

The Villages – Escondido Country Club Project

Candidate CEQA Findings of Fact and Statement of Overriding Considerations

Final Environmental Impact Report, SCH #2017011060
City Project No. PHG 16-0009 / ENV 16-0010

October 14, 2017

Prepared for/by:



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

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I. INTRODUCTION

I.A FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

The following Candidate Findings of Fact and Statement of Overriding Considerations are made for the Villages – Escondido Country Club Project (hereinafter referred to as the “Project”). The environmental effects of the Project were identified and analyzed in the Villages- Escondido Country Club Draft Environmental Impact Report (“Draft EIR”) (June 2017) and in the Final Environmental Impact Report (October 2017) (State Clearinghouse No. 2017011060) which includes Responses to Comments, Corrections/ Errata to the Draft EIR, the Final EIR, and the Mitigation Monitoring and Reporting Program (“MMRP”) (State Clearinghouse No. 2010071004) (collectively, “Final EIR”). The Final EIR is hereby incorporated by reference.

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, *et seq.*) and the CEQA Guidelines (Guidelines) (14 Cal. Code Regs. Sections 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a Project be examined before a Project is approved. In addition, if significant impacts have been identified, CEQA and the Guidelines require that a public agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. It is the discretion of the decision-maker certifying the Final EIR to determine the adequacy of the proposed Findings. Specifically, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the Project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements are also incorporated in Public Resources Code Section 21081.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of mitigation measures as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the Project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on the ultimate balancing of the merits of approving a Project despite its environmental damage. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed Project against its unavoidable

environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological, or other benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) When the lead agency approves a Project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the Project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the Project identified potentially significant effects. However, the City Council finds that the inclusion of certain specified mitigation measures as part of the Project approval will reduce most, but not all, of those effects to less-than-significant levels. The one remaining impact to traffic which is not reduced to less-than-significant levels – a significant long-term cumulative traffic impact at the Interstate 15 (I-15) southbound on-ramp at El Norte Parkway – is identified and overridden due to specific project benefits. (See **Section IX**, Statement of Overriding Considerations, below). Although mitigation is proposed to reduce this impact, it is considered a significant unavoidable impact even with the identified mitigation improvements because the improvements are located within the jurisdiction and responsibility of the California Department of Transportation (“Caltrans”), and neither the applicant nor the City of Escondido can ensure that Caltrans will permit the improvement to be made.

Having received, reviewed, and considered the Final EIR for the Villages – Escondido Country Club Project proposal, State Clearinghouse No. 2017011060, as well as all other information in the Record of Proceedings (as defined below) on this matter, the following Findings are hereby adopted by the City Council of the City of Escondido (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

The City Council has reviewed and considered the Final EIR for the Project. The City Council certifies that the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines, and the City’s requirements. The City Council adopts these “Candidate CEQA Findings of Fact and Statement of Overriding Considerations for the Villages- Escondido Country Club Project.”

I.B RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed Project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) of a Draft EIR, dated January 25, 2017, Initial Study Checklist, and all other public notices issued by the City in conjunction with the proposed Project;
- Comments received on the NOP;
- Scoping Meeting(s) and comments received at Scoping Meeting(s)
- The Notice of Availability and Notice of Completion of the Draft EIR, dated June 28, 2017.
- The Notice of Extended Comment Period dated August 8, 2017.
- The Draft EIR (June 2017) and its appendices for the proposed Project, circulated for public review between June 28, 2017 and August 18,2017;
- All written comments received from agencies, organizations, or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments received from agencies, organizations, or members of the public during the public review comment period on the Draft EIR, and included in the Final EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed Project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the Responses to Comments;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference or cited to in the Draft EIR and Final EIR;
- The Final EIR and all supplemental documents prepared for the Final EIR;
- Any supplemental documents submitted to the City prior to public hearings on the Project;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings;
- City staff report(s) prepared for this Project, for any hearing related to the proposed Project, and any exhibits thereto;
- Project permit conditions; and

- Any other relevant materials required to be in the record of proceedings by CEQA Section 21167.6(e).

The Draft EIR and related technical studies were made available for review during the public review period on the City’s website at <https://www.escondido.org/ecc.aspx> and at the following locations:

- Escondido Public Library, 239 S. Kalmia Street, Escondido, California; and
- Escondido City Hall 201 N. Broadway, Escondido, California.

Public notices and project updates concerning the City’s review process were also posted on the City’s website.

