 Update), Downtown Specific Plan Update (DSP Update), and the Escondido Climate Action Plan (E-CAP). Implementation of the GP 2012 Update, DSP Update, and E-CAP would not obstruct existing views and resources by complying with existing regulations and the proposed GP 2012 Update and DSP Update policies. Implementation of the City's Grading and Erosion Ordinance and General Plan update policies in the Resource

Conservation Element would protect views of ridgelines by requiring development to comply with grading design guidelines for development on all steep slopes, requiring slope analyses and visual analyses for development near skyline ridges, and prohibiting development on skyline ridges. Implementation of the GP 2012, DSP Update, and E-CAP, would have the potential to change the existing visual character or quality in some areas of the City, but not degrade it. Development consistent with the GP 2012 Update and DSP Update would be high quality development designed to be compatible with existing adjacent land uses. Additionally, there would not be substantial impacts in regards to lighting or glare, as all new development would be required to comply with the City's outdoor lighting ordinance. Also, the GP 2012 Update and DSP Update include policies that require new development, including development that would install reflective surfaces as part of the E-CAP implementation, to avoid light and glare impacts, including spillover light and incompatible glare. Therefore, impacts to Issues 4.1-1 through 4.1-4 would be less than significant.

5.1.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact aesthetics if new development or redevelopment of existing properties was allowed at higher land use densities than what is currently allowed under the DSP (see Figures 3: Downtown SPA Residential Densities, and Figure 4: Downtown SPA Building Height Limits). Higher densities could also result in increased building heights and number of stories, which could impact scenic views, scenic resources, visual character or quality and light and glare. Although scenic views in the downtown area are currently limited by existing development, the potential increase in building heights and density that could occur on certain sites within the downtown area could impact views of the ridgelines surrounding the City as well as the visual quality of the area. Additionally, the DSP area includes the historic downtown district, and increases in building height and density would have the potential to block views of the scenic historic resources within the district. The development of future buildings at higher densities than allowed in the DSP could have the potential to result in an incremental increase in light or glare from the increased number of residential units.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its

surroundings. Future projects would be subject to existing City policies and regulations, the GP 2012 Update design principles and policies, and the DSP goals and policies that are intended to protect scenic views, scenic resources, and existing visual character and quality, and require design review of new development projects. The City's Zoning Ordinance and the General Plan Update and DSP Update policies also require development projects to avoid glare impacts and minimize nighttime lighting.

Therefore, the Density Transfer Program would not result in new aesthetic impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original environmental analysis for aesthetics.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with aesthetic impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.1-1 through 4.1-50). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.2 Agricultural Resources

5.2.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with agricultural resources and determined the corresponding level of significance.

Issue 4.2-1 Conversion of Agricultural Resources (Less than Significant)

Issue 4.2-2 Land Use Conflicts (Less than Significant)

Issue 4.2-3 Indirect Conversion of Agricultural Resources (Less than Significant)

These less than significant impacts were addressed in Section 4.2, Agricultural Resources, of the Final EIR on pages 4.2-1 through 4.2-28 under the headings noted above.

As described in the Final EIR Section 4.2, Agricultural Resources, Issues 4.2-1, 4.2-2, and 4.2-3 would result in less than significant impacts resulting from the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Implementation of the GP 2012 Update would result in the potential direct conversion of 1,846 acres of agricultural resources. However, the GP 2012 update provides multiple policies within various elements that promote preservation and encourage agricultural uses within the City. The E-CAP provides reduction measures that encourage agricultural efficiencies. Additionally, zoning designations would be made consistent with the GP land use designations with the adoption of the GP 2012 Update and would not impact any land under an existing Williamson Act Contract. Implementation of the GP 2012 Update policies and smart growth planning strategies would reduce the potential for agricultural resources to be converted to non-agricultural uses. Therefore, impacts would be less than significant under Issues 4.2-1, 4.2-2, and 4.2-3.

5.2.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact agricultural resources if new development were to transform agricultural resources into non-agricultural land. However, due to its existing urban setting and highly developed condition, the DSP area offers very limited opportunities for agricultural resources. The DSP Update does not include any policies related to Williamson Act contracts, agricultural zoning, or agricultural resources. In some cases, the Density Transfer Program could actually help preserve agricultural resources by taking away future density from a property the community would like to preserve for agricultural operations and transferring that density to another property within the DSP.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to existing City policies and regulations, the GP 2012 Update design principles and policies, and the E-CAP policies that are intended to reduce the potential for agricultural resources to be converted to non-agricultural uses in the future.

Therefore, the Density Transfer Program would not result in new agricultural impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for agricultural resources.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with agricultural resources impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.2-1 through 4.2-28). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.3 Air Quality

5.3.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with air quality and determined the corresponding level of significance.

Issue 4.3-1 Air Quality Plans (Less than Significant)

Issue 4.3-2 Air Quality Violations – Direct and Cumulative (Significant and Unavoidable)

Issue 4.3-3 Sensitive Receptors (Less than Significant with Mitigation)

Issue 4.3-4 Objectionable Odors (Less than Significant)

These issues were addressed in Section 4.3, Air Quality, of the Final EIR on pages 4.3-1 through 4.3-40 under the headings noted above.

As described in the Final EIR Section 4.3, Air Quality, implementation of the GP 2012 Update, DSP Update, and the E-CAP is consistent with the SANDAG projections accounted for in the Regional Air Quality Strategy (RAQS) and the State Implementation Plan (SIP). Future

development would be required to demonstrate compliance with the strategies and measures adopted as part of the RAQS and SIP during the City's environmental review process, as well as with the requirements of the City and/or the San Diego Pollution Control District (SDAPCD) to reduce emissions of particulate matter. Therefore, impacts would be less than significant under Issue 4.3-1.

Annual construction emissions and operational emissions associated with future development under the GP 2012 Update would result in significant emissions of volatile organic carbons (VOCs), particulate matter 10 (PM₁₀), and PM_{2.5}. Realistically, yearly construction emissions for all pollutants may be greater or lower depending on how development is implemented. Future development under the GP 2012 Update would be required to comply with CARB motor vehicle standards, SDAPCD regulations from stationary sources and architectural coatings, and the GP 2012 Update goals and policies. Additionally, the San Diego Air Basin (SDAB) is a non-attainment area for the state standards for ozone, PM₁₀, and PM_{2.5}. Therefore, with the implementation of the GP 2012 Update, DSP Update, and E-CAP, there would be a cumulatively considerable impact for these pollutants. Mitigation measures Air-1 and Air-2 would be incorporated to mitigate these effects. While these measures and policies are intended to reduce impacts associated with air quality violations, these measures cannot guarantee that emissions would be reduced to a less than significant level. Therefore, even with the implementation of mitigation, impacts from construction and operation would remain significant and unavoidable under Issue 4.3-2.

Future development consistent with the GP 2012 Update, DSP Update, and E-CAP, would result in potentially significant emissions of diesel particulate matter (DPM) and toxic air contaminants (TACs). Land development projects are required to comply with AB 2588, SDAPCD RULE 1210, Toxic Air Contaminant Public Health Risks – Public Notification and Risk Reduction, and CARB standards for diesel engines. The GP 2012 Update Air Quality and Climate Protection Element requires future land uses to be sited according to CARB recommendations. However, CARB does not make specific recommendations for certain potential sources of TACS including waste transfer, industrial, medical, and research and development facilities. Incorporation of mitigation measures Air-3 and Air-4 would reduce potential impacts associated with exposure of sensitive receptors to TACs to less than significant under Issue 4.3-3.

While odor sources are present within the GP 2012 Update and DSP Update planning areas, compliance with SDAPCD Rule 51 and the GP Update 2012 would ensure that a substantial number of sensitive receptors would not be exposed to objectionable odors. Therefore, impacts would be less than significant under Issue 4.3-4.

5.3.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program could have the potential to impact air quality from the construction and operational activities associated with the development of future projects. Due to the density transfer nature of the program, it could result in higher densities and populations in certain areas of the DSP than previously expected and diverge from the growth originally anticipated by SANDAG. Higher density development as a result of the Density Transfer Program would have the potential to result in significant impacts associated with construction and operational emissions of criteria pollutants. Additionally, higher density development proposed under the program would have the potential to create higher vehicle density areas, including parking garages and congested intersections, which would expose sensitive receptors to DPMs and TACs. Temporary construction emissions from higher density developments would result in potentially significant levels of TACs throughout the DSP area. The transfer of density would not be expected to result in new nuisance odor sources that would affect nearby receptors in this historic downtown.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to existing City policies and regulations, the GP 2012 Update principles and policies, and the E-CAP policies that are intended to reduce the potential for air quality impacts. Compliance with the strategies and measures adopted as part of the RAQS and SIP as well as with the requirements of the City and/or the San Diego Pollution Control District (SDAPCD) would be implemented to reduce emissions of particulate matter. Future development would be required to comply with CARB motor vehicle standards, and SDAPCD regulations from stationary sources and architectural coatings. Final EIR mitigation measures Air-1 and Air-2 would be implemented to reduce annual construction emissions and operational emissions. These policies, regulations and mitigation measures are designed to protect future development from impacts associated with air quality.

Therefore, the Density Transfer Program would not result in new air quality impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for air quality.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with air quality impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.3-1 through 4.3-40). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.4 Biological Resources

5.4.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with biological resources and determined the corresponding level of significance.

- Issue 4.4-1 Special Status Species – Cumulative (Significant and Unavoidable)*
- Issue 4.4-2 Riparian Habitat and Other Sensitive Natural Communities – Cumulative (Significant and Unavoidable)*
- Issue 4.4-3 Federally Protected Wetlands (Less than Significant)*
- Issue 4.4-4 Wildlife Movement Corridors – Cumulative (Significant and Unavoidable)*
- Issue 4.4-5 Local Policies and Ordinances (Less than Significant)*
- Issue 4.4-6 Habitat Conservation Plans and Natural Community Conservation Plans (Less than Significant)*

These issues were addressed in Section 4.4, Biological Resources, of the Final EIR on pages 4.4-1 through 4.4-40 under the headings noted above.

As described in the Final EIR Section 4.4, Biological Resources, implementation of the GP 2012 Update, DSP Update, and the E-CAP would have the potential to result in direct and indirect impacts to special status plant and wildlife species and their habitats, riparian habitats, sensitive communities, wildlife corridors, and native wildlife nursery sites. Existing federal and state regulations and land use agreements prohibit the take of sensitive species without permitting from wildlife and limit the amount of habitat that can be impacted by new development. The goals and policies of the GP 2012 Update included in the Resource Conservation Element, Community Health and Services Element, and Land Use and Community Form Element require projects with the potential to impact sensitive species to prepare a biological survey and mitigate any impacts that would occur. Appropriate mitigation is required to be determined through consultation with the wildlife agencies. Compliance with these goals and policies would lessen impacts from the GP 2012 Update, DSP Update, and the E-CAP under Issues 4.4-1, 4.4-2, and 4.4-4; however, a significant cumulative impact still exists for these issues. Adoption of the City's Multiple Habitat Conservation Program (MHCP) Subarea Plan would establish an implementation program to protect biological resources. Until the City has adopted this plan, these impacts would be cumulatively considerable.

Implementation of the GP 2012 Update, DSP Update, and the E-CAP would have the potential to result in impacts to federal wetlands from future development. However, future development that would potentially impact a wetland would be required to obtain permitting from federal and/or state regulations. Additionally, GP 2012 Update policies included in the Resource Conservation element would ensure impacts would be less than significant under Issue 4.4-3.

Future projects under the GP 2012 Update, DSP Update, and the E-CAP would be required to comply with all applicable sections of the City's Zoning Ordinance, existing regulations, preservation agreements, and applicable habitat conservation plans and Natural Community Conservation Plans (NCCPs) as well as policies in the GP 2012 Update. Therefore, impacts associated with conflicts with local policies and ordinances and habitat conservation plans and NCCPs would be less than significant under Issues 4.4-5 and 4.4-6.

5.4.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program could have the potential to impact biological resources if new development under the program disrupted or displaced special status plant and wildlife species and their habitats, riparian habitats, sensitive communities, wildlife corridors and native wildlife nursery sites. Sensitive biological resources within the DSP are limited compared to other less developed areas of the City. The majority of the DSP area is classified as urban/developed in GP Update 2012. New development in the DSP would potentially impact nesting birds and federally protected wetlands along unchannelized

portions of the creeks within the DSP area. The transfer of density would result in higher density development at certain project sites within the urban core and potentially conflict with local policies and ordinances as well as habitat conservation plans and NCCPs. However, the intensification of density on certain sites throughout the DSP would not necessarily result in additional impacts beyond those that could occur under the current allowed density, which would have the potential to impact sensitive biological resources.

The proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be required to comply with existing federal and state regulations and land use agreements. The goals and policies of the GP 2012 Update included in the Resource Conservation Element, Community Health and Services Element, and Land Use and Community Form Element require future projects with the potential to impact sensitive species or habitats to prepare a biological survey and mitigate any impacts that would occur. Appropriate mitigation is required to be determined through consultation with the wildlife agencies. Future development would be required to comply with all applicable sections of the City's Zoning Ordinance, existing regulations, preservation agreements, and applicable habitat conservation plans and Natural Community Conservation Plans (NCCPs). These policies and regulations are designed to protect future development from impacts associated with biological resources.

Therefore, the Density Transfer Program would not result in new biological impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for biological resources.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those

analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with biological impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.4-1 through 4.4-40). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.5 Cultural and Paleontological Resources

5.5.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with cultural and paleontological resources and determined the corresponding level of significance.

Issue 4.5-1 Historical Resources (Less than Significant with Mitigation)

Issue 4.5-2 Archeological Resources (Less than Significant with Mitigation)

Issue 4.5-3 Paleontological Resources (Less than Significant)

Issue 4.5-4 Human Remains (Less than Significant)

These issues were addressed in Section 4.5, Cultural and Paleontological Resources, of the Final EIR on pages 4.5-1 through 4.5-48 under the headings noted above.

As described in the Final EIR Section 4.5, Cultural and Paleontological Resources, implementation of the GP 2012 Update, DSP Update, and the E-CAP would have potentially significant impacts to historical and archeological resources. Future development projects would have the potential to result in substantial adverse changes to the significance of archeological and historical resources through demolition, destruction, alteration, or structural relocation as well as disturbance of an important archeological site that contains or has the potential to contain information important to history or prehistory. While existing City and County policies and regulations and the GP 2012 Update and DSP Update goals and policies are intended to protect historical and archeological resources, the incorporation of mitigation measures Cul-1, Cul-2, Cul-3, Cul-4, Cul-5, and Cul-6 are necessary to ensure the intended protections are achieved. Therefore, with the inclusion of mitigation, impacts would be less than significant under Issues 4.5-1 and 4.5-2.

Future development under the GP 2012 Update, DSP Update, and E-CAP would have the potential to damage or destroy paleontological resources in the underlying rock units due to construction-related and earth-disturbing actions. The plan areas range from no potential to moderate potential for paleontological resources meaning it is possible for ground-disturbing

activities to destroy fossil-bearing geologic formations. However, existing policies and regulations and the GP 2012 Update goals and policies (i.e. Goal 5 of the Resource Conservation Element and Policy 5.2) would protect unique paleontological resources. Therefore, impacts would be less than significant under Issue 4.5-3.

Implementation of the GP 2012 Update, DSP Update, and the E-CAP would have the potential to disturb human remains, including those located outside of formal cemeteries, due to ground-disturbing activities from the development of land. However, compliance with existing federal and state policies and regulations (i.e. Health and Safety Code Section 7050.5 and Public Resources Code 5097.98) would reduce impacts associated with human remains to a level below significant under Issue 4.5-4.

5.5.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact cultural and paleontological resources if new development allowed under this program caused the alteration, redevelopment, or demolition of historical resources as well as ground-disturbing activities associated with construction activities. The DSP area is situated in an historic downtown district and new development would have the potential to alter the historic buildings. Unique archeological resources, paleontological resources, or human remains have the potential to be accidentally uncovered during clearing, grading, excavation, or utilities installation. The intensification of density on certain sites throughout the DSP would not necessarily result in additional impacts beyond those that could occur under the current allowed density, which would have the potential to impact sensitive historical, archaeological, and paleontological resources, and human remains.

The proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to the City's existing policies and regulations and the GP 2012 Update goals and policies including Goal 5 of the Resource Conservation Element and Policy 5.2 as well as existing federal and state policies and regulations including Health and Safety Code Section 7050.5 and Public Resources Code 5097.98. Additionally, future

development would be required to enforce mitigation measures Cul-1 through Cul-6 to ensure less than significant impacts associated with cultural and paleontological resources.

Therefore, the Density Transfer Program would not result in new cultural and paleontological impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for cultural and paleontological resources.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with cultural and paleontological resources impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.5-1 through 4.5-48). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.6 Geology and Soils

5.6.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with geology and soils and determined the corresponding level of significance.

Issue 4.6-1 Exposure to Seismic-Related Hazards (Less than Significant)

Issue 4.6-2 Soil Erosion or Topsoil Loss (Less than Significant)

Issue 4.6-3 Soil Stability (Less than Significant)

Issue 4.6-4 Expansive Soils (Less than Significant)

Issue 4.6-5 Wastewater Disposal Systems (Less than Significant)

These less than significant impacts were addressed in Section 4.6, Geology and Soils, of the Final EIR on pages 4.6-1 through 4.6-38 under the headings noted above.

As described in the Final EIR Section 4.6, Geology and Soils, Issues 4.6-1, 4.6-2, 4.6-3, 4.6-4, and 4.6-5 would result in less than significant impacts on geology and soils with the implementation of the GP 2012 Update, the DSP Update, and the E-CAP. The GP 2012 Update would designate land uses that would allow development to occur in areas with geologic hazards such as seismically-induced ground shaking, liquefaction, and landslides as well as impacts to topsoil, expansive soils, and wastewater disposal systems. Impacts from seismically induced fault rupture would not occur due to the lack of active fault traces in the area. Future development would be required to comply with all relevant federal and state regulations and building standards, including Seismic Design Categories E and F structural design requirements identified in the California Building Code (CBC) and the National Pollutant Discharge Elimination System (NPDES) to control erosion of unstable soils. The GP 2012 Update also includes multiple policies intended to reduce seismic hazards, soil erosion, landslides, expansive soils, and soils incapable of adequately supporting the use of septic tanks. Compliance with these regulations and policies would reduce potential impacts to less than significant under Issues 4.6-1 through 4.6-5.

5.6.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact geology and soils if new development or redevelopment of existing properties were to be allowed at higher land use densities than what is currently allowed under the DSP or GP (see Figures 3: Downtown SPA Residential Densities, and Figure 4: Downtown SPA Building Height Limits). Higher density properties would create larger opportunities for geologic hazards to exist due to seismic-related hazards, soil erosion, soil instability, and expansive soils. Geology and soils impacts are typically site specific. Impacts would potentially occur from higher density development sites requiring additional grading, excavation, and more floors below and above grade than what would be required to achieve the existing allowable density.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site

and its surroundings. Future development would be required to comply with all relevant GP 2012 Update policies, and federal, state, and local regulations including the NPDES program and County Department of Environmental Health (DEH) requirements as well as building standards including the CBC. These policies and regulations are designed to protect future development from impacts associated with geologic hazards.

Therefore, the Density Transfer Program would not result in new geological impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for geology and soils.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with geological impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.6-1 through 4.6-38). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.7 Greenhouse Gas Emissions

5.7.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with greenhouse gas emissions and determined the corresponding level of significance.

Issue 4.7-1 Compliance with AB 32 (Less than Significant)

Issue 4.7-2 Potential Effects of Global Climate Change on the Proposed General Plan Update (Less than Significant)

These less than significant impacts were addressed in Section 4.7, Greenhouse Gas Emissions, of the Final EIR on pages 4.7-1 through 4.7-30 under the headings noted above.

As described in the Final EIR Section 4.7, Greenhouse Gas Emissions, Issues 4.7-1 and 4.7-2 would result in less than significant impacts from the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Implementation of the GP 2012 Update, DSP Update, and the E-CAP would be in compliance with Assembly Bill (AB) 32, which sets reduction targets of statewide greenhouse gas (GHG) emissions to 1990 levels by 2020 or, as outlined in the AB 32 Scoping Plan, the functional equivalent of 15 percent below current (2005) levels. The GP 2012 Update and E-CAP incorporates GHG-reducing policies and measures that would reduce the City's emissions by 21 percent from the 2020 emissions inventory. The E-CAP describes the continued implementation of the reduction measures beyond 2020 and the anticipated associated reductions in 2035, the GP 2012 Updates horizon year. Additionally, future development consistent with the policies of the GP Update 2012 and the reduction measures of the E-CAP, particularly those measures designed to conserve water and reduce energy, would work to reduce the effects of global climate change. Therefore, impacts would be less than significant under Issues 4.7-1 and 4.7-2.

5.7.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact GHG if future projects in the DSP generated GHG emissions in excess of City and state standards and would, therefore, not be in compliance with reduction targets set in AB 32. The transfer of density between development sites in the DSP area would not necessarily result in additional greenhouse gas emissions beyond those that could occur under the current allowed density, as the overall density in the DSP would not increase beyond the 5,275 units that were evaluated in the Final EIR.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future development would be required to comply with the GHG-reducing policies of the GP 2012 Update and reduction measures of the E-CAP in order to meet CARB rules and regulations that would achieve the GHG reductions stated in AB 32. These policies and regulations are designed to protect future development from impacts associated with GHG and climate change.

Therefore, the Density Transfer Program would not result in new greenhouse gas emissions impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for greenhouse gas emissions.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with greenhouse gas emissions impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.7-1 through 4.7-30). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.8 Hazards and Hazardous Materials

5.8.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with hazards and hazardous materials and determined the corresponding level of significance.

Issue 4.8-1 Transport, Use and Disposal of Hazardous Materials (Less than Significant)

Issue 4.8-2 Accidental Release of Hazardous Materials (Less than Significant)

Issue 4.8-3 Hazards to Schools (Less than Significant)

Issue 4.8-4 Existing Hazardous Materials Sites (Less than Significant)

Issue 4.8-5 Public Airports (Less than Significant)

Issue 4.8-6 Private Airports (Less than Significant)

Issue 4.8-7 Emergency Response and Evacuation Plans (Less than Significant)

Issue 4.8-8 Wildland Fires (Less than Significant)

These less than significant impacts were addressed in Section 4.8, Hazards and Hazardous Materials, of the Final EIR on pages 4.8-1 through 4.8-54 under the headings noted above.

As described in the Final EIR Section 4.8, Hazards and Hazardous Materials, issues 4.8-1, 4.8-2, 4.8-3, 4.8-4, 4.8-5, 4.8-6, 4.8-7, and 4.8-8 would result in less than significant impacts with the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Future businesses, operations, or facilities developed under the GP 2012 Update, DSP Update, and the E-CAP, would involve an increase in the transport, use, and disposal of hazardous waste as well as potential accidental releases of hazardous waste. Additionally, there is potential for hazardous emissions and hazardous materials handling by future development within one-quarter mile of an existing or proposed school as well as human habitation or occupation on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, all future development allowable under the proposed land use designations identified in the GP 2012 Update would be required to comply with applicable federal, state, and local regulations related to hazardous materials and wastes. Therefore, impacts would be less than significant under Issues 4.8-1, 4.8-2, 4.8-3, and 4.8-4.

Future development with the implementation of the GP 2012 Update, DSP Update, and the E-CAP would be predominantly low-density residential land uses or public land/open space within two miles of public or private airports. These land uses have low concentrations of persons, which would reduce the risk of safety hazards for people residing or working in the area. Therefore, significant impacts would not occur under Issues 4.8-5 and 4.8-6.

The GP 2012 Update, DSP Update, and E-CAP does not include measures that would impair emergency response or evacuation plans. However, it is possible that land uses and development implemented under these plans would require the updating of these emergency response plans. Compliance with existing regulations and continual updating of emergency response and evacuation plans would prevent implementation of the GP 2012 Update and DSP Update from impairing emergency response and evacuation plans. Impacts would be less than significant under Issue 4.8-7.

Implementation of the GP 2012 Update and DSP Update would result in land uses that allow residential, commercial, and industrial development in areas that are prone to wildfires due to a majority of the area being susceptible to wildland fires. However, compliance with existing regulations, including the Community Wildfire Protection Plan by the Escondido Fire Department, and implementation of the proposed General Plan Update policies within the Community Protection Element would reduce impacts to a level below significant under Issue 4.8-8.

5.8.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have potential hazard impacts if the transfer of density under the program would result in development that involves the increase in the use, disposal, or transport of hazardous materials or wastes. Higher density development may result in an increased population and increased possibility of health and safety risks due to the accidental release of hazardous materials. However, the transfer of density between sending and receiving sites in the DSP area would not necessarily result in additional population beyond the numbers accounted for under the current allowed density, as the overall density in the DSP would not increase beyond the 5,275 units that were evaluated in the Final EIR. A shift in the proposed development pattern of the DSP would potentially require the updating of emergency response and evacuation plans.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would comply with all applicable federal, state, and local regulations, including the GP 2012 Update, related to hazardous materials and wastes as well as continually updating emergency response and evacuation plans. These policies and regulations are designed to protect future development from impacts associated with hazards and hazardous materials.

Therefore, the Density Transfer Program would not result in new hazard and hazardous materials impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for hazards and hazardous materials.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant

effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with hazards and hazardous materials impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.8-1 through 4.8-54). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.9 Hydrology and Water Quality

5.9.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with hydrology and water quality and determined the corresponding level of significance.

Issue 4.9-1 Water Quality Standards and Requirements (Less than Significant)

Issue 4.9-2 Groundwater Supplies and Recharge (Less than Significant)

Issue 4.9-3 Erosion or Siltation (Less than Significant)

Issue 4.9-4 Flooding (Less than Significant)

Issue 4.9-5 Exceed Capacity of Stormwater Systems (Less than Significant)

Issue 4.9-6 Housing within a 100-Year Flood Hazard Area (Less than Significant)

Issue 4.9-7 Impeding or Redirecting Flood Flows (Less than Significant)

Issue 4.9-8 Dam Inundation and Flood Hazards (Less than Significant)

Issue 4.9-9 Seiche, Tsunami and Mudflow Hazards (Less than Significant)

These less than significant impacts were addressed in Section 4.9, Hydrology and Water Quality, of the Final EIR on pages 4.9-1 through 4.9-48 under the headings noted above.

As described in the Final EIR Section 4.9, Hydrology and Water Quality, Issues 4.9-1, 4.9-2, 4.9-3, 4.9-4, 4.9-5, 4.9-6, 4.9-7, 4.9-8, and 4.9-9 would result in less than significant impacts with the implementation of the GP 2012 Update, DSP Update, and the E-CAP. Construction and operation of future development under the GP 2012 Update and DSP Update would mandatorily comply with all applicable existing regulations including but not limited to the Clean Water Act, NPDES permit program, Porter-Cologne Water Quality Control Act, San Diego Basin Plan, City of Escondido water quality management plans, as well as policies proposed under the GP 2012 Update in the Resource Conservation Element, Community Protection Element, Mobility and

Infrastructure Element, and Land Use Element. The plans would not utilize groundwater for any purpose and would, therefore, not deplete groundwater supplies. Further, the GP 2012 Update, DSP Updates, and measures identified in the E-CAP would not result in the placement of development in areas that would expose people to hazards associated with inundation by a tsunami, seiches, or mudflows. Therefore, impacts would be less than significant under Issues 4.9-1, 4.9-2, 4.9-3, 4.9-4, 4.9-5, 4.9-6, 4.9-7, 4.9-8, and 4.9-9.

5.9.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact hydrology and water quality if the construction and operation of higher density development sites under the program resulted in substantial additional sources of polluted runoff, which would degrade surface water, and groundwater quality. The transfer of density between sending and receiving sites in the DSP area would potentially increase the amount of impervious development on certain project sites beyond the amount that would occur under the current allowed density. Permanent development of impervious surfaces would have the potential to alter the existing drainage patterns, result in new erosion problems, increase the risk of flooding, and exceed the capacity of existing drainage facilities. Higher density development would also increase the risk of exposing more people and structures to flooding hazards associated with the failure of a levee or dam.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would comply with all applicable existing regulations and the policies proposed under the GP 2012 Update in the Resource Conservation Element, Community Protection Element, Mobility and Infrastructure Element, and Land Use Element. These policies and regulations are designed to protect future development from impacts associated with hydrology and water quality.

Therefore, the Density Transfer Program would not result in new hydrological impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for hydrology and water quality.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with hydrology and water quality impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.9-1 through 4.9-48). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.10 Land Use

5.10.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with land use and determined the corresponding level of significance.

Issue 5.10-1 Physical Division of an Established Community (Less than Significant)

Issue 5.10-2 Conflicts with Land Use Plans, Policies, and Regulations (Less than Significant)

Issue 5.10-3 Conflicts with HCPs or NCCPs (Less than Significant)

These less than significant impacts were addressed in Section 4.10, Land Use, of the Final EIR on pages 4.10-1 through 4.10-38 under the headings noted above.

As described in the Final EIR Section 4.10, Land Use, Issues 4.10-1, 4.10-2, and 4.10-3 would result in less than significant impacts with the implementation of the GP 2012 Update, DSP Update, and the E-CAP. The GP 2012 Update and DSP Update do not propose any new roadways or other specific features that would physically divide an established community. Growth under the GP 2012 Update would be concentrated in 15 designated study areas and would not substantially change physical development patterns in established communities. Development standards in the GP 2012 Update would ensure that new development would not preclude future development as long as it is consistent with the proposed land use plan. The DSP

Update would retain the development standards that ensure compatibility with the character and vision for the downtown area. The GP 2012 Update, DSP Update, and the E-CAP would not conflict with ant HCPs or NCCPs and would comply with regulations set forth in the Resource Conservation Element in the GP 2012 Update. Therefore, impacts would be less than significant under Issues 4.10-1, 4.10-2, and 4.10-3.

5.10.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to result in land use impacts if new development or redevelopment under the program were to be allowed at higher densities and building heights than the current land use designations as shown in Figure 5, Downtown SPA Land Uses. Because the higher density development sites would all be within the DSP, they would not physically divide an established community or disrupt the physical arrangement of the surrounding community. Higher density projects, as a result of the Density Transfer Program, would result in a significant impact if they would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the plan area adopted for the purpose of avoiding or mitigating an environmental impact. The Density Transfer Program is proposed to be added to the DSP as a new policy allowing for the transfer of density among properties within the DSP. Therefore, future developments requesting additional units from the density transfer pool would not be in conflict with the DSP.

The proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would comply with all applicable policies proposed under the GP 2012 Update including the Land Use and Community Form Element, Mobility and Infrastructure Element, and Resource Conservation Element. These policies and regulations are designed to protect future development from impacts associated with land use.

Therefore, the Density Transfer Program would not result in new land use impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for land use.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with land use impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.10-1 through 4.10-38). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.11 Mineral Resources

5.11.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with mineral resources and determined the corresponding level of significance.

Issue 4.11-1 Mineral Resource Availability (Less than Significant)

Issue 4.11-2 Mineral Resource Recovery Sites (Less than Significant)

These less than significant impacts were addressed in Section 4.11, Mineral Resources, of the Final EIR on pages 4.11-1 through 4.11-14 under the headings noted above.

As described in the Final EIR Section 4.11, Mineral Resources, Issues 4.11-1 and 4.11-2 would result in less than significant impacts from the implementation of the GP 2012 Update, DSP Update, and the E-CAP. The existing GP 2012 Update, DSP Update, and E-CAP does not include any goals or policies specifically related to mineral resources or mineral resource extraction. However, if new mineral extraction facilities were to be approved, it would be required to comply with the goals and policies that apply to all development. The existing GP 2012 Update planning area is developed with land uses that limit the availability of mineral resources. Additionally, only a small portion of the planning area has been designated as containing known mineral resources of value. New development proposed near existing extraction facilities would be required to demonstrate

compatibility with existing land uses as part of project approval. Therefore, impacts would be less than significant under Issue 4.11-1 and 4.11-2.

5.11.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP update to include a Density Transfer Program would have the potential to impact mineral resources if new development were to result in the loss of availability of known mineral resources or mineral resource recovery sites. However, future development would be concentrated in the urban core of the DSP area and existing development already precludes mineral extraction in these areas.

The proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to existing City policies and regulations for all development, the GP 2012 Update policies, and the E-CAP policies that are intended to avoid incompatibilities among land uses which would, in effect, avoid impacts to mineral resources.