I.C CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials which constitute the administrative record for the City’s actions related to the Project, as detailed in **Section I.B.** above, are located at the Escondido City Hall, 201 N. Broadway. The Planning Division of the Community Development Department is the custodian of the administrative record for the Project. Copies of these documents, which constitute the Record of Proceedings, are, at all relevant and required times have been, and will continue to be available upon request at the offices of the City Hall. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. SUMMARY OF PROJECT DESCRIPTION

The Project applicant, New Urban West, Inc., proposes to develop the Villages- Escondido Country Club project, a single-family residential development comprising 380 residential homes (as revised), approximately 48.9 acres of permanent open space with active greenbelts; parks; and recreational, social, and community amenities on the site of the former Escondido Country Club golf course. The Project site consists of approximately 109 acres, of which 44.7 percent would be retained in permanent open space with active greenbelts; parks; and recreational, social, and community amenities. The Project would require concurrent discretionary approval of a Specific Plan, General Plan Amendment, Zone Change, Tentative Subdivision Map, and a Specific Alignment Plan. The applicant also seeks approval of a Development Agreement relative to the Project.

II.A PROJECT LOCATION AND ENVIRONMENTAL SETTING

The Project site is located in the northwest portion of the City, along both sides of West Country Club Lane west of Nutmeg Street. The Project site currently has an address of 1800 West Country Club Lane and consists of approximately 109 acres. Regionally, the City is situated in northern San Diego County, about 30 miles north of downtown San Diego via Interstate 15 (I-15). The Project site is approximately 0.5 miles to the west of I-15, and about 2 miles north of State Route 78 (SR-78). The City of San Marcos boundary is approximately 0.2 miles to the southwest of the Project site.

The Project site is privately owned land consisting of an abandoned 18-hole golf course. Existing development on the site consists of concrete paved golf cart paths, several shallow lakes, six wells, a bathroom facility, and a clubhouse with associated pool, tennis court, asphalt-paved parking lot, and other hardscape improvements. The country club and golf course are no longer active, and the site is currently characterized by disturbed, fallow land. The man-made channels and basins/ponds that occur are no longer maintained and supported by irrigation water from the golf course, and as a result, most are in a dysfunctional state. The former golf course in its current state has resulted in code enforcement issues for the City.

II.B SURROUNDING ENVIRONMENT

Surrounding land uses include residential development in all directions. The surrounding residential development consists of single-family detached residences on a variety of lot sizes, attached single-family residences (duplexes) of several different densities, and several common-interest developments. Lot sizes range from duplex dwellings on about 2,000- square- foot lots to detached single-family homes on approximately 7,000-square foot lots. A large mobile-home park is located to the south on El Norte Parkway within the City of San Marcos.

II.C PROJECT LAND USES AND IMPROVEMENTS

The Project involves a series of actions to implement the Villages – Escondido Country Club Project proposal, which includes residential land uses, a Village Center, and open space on approximately 109 acres of land. Project development would include a total of 380 residential homes and 48.9 acres of permanent open space with active greenbelts; parks; and recreational, social, and community amenities. The dedicated open space comprises approximately 44.7 percent of the Project site. The proposed land uses for the Project include three (3) interrelated residential villages; an open space system and recreational and social amenities; circulation and infrastructure improvements; and offsite improvements as follows:

Residential Village Component:

- **Village 1** would be located north of West Country Club Lane, and is generally bounded by Golden Circle Drive, Pamela Lane, David Drive, Gary Lane, and West Country Club Lane. Village 1 would include approximately 148 homes. Village 1 would also include a number of social and community amenities, such as a convenience grocery store, a restaurant, a community farm, and a Village green. Recreational amenities would include a swimming pool, gym facility, and other community amenities. Primary access would be from West Country Club Lane at the location of the current clubhouse and from Gary Lane.
- **Village 2** would be located north of West Country Club Lane, and is generally bounded by Gary Lane, David Drive, Calle Redonda Lane, Wren Glen, Nutmeg Street, and West Country Club Lane. Village 2 would include approximately 86 homes in two neighborhoods. One of the two neighborhoods would have primary access from Gary Lane and from an extension of La Brea Street north of West Country Club Lane. The second neighborhood would have access from another point along West Country Club Lane.
- **Village 3** would be located south of West Country Club Lane, and is generally bounded by Firestone Drive, Cortez Avenue, La Brea Street, La Mirada Avenue, and Nutmeg Avenue. Village 3 would include approximately 146 homes in two neighborhoods. The two neighborhoods would have access from West Country Club Lane, Nutmeg Street, and La Brea Street.

Open Space, Recreational, and Social Amenities:

The 48.9-acre Open Space system would consist of approximately 29 acres of landscaped greenbelt and 19 acres of environmental channels and retention basins to convey stormwater from San Marcos Creek through the Project site and stormwater from the Project site. The proposed greenbelt would have a series of parks along an approximately 4-mile-long walking trail system.