Therefore, the Density Transfer Program would not result in new mineral resource impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for mineral resources.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with mineral resources impacts of the

proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.11-1 through 4.11-14). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.12 Noise

5.12.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with noise and determined the corresponding level of significance.

Issue 4.12-1 Excessive Noise Levels (Less than Significant)

Issue 4.12-2 Excessive Groundborne Vibration (Significant and Unavoidable)

Issue 4.12-3 Permanent Increase in Ambient Noise Levels - Cumulative (Significant and Unavoidable)

Issue 4.12-4 Temporary Increase in Ambient Noise Levels (Less than Significant)

Issue 4.12-5 Excessive Noise Exposure from Airports (Less than Significant)

These issues were addressed in Section 4.12, Noise, of the Final EIR on pages 4.12-1 through 4.12-54 under the headings noted above.

As described in the Final EIR Section 4.12, Noise, future development under the GP 2012 Update, DSP Update, and E-CAP would have the potential to expose noise-sensitive land uses (NSLU) and new commercial, office, and industrial land uses to excessive noise levels from existing roadway noise and noise related to existing commercial, industrial, and extractive land uses, and the Palomar Energy Center power plant. However, compliance with existing regulations such as the Noise Ordinance, and implementation of the GP 2012 Update's goals and policies, including Noise Policies 5.1 through 5.4 and the Noise Compatibility Guidelines, would reduce impacts under Issue 4.12-1 to less than significant.

Construction of new land uses under the GP 2012 Update, DSP Update, and E-CAP and placement of new development in close proximity to the SPRINTER rail line would have the potential to result in impacts associated with excessive groundborne vibration. This includes significant impacts related to groundborne noise during construction and potential damage to buildings that may be susceptible to vibration damage from construction equipment. The potential also exists for cumulative construction projects to result in combined construction impacts if occurring simultaneously or construction activities in close proximity to the

SPRINTER line. The GP 2012 Update Noise Policy 5.5 requires compliance with the Federal Transit Administration (FTA) vibration criteria for construction that would occur under these plans. However, additional mitigation is necessary to ensure proper setbacks are established. Mitigation measures Noi-1 and Noi-2 would be implemented to reduce direct and cumulative impacts associated with groundborne vibrations, but not to a less than significant level. Impacts would remain significant and unavoidable under Issue 4.12-2.

Future development and redevelopment consistent with the GP 2012 Update, DSP Update, and E-CAP would have the potential to substantially increase ambient noise levels above existing conditions as a result of increases in roadway noise and new operational noise sources. However, implementation of the GP 2012 Update Noise Policy, including Noise Policy 5.6 which requires technical reports be prepared for future development that would have the potential to substantially increase ambient noise levels, the Incremental Noise Impact Standards by the FTA, and the City's Noise Ordinance would reduce direct impacts related to permanent increases in ambient noise to less than significant under Issue 4.12-3. However, land use development in accordance with these plans would still contribute to cumulative future regional noise increases associated with roadway traffic. Two mitigation measures were identified to fully reduce impacts to below a level of significance but the City determined that these measures were infeasible.

Future development under the GP 2012 Update, DSP Update, and E-CAP would have the potential to result in temporary increases in ambient noise levels due to construction of new land uses and infrastructure. However, existing City policies, the GP 2012 Update goals and Policies, and the City's Noise Ordinance would reduce impacts to less than significant under Issue 4.12-4.

Future development under the GP 2012 Update, DSP Update, and E-CAP would not expose people residing or working in the GP 2012 Update area to excessive noise levels from a nearby public airport or private airstrip. Impacts would be less than significant under Issue 4.12-5.

5.12.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP update to include a Density Transfer Program would have the potential for noise impacts if projects under the program were to result in new development near existing roadways and existing commercial and industrial land uses with excessive noise levels. Construction activities resulting from new development under the Density Transfer Program would be concentrated in the historic downtown DSP area which includes a substantial amount of historic buildings susceptible to damage from vibration. Higher density developments under the program would have the potential to substantially increase ambient noise levels above existing conditions permanently and temporarily as a result of new operational noise sources and construction activities.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to implementation of the GP 2012 Update Noise Policy the Incremental Noise Impact Standards by the FTA, and the City's Noise Ordinance to lessen impacts to noise impacts. Mitigation measures Noi-1 and Noi-2 would be implemented to reduce direct and cumulative impacts associated with groundborne vibrations. These policies, regulations, and mitigation measures are designed to protect future development from impacts associated with noise.

Therefore, the Density Transfer Program would not result in new noise impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for noise.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with noise impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.12-1 through 4.12-54). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.13 Population and Housing

5.13.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with population and housing and determined the corresponding level of significance.

Issue 4.13-1 Population Growth (Less than Significant)

Issue 4.13-2 Displacement of Housing and People (Significant and Unavoidable)

These issues were addressed in Section 4.13, Population and Housing, of the Final EIR on pages 4.13-1 through 4.13-24 under the headings noted above.

As described in the Final EIR Section 4.13, Population and Housing, implementation of the GP 2012 Update, DSP Update, and E-CAP would directly and indirectly induce population growth that is consistent with forecasted growth for these plan areas. The GP 2012 Update is a comprehensive plan to guide future growth and includes a framework for land use development, as well as goals and policies to prevent unanticipated or inappropriate population growth in the GP and DSP area. Compliance with the GP 2012 Update policies and regulations would reduce impacts to less than significant under Issue 4.13-1.

Future development under the GP 2012 Update, DSP Update, and the E-CAP would result in the displacement of substantial number of existing housing and people, necessitating the construction of replacement housing elsewhere. The GP 2012 Update land uses would displace up to 142 existing residential dwelling units and the GP 2012 Update's proposed Mobility and Infrastructure Element would have the potential to displace up to 300 businesses and residences. Mitigation measure Pop-1 would be implemented to mitigate impacts related to the displacement of homes. Despite compliance with existing regulations, implementation of the proposed GP 2012 Update policies, and mitigation measures Pop-1, the project's direct impact would remain significant and unavoidable.

5.13.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to induce substantial population growth if it would result in higher density areas in the DSP than what is currently planned (see Figure 3, Downtown SPA Residential Densities). While higher density developments would include more housing units and potentially cause a highly localized increase in the population, the overall transfer of density from sending areas to receiving areas would not result in additional population in the DSP, as the overall density in the DSP would not increase beyond the 5,275 units that were evaluated in the Final EIR.

However, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site-specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be required to comply with the goals and policies of the GP 2012 Update related to population growth and land use and development within the City. Mitigation measure Pop-1 would be implemented in the DSP area to mitigate impacts related to the displacement of housing. These policies, regulations, and mitigation measures are designed to protect future development from impacts associated with population and housing.

Therefore, the Density Transfer Program would not result in new population and housing impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for population and housing.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with population and housing impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.13-1 through 4.13-24). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.14 Public Services

5.14.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with public services and determined the corresponding level of significance.

Issue 4.14-1 Fire Protection Services (Less than Significant)

Issue 4.14-2 Police Protection Services (Less than Significant)

Issue 4.14-3 School Services (Less than Significant)

Issue 4.14-4 Library Services (Less than Significant)

As described in the Final EIR Section 4.14, Public Services, Issues 4.14-1, 4.14-2, 4.14-2, 4.14-3 and 4.14-4 would result in less than significant impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Implementation of the GP 2012 Update, DSP Update, and E-CAP would not increase the demand for fire protection, police protection, school services, and library services. Development consistent with the GP 2012 Update and DSP Update includes policies that help to minimize deterioration of fire and policy agency response times and school and library services and environmental impacts related to the construction or expansion of additional facilities. Therefore, impacts would be less than significant under Issues 4.14-1, 4.14-2, 4.14-3 and 4.14-4.

5.14.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact public services if the increase in population and housing facilitated by the transfer of density were to increase the demand for fire protection, police protection, school services, and library services. Higher densities could potentially result in the need for the construction or expansion of additional facilities. The overall transfer of density from sending areas to receiving areas would not result in additional population in the DSP, as the overall density in the DSP would not increase beyond the 5,275 units that were evaluated in the Final EIR.

The proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested,

proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to existing City policies and regulations, the GP 2012 Update policies that are intended to ensure the availability of adequate fire and police protection and response times. In addition, the City's municipal code requires the dedication of land, payment of fees in lieu thereof, or a combination of both for classroom and related facilities for elementary or high schools as a condition of approval for residential development projects. Further, the City's municipal code also requires that all new residential or nonresidential development pay a fee for the purpose of assuring that the public facility standards established by the City are met with respect to the additional needs created by such development. The amount of the applicable public facility fee due is determined by the fees then in effect and the number and type of dwelling units in a proposed residential development project and/or the number of square feet (sf) and type of nonresidential development as established by City Council resolution.

Therefore, the Density Transfer Program would not result in new public services impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for public services.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with public services impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.14-1 through 4.14-38). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.15 Recreation

5.15.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with recreation and determined the corresponding level of significance.

Issue 4.15-1 Deterioration of Parks and Recreational Facilities (Less than Significant)

Issue 4.15-2 Construction of New Recreational Facilities (Less than Significant)

These less than significant impacts were addressed in Section 4.15, Recreation, of the Final EIR on pages 4.15-1 through 4.15-24 under the headings noted above.

As described in the Final EIR Section 4.15, Recreation, Issues 4.14-1 and 4.14-2 would result in less than significant impacts resulting from implementing the GP 2012 Update, DSP Update, and E-CAP. As analyzed in the Final EIR, neighborhood and community parks are currently deficient in the City and implementation of the GP 2012 Update, DSP Update, and E-CAP would increase use of existing parks, thereby resulting in accelerated deterioration of recreational facilities. Additionally, the construction or expansion of recreational facilities to address the increased growth, may have an adverse effect on the environment. However, implementation of the proposed General Plan Update policies and Planning Principal and Guideline 1k(1) within the Downtown Specific Plan Update and E-Cap measures would reduce impacts to below a level of significance under Issues 4.14-1 and 4.14-2.

5.15.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program would have the potential to impact recreation if it would result in increased population in the DSP than what is currently planned (see Figure 3, Downtown SPA Residential Densities). Higher densities could result in the increased use of existing parks causing accelerated deterioration of recreational facilities and then require the construction or expansion of recreational facilities. Additionally, the increase in population in certain areas in the DSP that do not currently have adequate local recreational facilities would have the potential to accelerate the deterioration of existing facilities from intensified overuse. However, the overall transfer of density from sending areas to receiving areas would not result in additional population in the DSP, as the overall density in the DSP would not increase beyond the 5,275 units that were evaluated in the Final EIR.

The proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area and it does not specifically plan or site new recreational facilities; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a

determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to existing City policies and regulations, the GP 2012 Update policies, and the DSP goals and policies and the Planning Principal and Guideline 1k(1) within the Downtown Specific Plan Update protect future development from impacts to recreational parks and facilities.

Therefore, the Density Transfer Program would not result in new recreation impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for recreation.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with recreation impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.15-1 through 4.15-22). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.16 Transportation and Traffic

5.16.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with transportation and traffic and determined the corresponding level of significance.

Issue 4.16-1 Traffic and LOS Standards (Significant and Unavoidable)

Issue 4.16-2 Air Traffic (Less than Significant)

Issue 4.16-3 Rural Road Safety (Less than Significant)

Issue 4.16-4 Emergency Access (Less than Significant)

Issue 4.16-5 Alternative Transportation (Less than Significant)

These issues were addressed in Section 4.16, Transportation and Traffic, of the Final EIR on pages 4.16-1 through 4.16-88 under the headings noted above.

As described in the Final EIR Section 4.16, Issues 4.16-2, 4.16-3, 4.16-4 and 4.16-5 would result in less than significant impacts and Issue 4.16-1 would result in significant and unavoidable impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Implementation of the GP 2012 Update, DSP Update, and E-CAP would not result in changes to air traffic patterns, result in increased traffic on roadways with horizontal or vertical curves that are sharper than existing standards, or impair emergency access. In addition, implementation of policies in the DSP Update and E-CAP measures would create provisions for alternative modes of transportation, including multi-modal transit stations, bike lanes, bus stops, trails, and sidewalks. Therefore, impacts would be less than significant under Issues 4.16-2, 4.16-3, 4.16-4 and 4.16-5.

Implementation of the GP 2012 Update, DSP Update, and E-CAP would result in 14 deficient roadway segments and seven deficient intersections throughout the proposed project area resulting in a significant direct and cumulative impact. Implementation of the proposed GP 2012 Update and DSP Update policies and mitigation measures, in addition to compliance with applicable regulations, would reduce nine traffic impacts to a level below significant. However, 11 roadway segment and intersection impacts would remain above a level of significance because mitigation for these impacts has been determined to be infeasible by the City. Therefore, the proposed project would result in significant and unavoidable traffic and level of service (LOS) impacts under Issue 4.16-1.

5.16.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

The modification of the DSP Update to include a Density Transfer Program could have the potential to impact transportation and traffic from the construction and operational activities associated with the development of higher density development projects than what was evaluated in the Final EIR. The modification of the DSP Update to include a Density Transfer Program would have the potential to impact transportation and traffic if new development allowed under this program would conflict with an applicable ordinance, policy, or plan or result in a reduction in LOS on Mobility and Infrastructure Element roadways. The Final EIR analyzed traffic impacts in the City, including the DSP area, which reflects the estimated

buildout of the DSP as 5,275 residential units. The overall transfer of density from sending areas to receiving areas would not exceed the overall planned density of the DSP service area. Administration of the transfer of density from one property to another would be monitored and the number of dwelling units for the DSP would not be permitted to exceed the buildout of 5,275. As analyzed in the Final EIR, several roadway segments in the DSP area are anticipated to result in a reduction in LOS. The overall transfer of density from sending areas to receiving areas would not result in additional number of residential units beyond the 5,275 units that were evaluated in the Final EIR; therefore, traffic impacts associated with the Density Transfer Program are anticipated to be similar to what was analyzed in the Final EIR. In some cases, localized traffic impacts associated with higher density development projects within the DSP would have the potential to exceed the impacts evaluated in the Final EIR; however, these cases would be site-specific and generally limited to the streets and intersections immediately surrounding the development site. The Density Transfer Program would have little effect on air traffic patterns or rural road safety. As mentioned above, a shift in the proposed development pattern of the DSP would potentially require the updating of emergency response and evacuation plans. All developments in the DSP, regardless of density, would be required to comply with applicable alternative transportation policies.

The proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to existing City policies and regulations and the DSP goals and policies that are intended to reduce impacts on transportation and traffic. During project-specific design review, City staff would work with applicants to ensure that in addition to required development impact fees and mitigation measures, the policies contained in the GP 2012 Update, DSP Update, and E-CAP are included in project design. In addition to several GP 2012 Update policies intended to reduce traffic and prevent the substantial deterioration of transportation resources in the DSP service area, the DSP Update includes policies that require the preservation of the existing circulation grid, encouragement of narrow streets with modest curb radius, and recognition of alleys as streets and that preserve the historic street grid (including alleys) while enabling good traffic flow, route choice, safety, and continuity. Additionally, several DSP Update policies are aimed at transportation safety.

Therefore, the Density Transfer Program would not result in new transportation and traffic impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for transportation and traffic.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with transportation and traffic impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.16-1 through 4.16-88). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

5.17 Utilities and Service Systems

5.17.1 Previously Identified Impacts in the Final EIR

The Final EIR previously identified the following impacts associated with utilities and service systems and determined the corresponding level of significance.

Issue 4.17-1 Wastewater Treatment Requirements (Less than Significant)

Issue 4.17-2 New Water or Wastewater Treatment Facilities (Less than Significant)

Issue 4.17-3 Sufficient Stormwater Drainage Facilities (Less than Significant)

Issue 4.17-4 Adequate Water Supplies (Significant and Unavoidable)

Issue 4.17-5 Adequate Wastewater Facilities (Less than Significant)

Issue 4.17-6 Sufficient Landfill Capacity (Significant and Unavoidable)

Issue 4.17-7 Solid Waste Regulations (Less than Significant)

Issue 4.17-8 Energy (Less than Significant)

These issues were addressed in Section 4.17, Utilities and Service Systems, of the Final EIR on pages 4.17-1 through 4.17-58 under the headings noted above.

As described in the Final EIR Section 4.17, Utilities and Service Systems, Issues 4.17-1, 4.17-2, 4.17-3, 4.17-5, 4.17-7, and 4.17-8 would result in less than significant impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Issues 4.17-4 and 4.17-6 would result in significant and unavoidable impacts resulting from the implementation of the GP 2012 Update, DSP Update, and E-CAP. Implementation of the GP 2012 Update, DSP Update and E-CAP could result in the demand for wastewater treatment services to increase at a rate disproportionate to facility capabilities, which would result in a violation in wastewater treatment standards. However, compliance with existing regulations and implementation of the GP 2012 Update and E-CAP reduction measures would reduce this impact to below a level of significance. Similarly, the implementation of the GP 2012 Update, DSP Update, and E-CAP could have the potential to increase the demand requiring the construction of new or expanded water, wastewater, and stormwater facilities and increase the demand for wastewater treatment services. However, existing regulations and policies in the GP 2012 Update and E-CAP reduction measures would reduce impacts to these facilities and services to levels below significance. Similarly, implementation of the GP 2012 Update, DSP Update, and E-CAP would increase demand for energy, resulting in the need for new or expanded energy facilities to be constructed, which would have the potential to result in significant environmental effects. However, the construction of new energy facilities would be subject to CEQA and/or NEPA and impacts would be mitigated, to the extent feasible. Additionally, multiple GP 2012 Update and E-CAP policies exist that would reduce energy consumption and the need to build new energy facilities. Therefore, impacts associated with energy would be less than significant under Issues 4.17-1, 4.17-2, 4.17-3, 4.17-5, 4.17-7, and 4.17-8.

Implementation of the GP 2012 Update, DSP Update, and E-CAP would result in significant and unavoidable impacts associated with adequate water supplies. Adequate water supply may not be available to serve the proposed project due to projections of water shortages during multiple dry water years by San Diego County Water Authority (SDCWA), Vallecitos Water District (VWD) and Rincon Del Diablo Water District (RDD). Cumulative projects would also result in a significant cumulative impact and the proposed project would contribute to a significant cumulative impact associated with adequate water supplies. Even with compliance with existing regulations, policies contained in the GP 2012 Update policies, E-CAP reduction measures, and mitigation measure Util-1, impacts would remain significant and unavoidable under Issue 4.17-4.

Similarly, the 2012 GP Update, DSP Update, and E-CAP has the potential to be served by a landfill with insufficient capacity to accommodate the solid waste disposal needs of the project. Compliance with existing regulations and GP 2012 Update policies and E-CAP reduction measures would reduce impacts associated with sufficient landfill capacity, although not to

below a level of significance. Mitigation measures have been identified to reduce impacts to a less than significant level; however, the City finds these measures to be infeasible because they do not meet the project objectives, would prohibit growth, and place undue burden on developers to create additional landfill capacity. Until additional solid waste disposal facilities are permitted and constructed within the San Diego region, the proposed project's impact would remain significant and unavoidable. Therefore, the 2012 GP Update, DSP Update, and E-CAP would result in significant direct and cumulative impacts under Issue 4.17-6.

5.17.2 Density Transfer Program Impacts

Major Revisions of Previous EIR due to Substantial Changes in the Project

Modification of the DSP Update to include Density Transfer Program would have the potential to impact utilities and service systems if new development or redevelopment of existing properties resulted in an increase in population requiring: the expansion of existing wastewater facilities or the construction of new wastewater treatment facilities and services; new or expanded stormwater drainage facilities; increase in the demand for potable water service; increase in the demand on wastewater systems due to an increase in the sewage flows from an increase in development; an increase in landfill capacity to accept solid waste generated from increased growth; and/or an expansion of existing facilities to serve the anticipated energy demand. In addition to GP 2012 Update policies, mitigation measures have been identified with respect to water supply and landfill capacity. Though these two issue areas have been identified in the Final EIR as significant and unavoidable. However, the overall transfer of density from sending areas to receiving areas would not result in additional population in the DSP, as the overall density in the DSP would not increase beyond the 5,275 units that were evaluated in the Final EIR. Therefore, impacts associated with the Density Transfer Program to utility service and service systems providers would be similar to the impacts and analyses discussed in the Final EIR and GP 2012 policies would ensure that future development within the DSP service area related to provision of services and treatment of water, wastewater, and solid waste and adequate landfill and stormwater drainage capacity.

Additionally, the proposed Density Transfer Program does not allocate additional density to any specific locations in the DSP area; therefore, consistent with CEQA Guidelines Section 15145, it is too speculative to make a determination of potential impact at this time. All future development projects located within the DSP that request additional units to be allocated from the Density Transfer Program would be subject to applicable City regulations and requirements, as well as subsequent project-specific CEQA analysis. Site specific impacts would be determined as part of the project-specific CEQA analysis and would depend on the number of additional units requested, proposed design of the project, and the conditions of the project site and its surroundings. Future projects would be subject to existing City policies and regulations and the DSP goals and policies that are intended to ensure adequate utilities and service systems supplies.

Therefore, the Density Transfer Program would not result in new utilities and service systems impacts that were not addressed in the Final EIR. Refer to the Final EIR for the original EIR analysis for utilities and service systems.

Substantial Changes in Circumstances, New Information Showing Greater Significant Effects, or the Ability to Reduce Significant Effects in Previous EIR

There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Environmental effects associated with utilities and service systems impacts of the proposed Density Transfer Program were evaluated in the Final EIR (see pages 4.17-1 through 4.17-58). The Density Transfer Program would not result in new or more severe impacts beyond those addressed in the Final EIR, and would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

Section 6 Conclusion

The Density Transfer Program proposes to create a density credit pool consisting of available, unused residential units from undeveloped, developed, or developing properties within the DSP that could be used to increase density of other developing parcels in the DSP. A developing property may request units from the density credit pool to increase the number of units permitted by current zoning. The request for an increase in units would require submittal and approval by the City Council of a Planned Development Permit. However, density within the DSP cannot exceed the maximum buildout of 5,275 units. The proposed project would not approve density transfer credits for specific development projects because it is unknown for which sites or how many density credits may be requested within the DSP and it would be too speculative to make any development assumptions. Rather, as future development projects come forward, they would be subject to applicable City regulations and requirements, as well as project-specific CEQA analysis.

The Density Transfer Program would not cause a new significant impact or substantially increase the severity of previously identified significant impacts that would require major revisions to the Final EIR. There are no substantial changes to the circumstances under which the proposed Density Transfer Program is undertaken that would require major revisions to the Final EIR. There is no new information of substantial importance which was not known or could not have been known at the time the Final EIR was certified that shows the proposed Density Transfer Program would have significant effects not discussed previously; a substantial increase in severity of a previously identified significant impact; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR which would substantially reduce one or more significant effects on the environment. Therefore, none of the conditions in State CEQA Guidelines 15162, 15163, and 15164 would require the recirculation of the Final EIR.

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Section 7 **References**

City of Escondido. 2012. *Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Final Environmental Impact Report*. April 23.

City of Escondido. 2012. *City of Escondido General Plan Update*. May 23.

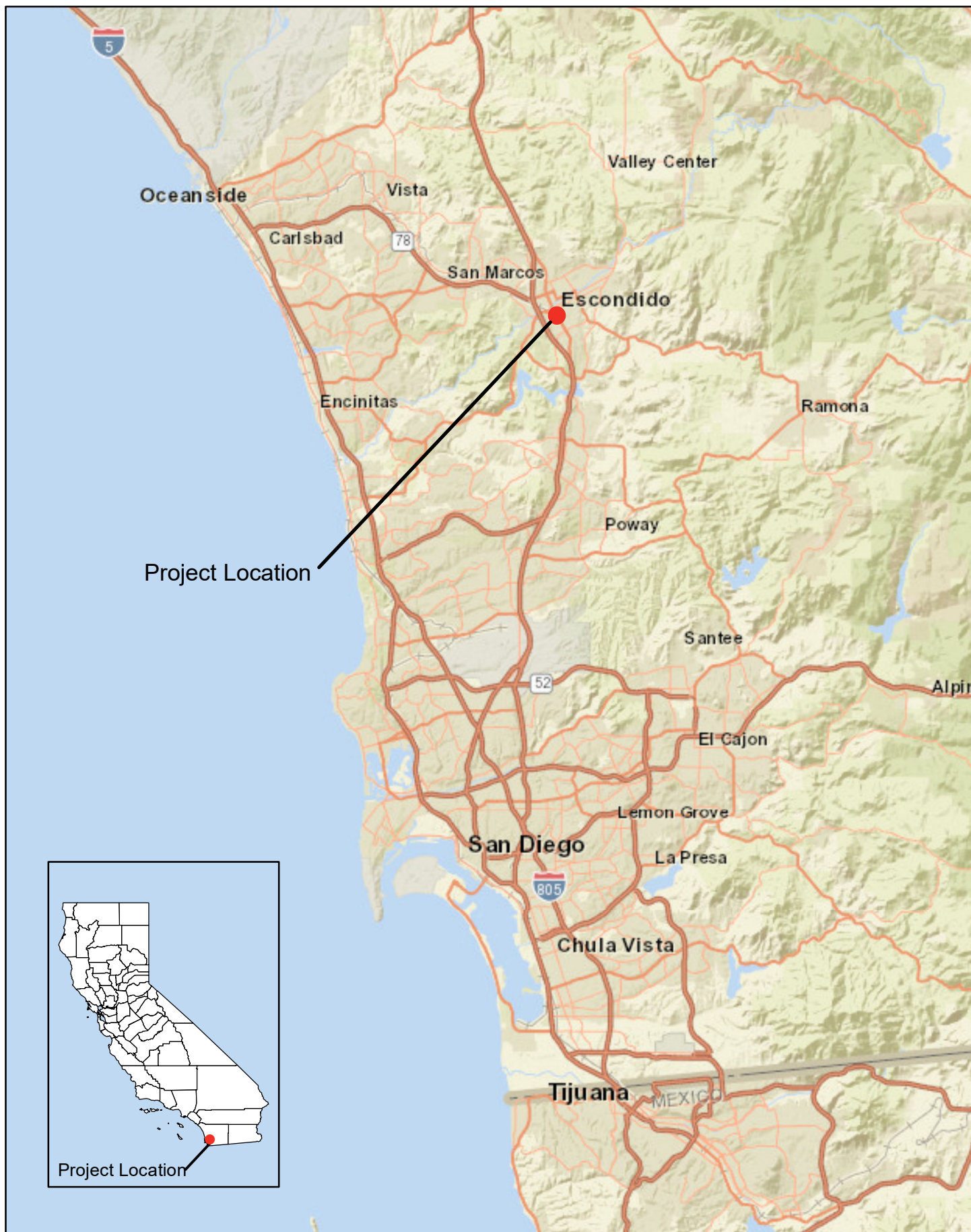
City of Escondido. 2012. *Downtown Specific Plan*. August 6.

City of Escondido. 2013. *Downtown Specific Plan Amendment to the General Plan Update Final EIR*. July 9.

City of Escondido. 2013. *Downtown Specific Plan Update*. August 7.

City of Escondido. 2018. *Density Credit Pool – Draft Summary Report*. September 24.