A new, rebuilt Clubhouse would replace the former clubhouse. Recreational amenities would include a swimming pool, gym facility, and other community amenities. Social and community amenities would also be developed at the Project site to revitalize the site and broader community. These amenities would include:

- **Contemporary Restaurant and Bar:** This establishment will be open to village residents and the general public. Fresh produce from the professionally managed

community farm will be a feature in the farm-to-table style cuisine offered by the professionally operated restaurant.

- **Community Farm:** A professionally managed community farm will supply fresh seasonal produce to the restaurant and to the convenience grocery store.
- **Banquet Facilities and Event Courtyard:** The banquet facilities and courtyard gathering area will be available for village residents and other Village Center members to reserve and rent for a fee. These facilities can be used for weddings, community events, and other types of celebrations.
- **Village Green:** A large Village Green with a small concert/performance facility will be located within the Village Center site. This area will function as an informal gathering area for all residents and visitors.
- **Convenience Grocery Store:** This store will feature locally grown produce from the onsite community farm.
- **Administrative Offices:** The administrative operations for The Villages Homeowners Association that will be established to manage the residential units and associated resident amenities included as a part of the Village Center will be housed in this area.

Circulation and Infrastructure:

The Project will complete a circulation system interconnected with the existing adjacent public street system. The Project will create three new connections with West Country Club Lane, with two connections converting T-intersections into four-way intersections at North Golden Circle Drive and La Brea Street and one connection creating a T-intersection on West Country Club Lane. A new four-way intersection will be created on Gary Lane that provides secondary access to both Villages 1 and 2. A public street for access to Village 3 will create one new T-intersection to La Brea Street south of West Country Club Lane, and a new T-intersection providing access to the small eastern portion of Village 2 will be created on Gary Lane near Nutmeg Street.

The Project would also develop a Specific Alignment Plan (SAP) to improve Country Club Lane from Golden Circle Drive to the west to Nutmeg Street to the east with traffic calming features to reduce speeds along the corridor and improve the overall road user experience for all modes of transportation. The Specific Alignment Plan is anchored by a proposed roundabout at the Country Club Lane/Golden Circle Drive intersection, the north leg of which would be the Village 1 driveway. The second roundabout in the corridor is proposed at La Brea Street.

Other infrastructure improvements consist of connections to the adjacent water infrastructure, wastewater system, recycled water system, and dry utilities (including natural gas, electricity, telephone, cable TV, etc.). A major benefit of the Project is the removal of existing concrete

drainage channels that currently convey drainage through the Project site and the construction of open vegetated drainage channels that provide a safe drainage course for the stormwater runoff from the Project site, the existing surrounding development, and the existing tributary drainage flowing through the Project site into San Marcos Creek. The Project will also construct a number of biofiltration stormwater management basins distributed throughout the site to promote water quality treatment and hydromodification management of stormwater runoff from the project area.

Offsite Improvements:

The Project will construct minor off-site utility improvements to the existing circulation system. Other minor off-site utility improvements may consist of making connections to, and minor relocation of the adjacent existing water, wastewater, drainage, natural gas, electric and telecommunication systems.

Construction and Phasing:

The Project would minimize impacts of new development on existing public facilities by constructing public improvements prior to or concurrent with issuance of residential building permits. Issuance of building permits for the housing units would be market driven and generally phased along with the necessary public improvements. The SAP improvements would be phased alongside each village.

II.D DISCRETIONARY ACTIONS AND ASSOCIATED PROJECT APPROVALS

The Project requires the following discretionary approvals by the City:

- (a) **General Plan Amendment:** Approval of a General Plan Amendment to amend the land use designation of the site from Residential Urban 1 (which allows up to 5.5 dwelling units per acre) to Specific Plan Area #14 (SPA#14) to provide the flexibility to create a mix of open space uses, residential uses of varying densities, and social and recreational uses. New text and graphics would be added to Section I, on page II-38 and II-60, to support the new Specific Plan, and an amendment to the Land Use map would change the subject site from Residential Urban 1 to an SPA#14 land use designation. The Project would develop at a density of approximately 3.5 dwelling units per acre.
- (b) **Zone Change:** Approval of a Zone Change to change the existing R-1-7 zone to Specific Plan (SP) Zone.
- (c) **Specific Plan:** Adoption of the Specific Plan text and land use map as an integrated residential development, with supporting commercial, public facilities, recreation, and open space.