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Source: ESRI 2018

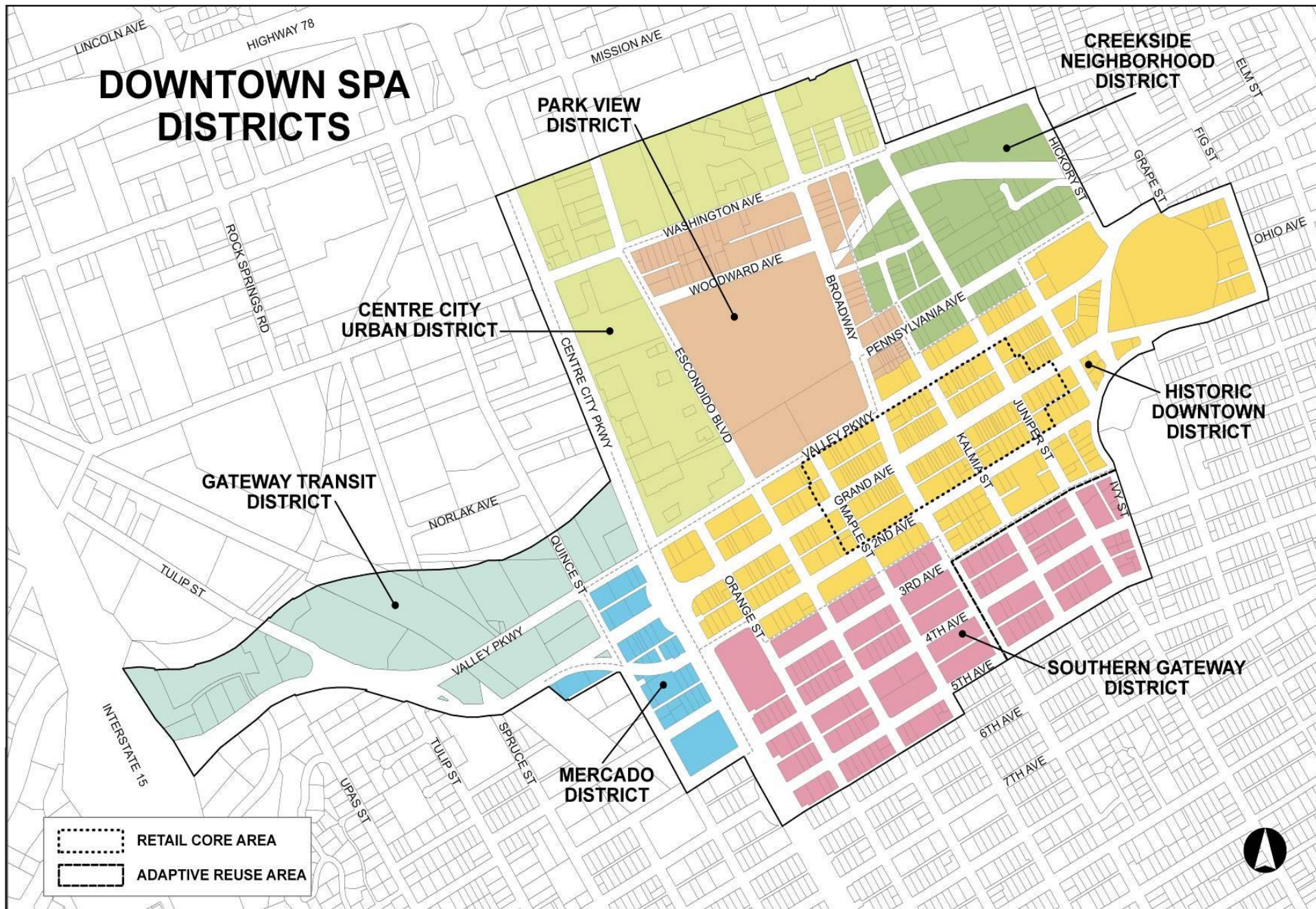


Harris & Associates

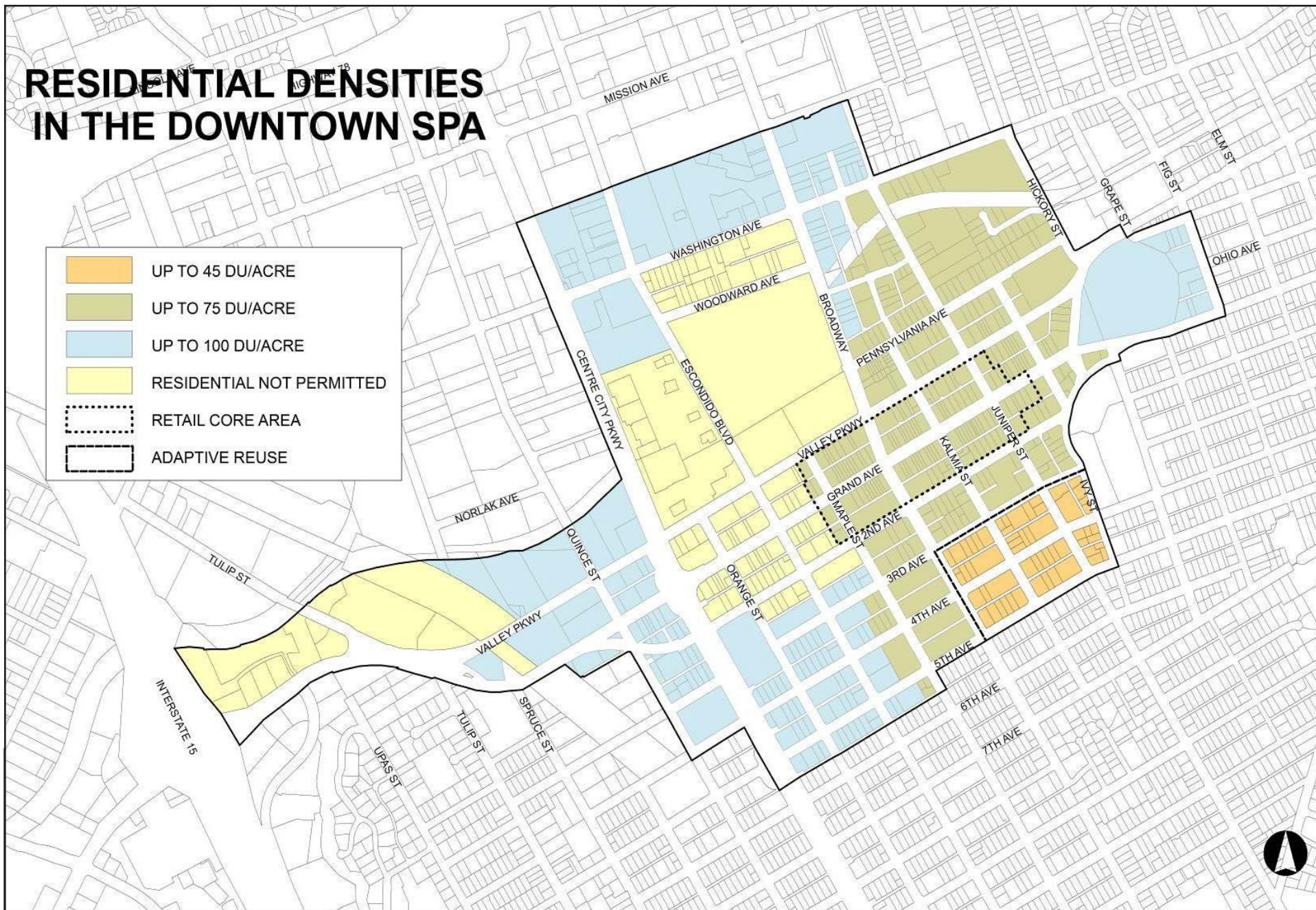
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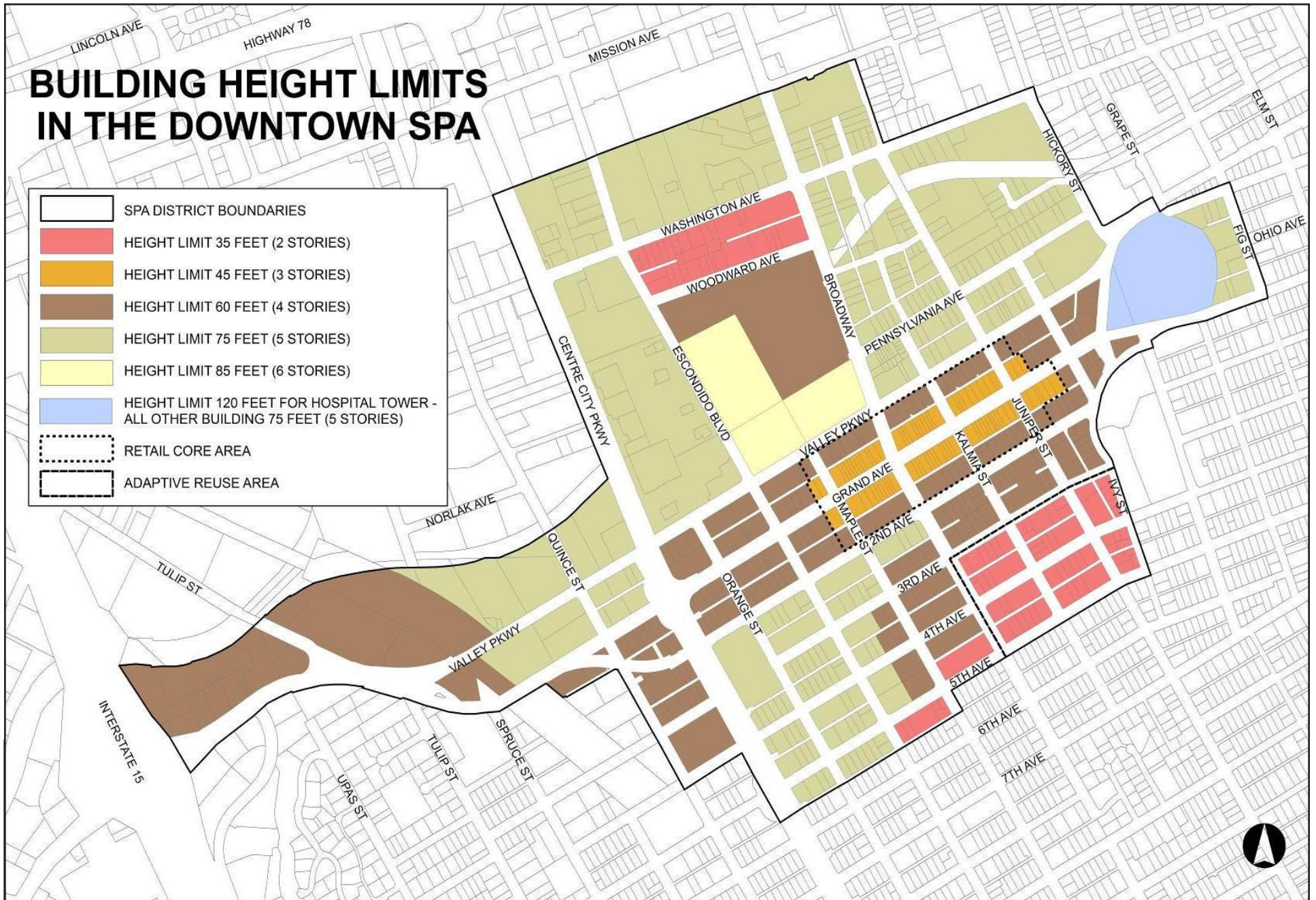
Figure 1
Regional Location Map



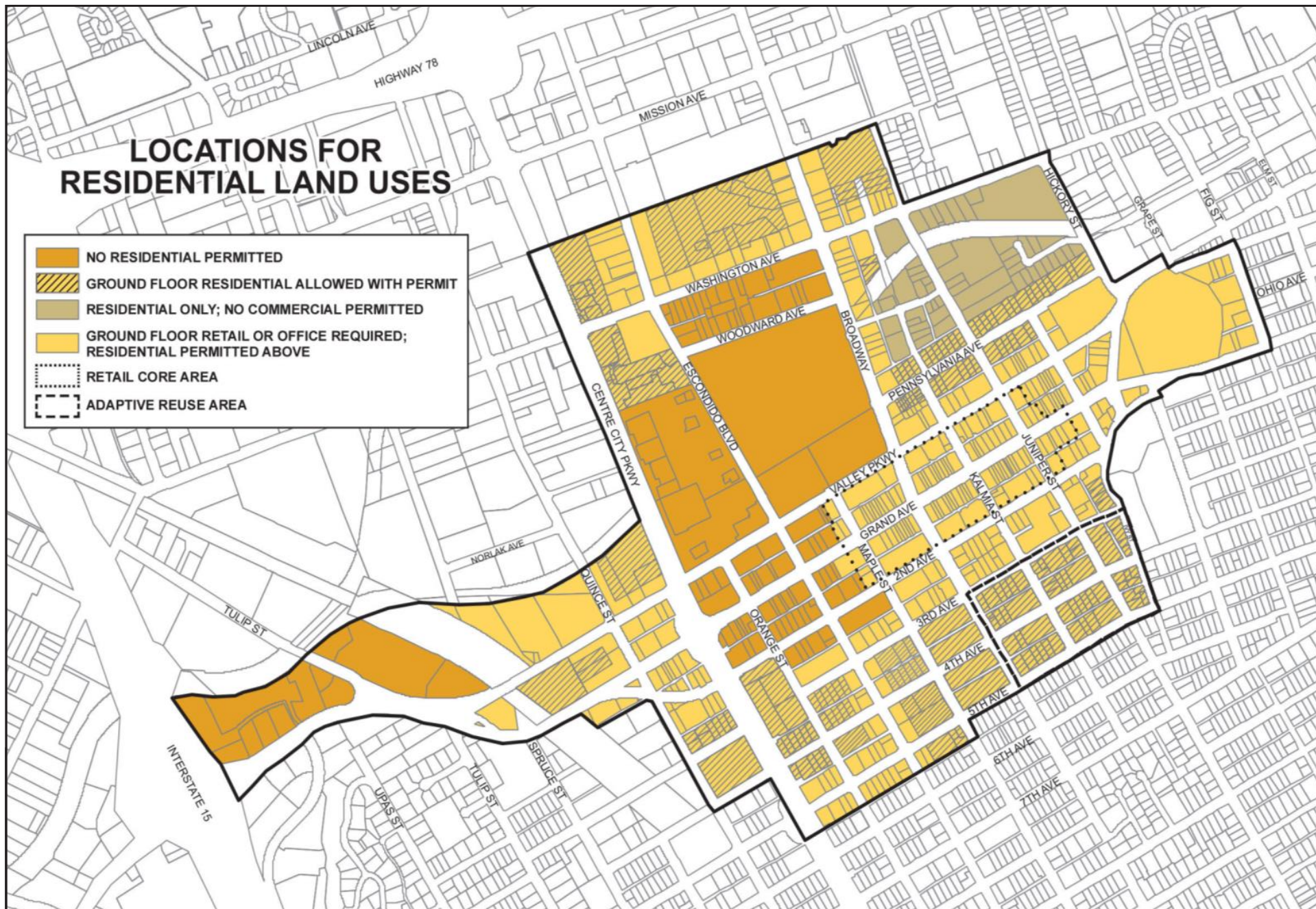
Source: City of Escondido



Source: City of Escondido



Source: City of Escondido



Source: City of Escondido

PLANNING COMMISSION

Agenda Item No.: G.2
DATE: April 9, 2019

PROJECT NUMBER / NAME: PHG 19-0003 / Felicita Town Center

REQUEST: A Modification to a previously approved Master Development Plan and a Conditional Use Permit to allow for the installation of a drive-through lane for an existing out-pad building within the Felicita Town Center. A reduction in the amount of parking spaces required for the commercial center is requested in order to support the drive-through lane, landscape features, and construction of a new trash enclosure. A request to encroach into the required 10-foot street-side setback also is requested for a proposed architectural feature that would provide a cover over the drive-through pick-up window area.

LOCATION: 1831 South Centre City Parkway

APPLICANT: BRIXMOR Property Group

APN / APNS: APNs 236-254-19, -20 -21 and 236-255-05 through -15 and -30)

PRIMARY

REPRESENTATIVE: Joshua Bielik, Kimley-Horn and Associates, Inc.

GENERAL PLAN / ZONING: GC/PD-C and South Centre City Specific Plan (Felicita Commercial District)

DISCRETIONARY ACTIONS REQUESTED: Modification to a Master Development Plan and Conditional Use Permit

PREVIOUS ACTIONS: N/A

PROJECT PLANNER: Jay Paul, Senior Planner jpaul@escondido.org

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Sections 15301/Class 1 and 15311/ Class11)

STAFF RECOMMENDATION: Approval, as conditioned

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-07

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:

☐ Bill Martin, Community Development Director
☒ Mike Strong, Assistant Planning Director

A. BACKGROUND:

A Master Development Plan originally was approved in 1989 (City File No. 88-94-PD) for the approximately 11.2-acre Felicita Town Centre commercial development that established 129,000 SF of commercial floor area. The development was designed with a series of major tenants, in-line shops and four out pad buildings. Several Precise Development Plans have been approved since the original Master Plan approval for the development of the out pad buildings. The original Master Plan for the subject building anticipated a fast food tenant with a drive-through lane facing Centre City Parkway. The Precise Development Plan (City File No. 98-45-PD) that was ultimately approved for the site included a 2,700 SF building that provided for two (2) tenant spaces to be occupied by two (2) food-related tenants, and eliminated the drive-through lane. One of the two spaces is occupied by a small restaurant, and the vacant space also was occupied by a coffee business (Starbucks).

A new tenant is anticipated to occupy the vacant space, but has requested to install a drive-through lane, which would require the removal of several parking spaces to support the design and installation of a new trash enclosure. Therefore, a modification to the Master Development Plan is necessary to authorize the requested reduction in parking. The commercial center is located within the Felicita Commercial District of the South Centre City Specific Plan. Eating establishments are permitted uses within the District, but auto-oriented businesses (drive-through) require the approval of a discretionary Conditional Use Permit (CUP). Article 16 (Commercial Zones), Section 33-341 (commercial drive-through facilities requirements) of the Zoning Code also contains specific standards for the development of a drive-through operation, to include minimum aisle width, vehicle stacking, and screening.

B. PROJECT ANALYSIS:

1. General Plan / Zoning

The General Plan land-use designation for the Felicita Town Center is General Commercial (GC) with a zoning designation of Planned Development-Commercial (PD-C). The center also is located within the Felicita Commercial District of the South Centre City Specific Plan. The General Commercial designation accommodates a wide variety of retail and service activities intended to serve a broad customer base, including eating and drinking establishment (General Plan Commercial Goals and Policies 8, and Figure II-6 GP Land-Use Designations). The proposed CUP to allow a drive-through is consistent with the goals and policies of the Felicita Commercial District because auto-oriented drive-through facilities are permitted within the Felicita Commercial District subject to the approval of a Conditional Use Permit. The proposed new drive-through lane would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities. The proposed amendment to the Master Plan to allow a reduction in parking and encroachment into the street-side setback enables the processing and consideration of the subject application.

2. Drive-Through Design

A Conditional Use Permit is requested to allow an existing out-pad building within the commercial center to install a drive-through lane to support a proposed coffee facility/restaurant type use. A drive-through lane originally was approved as part of the Master Plan for the 2,700 SF out-pad building, but never

was constructed. The building contains two tenant spaces and the drive-through lane would be utilized by the 1,500 SF tenant space. The proposed drive-through lane has been designed to conform to zoning requirements (Section 33-341, commercial drive-through facility requirements) that requires minimum dimensions for aisle width; vehicle stacking to provide a minimum of six (6) vehicles behind the speaker and appropriate overflow from the stacking aisle; provide significant screening from public streets by means of heavy landscaping and decorative walls; and separation from other drive-through facilities. In order to accommodate the proposed drive-through lane and provide appropriate screening, a low retaining/screen wall would be installed along the existing landscaped berm fronting Centre City Parkway and a combination of vines and shrubs installed along the right-of-way to further screen the views of the drive aisle. A twelve (12) foot wide storm drain easement and infrastructure affects a section of the drive aisle where installation of the wall would be restricted. A metal landscape/garden type fence would be utilized along this short stretch with landscaping in front to provide the necessary screening and to avoid impacts to the easement area and maintenance operations. The existing trash enclosure would be removed and a new trash enclosure installed to conform to current storm water quality requirements and State recycling regulations. The existing freestanding monument sign along the Centre City Parkway frontage would be removed and a new monument sign installed.

The future tenant lease for the building space has not yet been finalized and construction plans submitted for the modification to the interior space and building exterior until a final decision on the Conditional Use Permit. However, the development plan includes a concept design for the future pick-up window location and a covered canopy over the pick-up area. The covered canopy was requested by Planning staff in order to enhance the architecture of the building along the Centre City Parkway frontage and to provide a protected area for vehicles at the pick-up window. In order to accommodate this architectural feature, a modification to the minimum street-side setback of ten (10) feet is necessary as the covered roof and support columns would need to be placed along the roadway easement boundary. A new drive-through window also will need to be incorporated into the eastern building elevation and pop out to provide the appropriate working distance from the vehicles. The new window element is anticipated to add approximately nine (9) square feet to the overall building footprint. The final exterior building modification will require approval of a Precise Development Plan, along with final design of the screen wall, building signage and landscaping to correspond with the future building modifications. Conditions of approval have been proposed to ensure the proposed final design of the facility and proposed use is compatible with the existing and future uses within the commercial center and also adequately screened from Centre City Parkway.

3. Parking Reduction

The City's parking regulations and the approved Master Development Plan for the commercial center requires a minimum of 1 parking space per 200 SF of building area. The commercial center includes approximately 126,867 SF of building area which would require a minimum of 634 parking spaces at the 1:200 ratio. The center currently provides 630 parking spaces due to past restriping and disabled access/parking upgrades. In order to accommodate the new drive aisle and relocation of the trash enclosure, up to 6 additional parking spaces would be removed for a total of 624 parking spaces remaining throughout the 11.2-acre center. The total reduction of 10 parking spaces equates to an approximately 1.6 percent overall reduction in the number of parking spaces or a parking ratio of 1:203. Section 5.3.5.1(12) (Development Standards) of the South Centre City Specific Plan allows for an adjustment in parking spaces up to 25 percent subject to an Administrative Adjustment. Because the

parking standard for the Felicita Town Center was established through the Planned Development process, modification to the Master Plan is necessary to amend the parking standard rather than the Administrative Adjustment process. Staff supports the requested relatively minor reduction in parking because it is not within an area of the parking lot with the higher parking demand; operation of the drive-through building would not affect the peak parking demand within the commercial center; and the vehicle stacking aisle would accommodate up to nine (9) vehicles at the pick-up window. Staff believes the reduction in parking would not have an adverse effect to the overall center and sufficient parking would be available throughout the various parking areas.

4. Supplemental Details of Request

1. Property Size: 11.2 acres (consisting of 15 parcels)
2. Total Building Area: 126,867 SF
3. Out Pad Building: Approx. 2,700 SF (consisting of two tenant suites, Pads B1 and B2)
1,500 SF and 1,200 SF
Single-story

	<u>Existing and Proposed</u>	<u>Required (S. Centre City Parkway SP)</u>
4. Setbacks		
Street Side (CCP):	15' existing to building (from roadway easement) 0' requested for proposed covered canopy over pick-up window. New order/pickup window also to encroach approx. one (1) to two (2) feet into existing setback based on final design	10' min. to building per S. Centre City Parkway Specific Plan for Felicita Dist.
5. Parking:	Current: 630 spaces Proposed 624 spaces (10 total space reduction or approx. 1.6% and final ratio of 1:203) compact spaces proposed Adjacent to the new drive-through aisle	1:200 ratio (634 based on 126,867 SF total building area)

6. Fencing/Screening: New decorative combination retaining/screen wall and open fencing to be installed along the eastern side of the proposed drive aisle.
7. Signage: No building signage has been proposed at this time. All building/wall signage subject to conformance with the Article 66 (Sign Code) and sign program for the commercial center. The existing freestanding monument type sign to be removed and new sign installed along project frontage.
8. Landscaping: New ornamental landscaping to be provided on the eastern side of the proposed screen wall/fence and around new trash enclosure. New landscape planter areas also to be installed at the entry to the drive-through aisle. Existing landscape planters to be redesigned to accommodate fire access around drive aisles.
9. Trash: A new covered masonry block trash enclosure would be provided to accommodate the facility, and located adjacent to the existing trash enclosure that will be removed.

C. ENVIRONMENTAL STATUS:

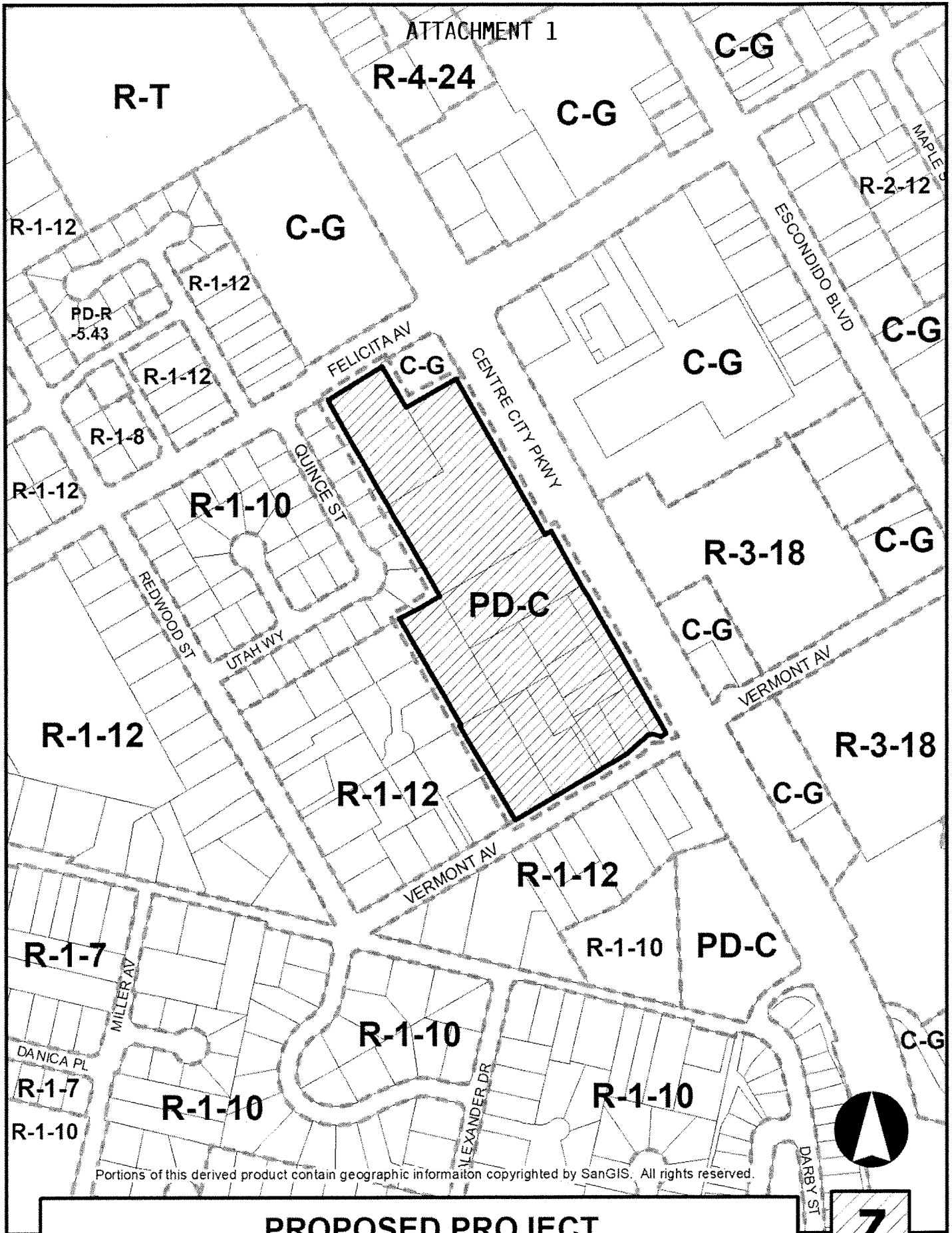
The Project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301/Class 1 "Existing Facilities" for additions to existing structures; and Section 15311, Class 11 "Accessory Structures" for the installation of accessory structures. In staff's opinion, the project would not have any adverse impacts to the environment.

D. CONCLUSIONS:

The Planning Commission is the authorized agency for reviewing and granting discretionary approvals related to the Master Plan Modification and Conditional Use Permit. The Planning Commission is being asked to consider the modification to the Master Plan and Conditional Use Permit for the development of the proposed drive-through facility. The project also will require the submittal and approval of a modification to the previously approved Precise Development Plan for the out-pad building for the final building modifications, that will require consideration by the City Zoning Administrator. No other discretionary permits are requested or required for the proposed scope of work. City staff recommends that the Planning Commission approve Planning Case No. PHG 19-0003 based upon the findings/factors and conditions contained in the attached draft Planning Commission Resolution 2019-07.

ATTACHMENTS:

1. Location and General Plan Maps
2. Planning Commission Resolution No. 2019-07

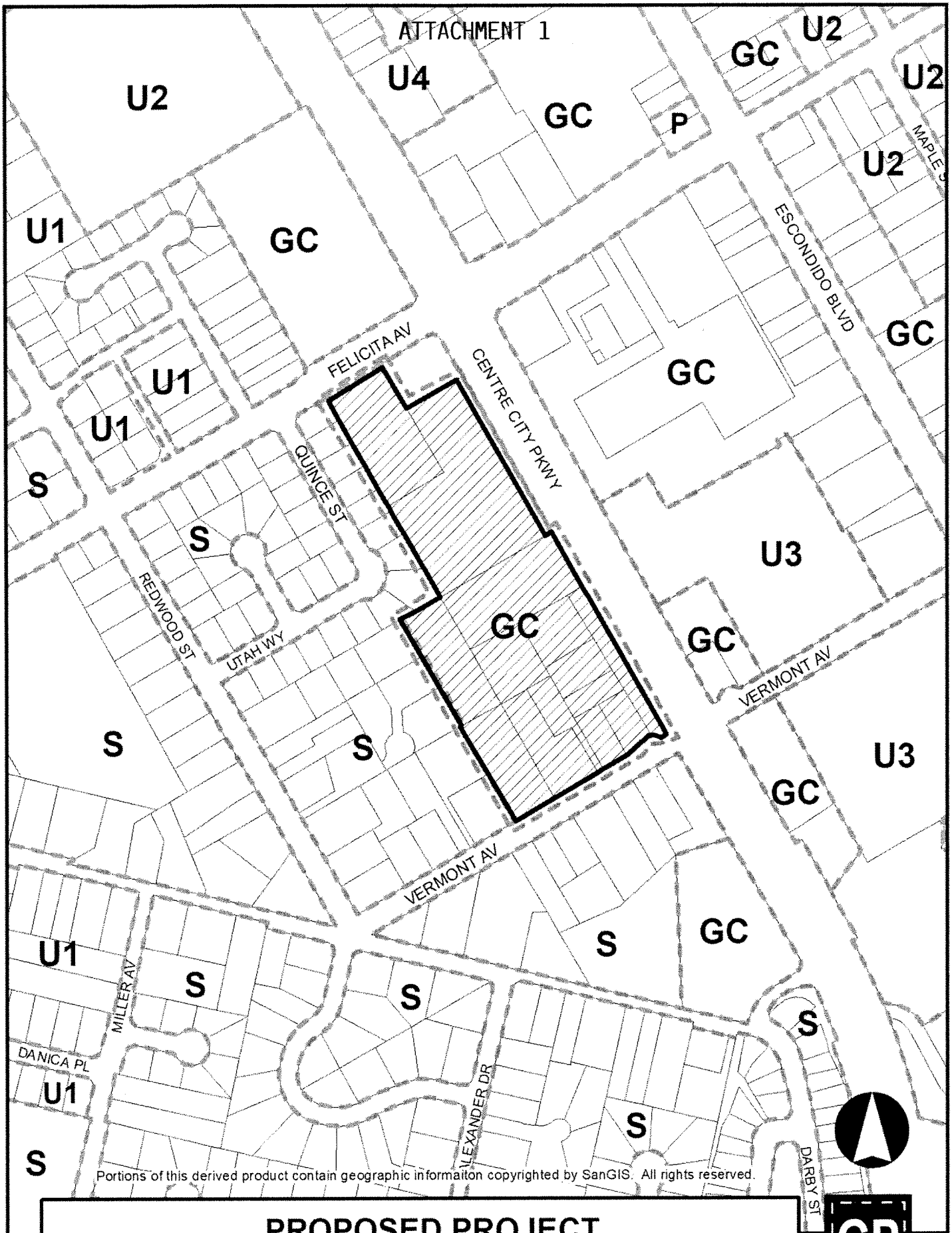


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PROPOSED PROJECT
PHG 19-0003



ATTACHMENT 1



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PROPOSED PROJECT
PHG 19-0003



GENERAL PLAN

ATTACHMENT 2

Planning Commission

Hearing Date: April 9, 2019

Effective Date: April 20, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-07

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO A MASTER
DEVELOPMENT PLAN AND CONDITIONAL USE
PERMIT FOR A DRIVE-THROUGH FACILITY WITHIN
THE FELICITA TOWN CENTER COMMERCIAL
DEVELOPMENT

APPLICANT: Brixmor Property Group

CASE NO: PHG 19-0003

WHEREAS, Brixmor Property Group (herein after referred to as "Applicant"), filed a land use development application with the City of Escondido regarding the approximately 11.2-acre commercial property located within the Planned Development Commercial (PD-C) Zone and the Felicita Commercial District of the South Centre City Parkway Specific Plan. The subject property generally is located west of South Centre City Parkway, south of Felicita Avenue, addressed at 1831 South Centre City Parkway, more particularly described on Exhibit "A" ("the property"); and

WHEREAS, said verified application constitutes a request for a modification to a previously approved Master Development Plan to allow a reduction in parking and setbacks within the Felicita Town Center commercial development, along with a Conditional Use Permit to allow a drive-through lane to support an existing out pad

building as shown on Exhibit "B" and on file in the Planning Division, Case No. PHG 19-0003; and

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, the use for which the Project is applied for is permitted within the Planned Development-Commercial (PD-C) zone and Felicita Commercial District in which the property is located, subject to the approval of a Conditional Use Permit in accordance with Section 4, Table 4.1 (Permitted Land Uses for All Districts/Subareas of the Specific Plan); and

WHEREAS, pursuant to CEQA and CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.) the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project; and

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements.

WHEREAS, the Planning Commission of the City of Escondido did, on April 9, 2019, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated April 9, 2019, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, said public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission; and

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

- 1. That the above recitations are true and correct.
- 2. The Planning Commission, in its independent judgment, has determined the project to be exempt from environmental review. Pursuant to CEQA, the Project is exempt from further environmental review because it can be seen with certainty that there

is no possibility that it will have a significant effect on the environment in conformance with CEQA Sections 15301 "Existing Facilities" and Section 15311, "Accessory Structures," as described in the April 9, 2019 Planning Commission staff report.

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby approves the application to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "D." The Planning Commission expressly declares that it would not have made this recommendation for this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. The development plan for this project is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. 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 developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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 the City Council action, 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 9th day of April, 2019, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, 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.

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

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

EXHIBIT "A"

PROPERTY DESCRIPTION PLANNING CASE NO. PHG 19-0003

PARCEL 1:

THOSE PORTIONS OF LOTS 1 AND 2 IN BLOCK 252 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, State of California, ACCORDING TO MAP THEREOF NO. 725, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, AND THAT PORTION OF PARCEL 2 IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, State of California, AS SHOWN ON PAGE 130 OF PARCEL MAPS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 18, 1969, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWESTERLY LINE THEREOF, NORTH 59° 13' 43" EAST, 499.31 FEET TO THE MOST NORTHERLY CORNER OF LAND DESCRIBED IN DEED TO RALPH E. WITHROW, ET UX, RECORDED AUGUST 17, 1951 AS DOCUMENT NO. 102467 OF OFFICIAL RECORDS, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG THE NORTHWESTERLY LINE OF SAID WITHROW'S LAND AND THE NORTHEASTERLY LINE OF LAND DESCRIBED IN DEED TO HAMILTON A. EATON, ET UX, RECORDED FEBRUARY 16, 1953 AS DOCUMENT NO. 20971 OF OFFICIAL RECORDS, SOUTH 30° 47' 10" EAST, 330.31 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 297.00 FEET OF SAID LOT 1; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 59° 15' 55" WEST, 4.36 FEET TO THE NORTHEASTERLY LINE OF LAND DESCRIBED IN DEED TO HOWARD A. GATLING, ET UX, RECORDED APRIL 24, 1981 AS DOCUMENT NO. 81-126845 OF OFFICIAL RECORDS AND IN DEED TO NEWTON R. WIGGINS, ET UX, RECORDED APRIL 13, 1973 AS DOCUMENT NO. 73-097614 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 30° 47' 10" EAST, 297.00 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 1; THENCE ALONG SAID SOUTHEASTERLY LINE AND ALSO ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2 NORTH 59° 15' 55" EAST, 431.08 FEET TO THE NORTHEASTERLY LINE OF LAND DESCRIBED IN DEED TO HERBERT R. KIAH AND RUTH W. KIAH, RECORDED MAY 11, 1946 IN BOOK 2118, PAGE 336 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 30° 43' 36" WEST, 462.87 FEET TO A POINT IN A LINE WHICH IS PARALLEL WITH AND 165.00 FEET SOUTHEASTERLY FROM THE NORTHWESTERLY LINE OF SAID LOT 2; THENCE ALONG SAID PARALLEL LINE NORTH 59° 11' 18" EAST, 44.25 FEET TO A POINT ON THE EASTERLY LINE OF THE WEST HALF OF SAID LOT 2; THENCE ALONG SAID EASTERLY LINE AND ALSO ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 2 NORTH 30° 43' 36" WEST, 642.35 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 2; THENCE SOUTH 59° 12' 00" WEST, 170.00 FEET; THENCE NORTH 30° 43' 36" WEST, 141.00 FEET TO THE MOST NORTHWESTERLY LINE OF SAID PARCEL 2; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 59° 12' 00" WEST, 175.17 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 2 SOUTH 30° 47' 10" EAST, 618.42 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2, SAID POINT BEING ON THE NORTHWESTERLY LINE OF SAID LOT 1; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 59° 13' 43" WEST, 127.10 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE INTEREST OF THE CITY OF ESCONDIDO, a Municipal Corporation, AS CONVEYED BY DEED RECORDED MAY 26, 1978 AS FILE NO. 78-217185, OF OFFICIAL RECORDS, IN AND TO THE NORTHERLY 9.00 FEET OF PARCEL 2 OF SAID PARCEL MAP NO. 130.

PARCEL 2:

THAT PORTION OF LOT 2 IN BLOCK 252 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 725, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, LYING SOUTHEASTERLY OF A LINE THAT IS PARALLEL WITH AND DISTANT 330 FEET SOUTHEASTERLY FROM THE NORTHWESTERLY LINE OF SAID LOT 2 LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF THAT PORTION OF SAID

LOT 2 CONVEYED TO THE State of California BY DEED RECORDED IN BOOK 2724, PAGE 479 OF OFFICIAL RECORDS OF SAID COUNTY AND LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THAT PORTION OF SAID LOT 2 CONVEYED TO HERBERT R. KIAH AND WIFE BY DEED RECORDED IN BOOK 2118, PAGE 336 OF OFFICIAL RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THOSE PORTIONS LYING WITHIN "EXCEPTION NO. 1" AND "EXCEPTION NO. 2" OF THAT CERTAIN QUITCLAIM DEED RECORDED OCTOBER 10, 1990, AS RECORDER'S FILE NO. 1990-553013 OF OR.

PARCEL 3:

THAT PORTION OF LOT 2 IN BLOCK 252 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 725, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, LYING NORTHWESTERLY OF A LINE THAT IS PARALLEL WITH AND DISTANT 330 FEET SOUTHEASTERLY FROM THE NORTHWEST LINE OF SAID LOT 2, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF THAT PORTION OF SAID LOT 2 CONVEYED TO State of California BY DEED RECORDED IN BOOK 2724, PAGE 482 OF OFFICIAL RECORDS OF SAID COUNTY, AND LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THAT PORTION OF SAID LOT 2 CONVEYED TO WILLIAM E. TOMKINSON AND WIFE BY DEED RECORDED IN BOOK 2055, PAGE 230 OF OFFICIAL RECORDS OF SAID COUNTY; EXCEPTING THEREFROM THE NORTHWESTERLY 165 FEET THEREOF.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN "EXCEPTION NO. 2" OF THAT CERTAIN CITY OF ESCONDIDO QUITCLAIM DEED RECORDED OCTOBER 10, 1990, AS RECORDER'S FILE NO. 1990-553013 OF OFFICIAL RECORDS.

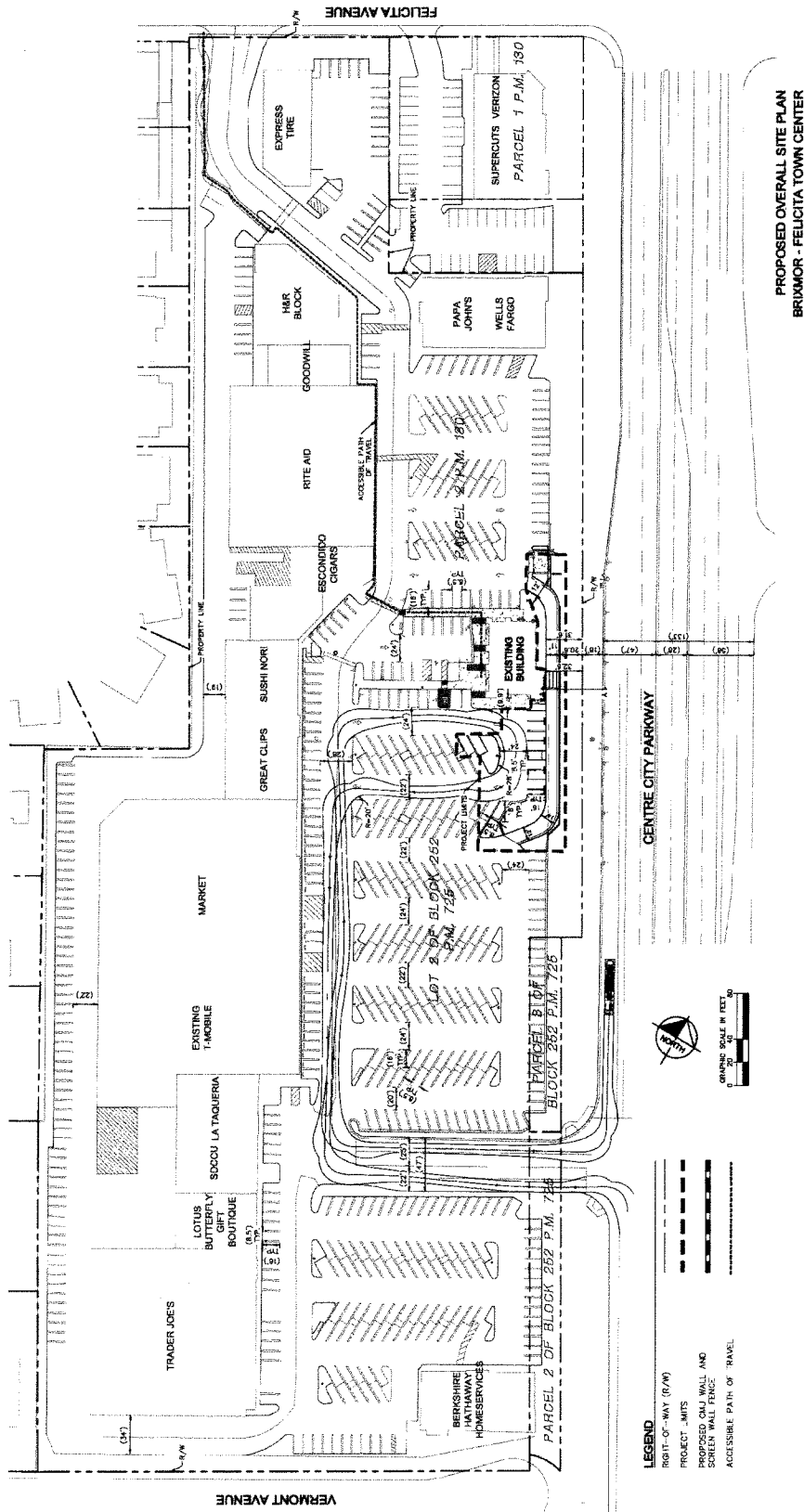
PARCEL 4:

A NON-EXCLUSIVE COMMON USE EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTHWESTERLY 20 FEET OF THAT PORTION OF LOT 5 IN BLOCK 252 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 725, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892 DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT 5; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5, SOUTH 59°08'52" WEST 315.31 FEET TO THE SOUTHWESTERLY LINE OF CALIFORNIA STATE HIGHWAY XI-SD-77B U.S. 395-AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 11, 1948, IN BOOK 2707, PAGE 377 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 30°46'55" WEST, 626.86 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 5 AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 59°13'05" WEST 170.00 FEET; THENCE SOUTH 30°46'55" EAST 150.00 FEET; THENCE NORTH 59°13'05" EAST, 170.00 FEET TO THE SOUTHWESTERLY LINE OF SAID STATE HIGHWAY; THENCE ALONG SAID SOUTHWESTERLY LINE, NORTH 30°46'55" WEST, 150.00 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT "B"

PHG 19-0003



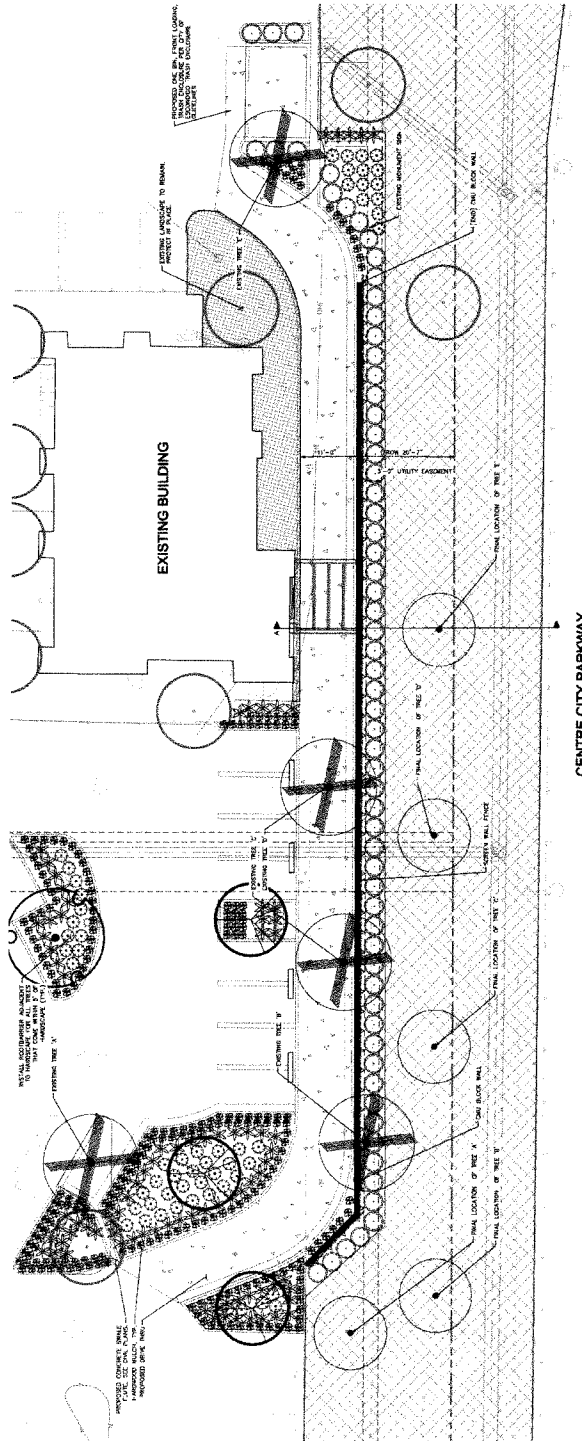
PROPOSED PROJECT
PHG 19-0003

S

SITE PLAN

[illegible]

CONCEPTUAL PLANT SCHEDULE															
TREES	CODE	QTY	REPLACEMENT NAME / COMMON NAME	EXISTING / EXISTING TO BE RELOCATED	COLT	HEIGHT/SPREAD	CAL	MOODLE	SYMBOL	DO	BT	DIRECT DIRECTION / FORWARDITY	5 GAL	2 O.C.	MODERATE
	E7	5	EXISTING / EXISTING TO BE RELOCATED	-	-	-	-	-		DO	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	E7	10	EXISTING / EXISTING TREE TO REMAIN PROTECT IN PLACE	EXISTING	-	-	-	-		PV	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	JW	1	JACARANDA MANGROVIA / JACARANDA	24" BOX	1.5' CAL	-	-	-		PW	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	2 O.C.	MODERATE
	LM	1	LARGE-LEAVED MANGROVIA / MANGROVIA	24" BOX	1.5' CAL	-	-	-		PW	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	2 O.C.	MODERATE
	D2	5	RELOCATED EXISTING TREE / EXISTING TREE NEW LOCATION	EXISTING	-	-	-	-		PH	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	QTY	REPLACEMENT NAME / COMMON NAME	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
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	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
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	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
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	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
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	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
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	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
	QFE	241	ADAPTIVUS AFFRICANUS / 241 OF THE N.E.	EXISTING	-	-	-	-		QFE	BT	PHOTOPHILIC / VARIETAL / VARIETAL / VARIETAL	5 GAL	4 O.C.	MODERATE
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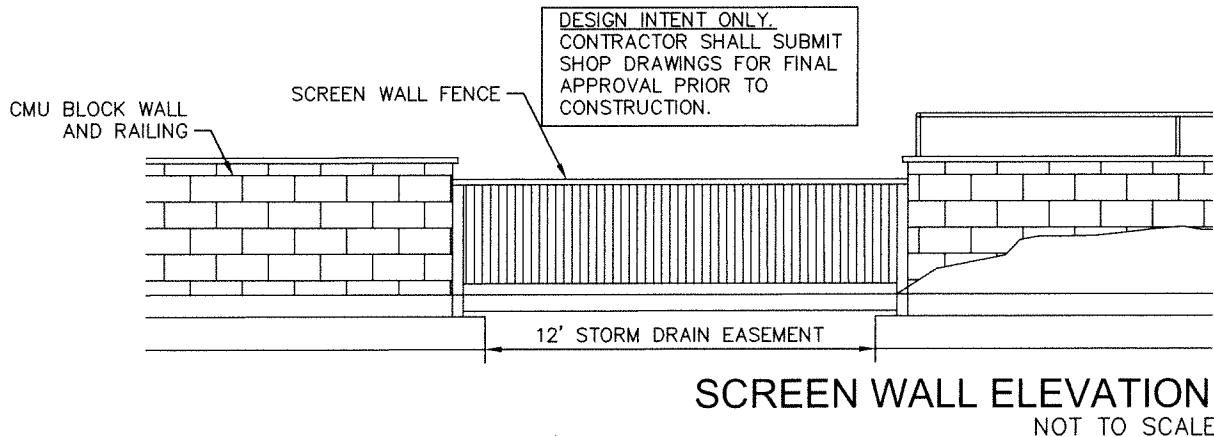
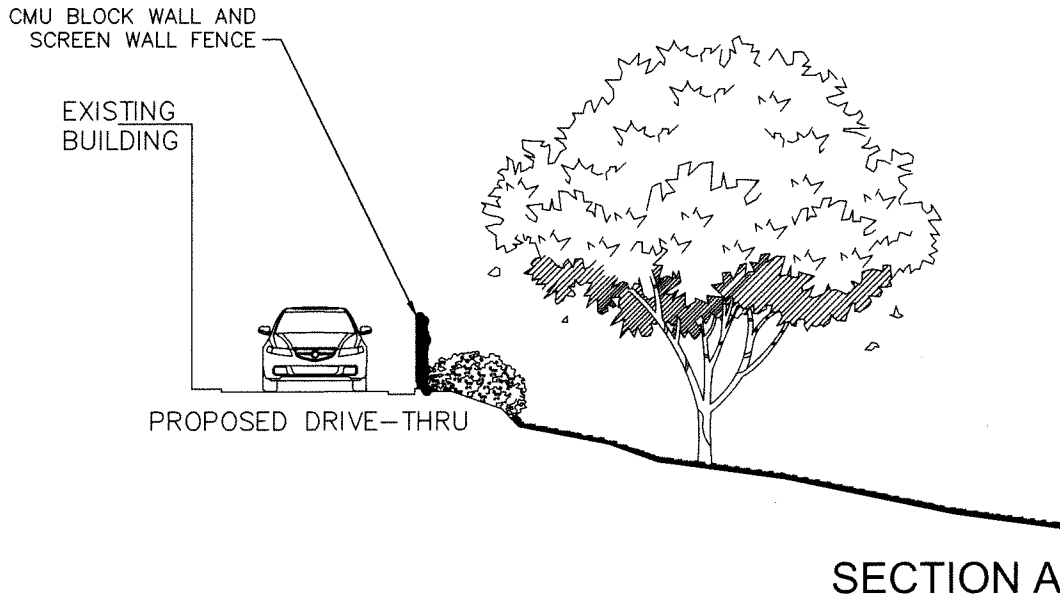
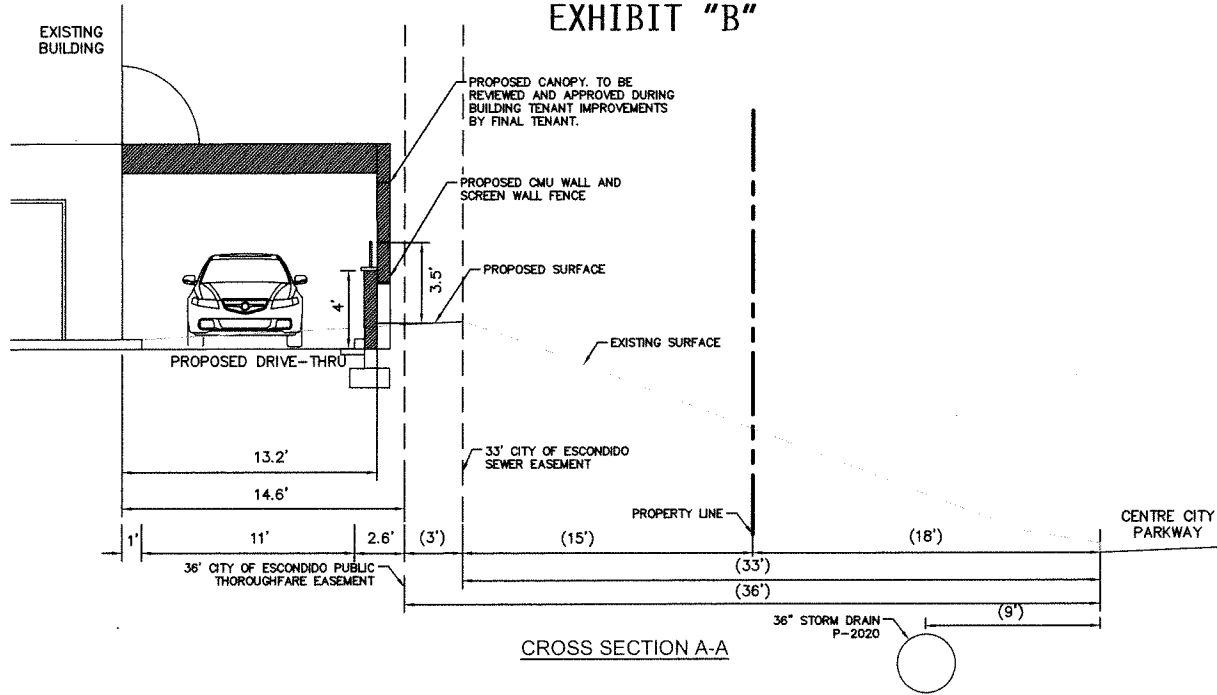


**PROPOSED LANDSCAPE PLAN
BRIXMOR - FELICITA**

**PROPOSED PROJECT
PHG 19-0003**

LANDSCAPE PLAN

EXHIBIT "B"



PROPOSED PROJECT
PHG 19-0003₁₉.

S

SECTIONS

EXHIBIT “C”

FINDINGS OF FACT PLANNING CASE NO. PHG 19-0003

Environmental Determination:

Public Resources Code Section 21084 requires the CEQA Guidelines to include a list of classes of projects which have been determined *not* to have a significant effect on the environment and which shall be exempt from the provisions of CEQA. Section 15300 et. seq. of the CEQA Guidelines lists these class exemptions. The Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review under Sections 15301 “Existing Facilities” and Section 15311, “Accessory Structures.” This determination was made because the project involves a small expansion to an existing 2,700 SF commercial building and installation of a previously approved drive-through lane within a developed commercial center. The project site is fully developed; surrounded by urban uses; has no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services.

Public Notice and Outreach:

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the local newspaper and 189 notices were sent to property owners within 500 feet of the project site. A public notice was also provided on the project site, on the City’s website, and posted at City Hall and City Library.

Master and Precise Development Plan Modification Determinations:

All the required findings for Planning Commission have been satisfied in accordance with Section 33-403 of Article 19 (Planned Development Ordinance) of the Escondido Zoning Code. The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, Citywide Design Guidelines, and Improvement Standards adopted by the City.

1. The location and design of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted. Future land use compatibility is based on information from General Plans. The General Plan was examined to assess potential consistency with the

goals and objective defined therein. The General Plan land-use designation for the site is General Commercial (GC), that accommodates a wide variety of retail and service activities intended to serve a broad customer base, including eating and drinking establishment (General Plan Commercial Goals and Policies 8, and Figure II-6 GP Land-Use Designations). Section 5.3.5.1(12) (Development Standards) of the South Centre City Specific Plan allows for an adjustment in parking spaces up to 25 percent subject to an Administrative Adjustment. Because the parking standard for the Felicita Town Center was established through the Planned Development process, modification to the Master Plan is necessary to amend the parking standard rather than the Administrative Adjustment process. The proposed use does not alter the underlying General Plan designation and maintains commercial lands within the City. The site, after Project implementation, is intended to support the existing building and proposed restaurant tenant.

2. The proposed location allows the Planned Development to be well integrated with its surroundings. The subject site is located along a Major Circulation Element street and located among other commercial uses, and therefore would not have any adverse impacts to on-site or adjacent uses. The proposed drive-through lane has been designed to conform to zoning requirements (Section 33-341, Commercial drive-through facility requirements) that requires minimum dimensions for aisle width; vehicle stacking to provide a minimum of six (6) vehicles behind the speaker and appropriate overflow from the stacking aisle; provide significant screening from public streets by means of heavy landscaping and decorative walls; and separation from other drive-through facilities. In order to accommodate the proposed drive-through lane and provide appropriate screening, a low retaining /screen wall would be installed along the existing landscaped berm fronting Centre City Parkway and a combination of vines and shrubs installed along the right-of-way to further screen the views of the drive aisle. The Project would not result in or generate any adverse noise, dust, odor or traffic impacts.
3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. The drive-through lane has been designed to provide sufficient on-site stacking without affecting on-site circulation. The requested minor reduction in the number of parking spaces (approximately 1.6%) would not adversely affect parking throughout the center because the project site it is not within an area of the parking lot with the higher parking demand; operation of the drive-through building would not affect the peak parking demand within the commercial center; and the vehicle stacking aisle would accommodate up to nine (9) vehicles at the pick-up window. Sufficient parking would be available throughout the various parking areas.
4. The proposed location and design allows business establishments within the center to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. All public facilities necessary to serve the project are in place, or are proposed as associated site improvements.

5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The proposed drive-through lane has been designed to conform to zoning requirements (Section 33-341, Commercial drive-through facility requirements) that requires minimum dimensions for aisle width; vehicle stacking to provide a minimum of six (6) vehicles behind the speaker and appropriate overflow from the stacking aisle; provide significant screening from public streets by means of heavy landscaping and decorative walls; and separation from other drive-through facilities. In order to accommodate the proposed drive-through lane and provide appropriate screening, a low retaining /screen wall would be installed along the existing landscaped berm fronting Centre City Parkway and a combination of vines and shrubs installed along the right-of-way to further screen the views of the drive aisle. The application request includes a reduction in the number of parking spaces and an encroachment into the street-side setback to accommodate an architectural element. The total reduction of 10 parking spaces equates to an approximately 1.6 percent overall reduction in the number of parking spaces or a parking ratio of 1:203. Section 5.3.5.1(12) (Development Standards) of the South Centre City Specific Plan allows for an adjustment in parking spaces up to 25 percent subject to an Administrative Adjustment. Because the parking standard for the Felicita Town Center was established through the Planned Development process, modification to the Master Plan is necessary to amend the parking standard rather than the Administrative Adjustment process. The proposed architectural feature would enhance the architecture of the building along the Centre City Parkway frontage and would provide a protected area for vehicles at the pick-up window.
6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. The site is physically suitable to accommodate the proposed drive-through lane, and adequate on-site circulation, and screening would be provided. The requested reduction in parking would not affect the ability to park within the center as sufficient parking spaces still would be available. The requested encroachment into the street side setback would allow for a drive-through canopy to be installed which will be an architectural enhancement to the building and views of the building and drive-aisle along Centre City Parkway. A decorative screen wall and new landscaping will be installed along the parkway to screen the views of the new drive aisle.
7. The uses proposed have a beneficial effect not obtainable under existing zoning regulations. The proposed project is consistent with the General Plan and the project meets all the applicable zoning standards, except as requested in the modification to the Master Plan for parking and setbacks. In consideration of the code requirements and intent of the Planned Development Ordinance, providing a more flexible regulatory framework to allow an exception to the parking standard and building setbacks would have a beneficial effect not obtainable under existing zoning regulations as the request would allow for additional commercial opportunities for the subject out pad building without creating any adverse impacts to the

center. Explanations for these departures are discussed in the Planning Commission staff report of April 9, 2019.

Conditional Use Permit:

1. The location and design of the proposed drive-through lane would be consistent with the goals and policies of the Escondido General Plan. The General Plan land-use designation for the Felicita Town Center is General Commercial (GC) with a zoning designation of Planned Development-Commercial (PD-C). The center also is located within the Felicita Commercial District of the South Centre City Specific Plan. The General Commercial designation accommodates a wide variety of retail and service activities intended to serve a broad customer base, including eating and drinking establishment (General Plan Commercial Goals and Policies 8, and Figure II-6 GP Land-Use Designations). The proposed CUP to allow a drive-through is consistent with the goals and policies of the Felicita Commercial District because auto-oriented drive-through facilities are permitted within the Felicita Commercial District subject to the approval of a Conditional Use Permit. The proposed new drive-through lane would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets, utilities or public facilities. The proposed amendment to the Master Plan to allow a reduction in parking and encroachment into the street-side setback enables the processing and consideration of the subject application.
2. The site is physically suitable to accommodate the proposed use because adequate access, on-site circulation and public facilities are available to serve the proposed use. Extensive grading is not necessary to accommodate the proposed facility. The requested reduction in parking would not affect the ability to park within the center as sufficient parking spaces still would be available. The requested encroachment into the street-side setback would allow for a drive-through canopy to be installed which will be an architectural enhancement to the building and views of the building and drive-aisle along Centre City Parkway. A decorative screen wall and new landscaping will be installed along the parkway to screen the views of the new drive aisle. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities.
3. The approximately 11.2-acre project site is developed as a planned commercial center. The site fronts onto two circulation elements streets (Felicita Avenue and Centre City Parkway). The commercial center is located within an urban area of the city. The project design and conditions of approval would ensure compatibility with the variety of surrounding land uses, and the project would not adversely affect any nearby residential uses. Therefore, the project would not result in an adverse disruption to the established developments and circulation within the area, and would not be out of character with the surrounding development pattern.

4. Granting this Conditional Use Permit for the proposed drive-through lane is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the 11.2-acre site has been fully developed as a planned commercial center. The proposed drive-through lane has been designed to conform to zoning requirements (Section 33-341, Commercial drive-through facility requirements) that requires minimum dimensions for aisle width; vehicle stacking to provide a minimum of six (6) vehicles behind the speaker and appropriate overflow from the stacking aisle; provide significant screening from public streets by means of heavy landscaping and decorative walls; and separation from other drive-through facilities. In order to accommodate the proposed drive-through lane and provide appropriate screening, a low retaining /screen wall would be installed along the existing landscaped berm fronting Centre City Parkway and a combination of vines and shrubs installed along the right-of-way to further screen the views of the drive aisle. Appropriate setbacks and landscape buffer areas would be provided, especially from residential properties. Appropriate access, on-site circulation and parking would be provided.
5. This proposal is in response to services required by the community because the facility would provide additional commercial/retail and food service options for customers within the center.
6. The proposed Conditional Use Permit has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and reasons stated above and detailed in the Planning Commission staff report dated April 9, 2019. The impacts of the proposed project will not adversely affect the policies of the General Plan or the provisions of the Municipal Code. The project as proposed will be required to comply with all applicable Building, Engineering and Fire Codes through the standard plan checking process.

EXHIBIT “D”

CONDITIONS OF APPROVAL PLANNING CASE NO. PHG19-0003

Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

GENERAL

1. All relevant conditions of the previous Master and Precise Development Plans approved and/or amended for the Felicita Town Center shall remain in effect, except as modified by this amendment and the conditions of approval.
2. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
3. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
4. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
5. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development.
6. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
7. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47), the Felicita Town Center sign program, any exhibits included in the

staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for project signage.

8. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
9. All new utilities and utility runs shall be underground.
10. The design of the project shall be consistent with the Details of Request contained within the Planning Commission staff report of April 9, 2019. Any changes must be approved by the City through the appropriate review process.
11. Copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division, prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the staff report, to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code and State Model Landscape Ordinance. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
12. All landscaping, fences, and walls on site, in any adjoining public parkways shall be permanently maintained by the owner, assigns, or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping, repair and replacement of plant materials and irrigation systems, and general clean-up. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval.
13. Any new walls shall incorporate decorative materials or finishes, and shall be indicated on the building plans. The new screen wall shall include pilasters at appropriate intervals and the wall shall be constructed of decorative block or finish to be compatible with the architecture and materials used throughout the commercial center.
14. The landscape plan shall incorporate a mix of vines, ground cover and shrubs to provide a layered screen in front of the drive-aisle screen wall. Appropriate landscaping shall also be installed around the new trash enclosure and within the new landscape planter areas within the parking area and entry to the drive-through lane. Any mature trees removed shall be replaced with specimen-sized trees. Any trees proposed within the public right-of-way or utility easement shall be approved by the Engineering Division and Utilities Division.

15. A total of 624 parking spaces shall be striped and dimensioned per City standards. The final number of spaces may be modified based on any final design modifications or city requirements to accommodate appropriate emergency vehicle access, grading, infrastructure improvements or final design of the trash enclosure, as may be authorized by the Director of Community Development. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the California Building Code, including signage.
16. This Conditional Use Permit shall be null and void if not utilized within twelve (12) months of the effective date of approval, unless an extension of time is granted in accordance with Article 61 of the Escondido Zoning Code.
17. Prior to issuance of construction permits (building, grading, etc.) for the drive-through land, a modification to the Precise Development Plan shall be submitted for the necessary modifications to the subject building. The plan submittal shall include details for a covered drive-through canopy over the pick-up window. This architectural features shall be consistent with the architecture of the existing building, utilizing similar design, materials finish and colors. The proposed building signage, new monument sign, order boards and any directional signage also shall be included in the Precise Plan application.
18. As depicted on the project plans/exhibits, a new trash enclosure shall be provided. The trash enclosure shall be of sufficient size to accommodate an appropriate number of trash and recycling bins. The enclosure shall have a solid roof and the structures shall be designed to be compatible with the architecture within the center.
19. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
20. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the date of this letter) a check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

ENGINEERING CONDITIONS OF APPROVAL
1831 S. Centre City Parkway
PHG 19-0003

IMPROVEMENTS

1. All onsite and offsite improvements shall be constructed in a manner that does not damage existing improvements. Any damage shall be corrected to the satisfaction of the City Engineer.

GRADING AND DRAINAGE

1. A site grading, drainage, and erosion control plan by a Registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The project shall conform with the City of Escondido's Storm Water Management Requirements. Construction BMPs shall be provided for the project. The site grading and erosion control plan will not be forwarded from the Building Department, but shall be submitted separately to the Engineering Department.
2. Erosion control, including riprap, interim sloping planting, gravel bags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
5. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.
6. The Developer shall be responsible to repair or replace any driveway approach, curb and gutter, sidewalk, or other damages as a result of construction activities for this subject project.
7. The trash enclosure area shall be constructed or modified to comply with storm water quality management requirement to the satisfaction of the City Engineer.
8. After the approval of the site grading and erosion control plan, and prior to the start of construction of the grading and improvements, the developer shall obtain a Grading Permit

and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections.

9. The developer shall be responsible for the recycling all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other locations approved by the Director of Engineering Services. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts of the building shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
10. The drive-through isle shall be constructed with 7-1/2" portland concrete cement (PCC).
11. Retaining wall and screen wall footings shall not be located in public easements.
12. Proposed landscaped planter medians shall accommodate Fire department access through the parking lot to the satisfaction of the Fire Marshal and City Engineer.

*All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.*

UTILITIES (WATER SUPPLY)

1. The existing DCDA shall meet current City standards.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the first submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees.

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.

CASH SECURITY AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, retaining wall, landscaping, and best management

practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.

2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

MISCELLANEOUS REQUIREMENTS

1. A current preliminary title report shall be submitted with the grading plans.