- (d) **Tentative Subdivision Map:** Approval of a Tentative Subdivision Map for the subdivision of the property into 303 lots, which would accommodate 222 residential lots (including individual residential lots and common ownership lots), public streets, grading and drainage, private driveways, a Village Center, public parks, passive and active open space areas, channels, basins, and other infrastructure improvements.
- (e) **Specific Alignment Plan:** Approval of a full-width Specific Alignment Plan (SAP) for West Country Club Lane from Golden Circle Drive to Nutmeg Street to improve the overall road experience for all modes of transportation.
- (f) **Development Agreement:** Approve a Development Agreement application pursuant to Government Code Sections 65864 through 65869.5 (the "Development Agreement Statutes"), in order to extend the amount of time allowed to record a final map for an additional two (2) years, to partially or fully waive parkland impact fees, and to process grading permits prior to map recordation.

II.E PROJECT OBJECTIVES

Section 15124(b) of the CEQA Guidelines requires an EIR to include a statement of objectives sought by a Project. The underlying purpose of the Project is to revitalize an existing residential area surrounding the Escondido Country Club community, and to develop a new community with unique homes and interrelated open space and recreation amenities on approximately 109 acres near existing and planned infrastructure, services, and jobs in the vicinity of the North San Diego County Interstate 15 (I-15) corridor. As described in **Section 1.1** of the Final EIR, the following objectives are identified for the proposed Project:

1. Eliminate the blighted condition of the current Project site and abate hazards to public health and safety.
2. Assist the City in implementing the General Plan's housing goals by increasing the City's housing stock and diversifying the range of housing opportunities.
3. Provide a variety of housing types and designs within interrelated villages located adjacent to an existing, established residential community.
4. Create an interrelated open space system including a greenbelt with walking trails, pocket parks, and landscape areas, in addition to active recreation facilities, to facilitate an active and healthy lifestyle for residents, thereby assisting the City in implementing the General Plan's community health and services goals.
5. Provide a place for the community to gather, socialize, dine, and recreate thereby assisting the City in implementing the General Plan's community health and services goals.
6. Provide a Specific Alignment Plan as part of the Project that would provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation.

7. Protect privacy of existing residents by providing a landscaped buffer between all new and existing homes.
8. Implement sustainable design measures to enhance walkability, minimize water usage for both interior and exterior facilities, and maximize energy-saving features; and cluster residential within established single-family villages or neighborhoods to maintain site topography, protect natural resources, and avoid hazards consistent with the City's land use goals.
9. Implement timely public facilities within existing service areas without burden or cost to existing residents, visitors, or North San Diego County incorporated and unincorporated communities.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

Environmental review of the Project was conducted by the City as follows:

Initial Study Checklist. The City prepared an Initial Study Checklist in accordance with CEQA Guidelines Section 15063. The Initial Study Checklist was posted on the City's website on January 25, 2017. Based on the Initial Study, the City determined an EIR would be prepared to address potential direct and cumulative impacts associated with air quality, aesthetics, biological resources, cultural resources/tribal resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use and planning, noise, public services, transportation/traffic and utilities and services.

Notice of Preparation. In accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on January 25, 2017 for a 30-day comment period which ended on February 24, 2017. The Initial Study was provided as an attachment to the NOP. The City also advertised the NOP comment review period in an Escondido Country Club e-newsletter, print flyers at City Hall, and a display ad in a local newspaper; and made an announcement in the City Manager's weekly log and at a January Planning Commission meeting. Various agencies and other interested parties responded to the NOP. Pursuant to Senate Bill 18 and Assembly Bill 52, the City provided consultation opportunity with Native American tribes, as relevant. The City's NOP and associated comments are included in the Final EIR as Appendix 1-1.

Scoping Meeting. The City held an informational Scoping Meeting on February 13, 2017 to encourage public participation and obtain input regarding potential environmental impacts as part of the EIR preparation process. Approximately 120 people attended the scoping meeting, and written comments were submitted to the City at the scoping meeting.

Draft EIR. The Draft EIR for the proposed Project was then prepared and circulated for review and comment by the public, agencies, and organizations and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 52 days: June 28, 2017 to August 18, 2017.

Notice of Availability. A Notice of Availability (NOA) of the Draft EIR for review was mailed to organizations and parties expressing interest in the Project on June 28, 2017 notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on June 28, 2017 and end on August 11, 2017. The Notice of Availability was also filed with the City Clerk, published in the Daily Transcript, and posted on the City's website.

Notice of Completion. A Notice of Completion the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2017011060) on June 28, 2017.

Notice of Extended Comment Period. On August 8, 2017, the City provided a Notice of Extended Comment Period and extended the public comment period for the Draft EIR by seven (7) days, to close August 18, 2017, for a total public review and comment period of 52 days.

Response to Comments. As noted above, the public comment period on the Draft EIR concluded on August 18, 2017. During the 52-day public review period, staff received 442 comment letters and emails from 379 residents, businesses, agencies, or other community members. Pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues. These comments and the response to comments have been incorporated into the Final EIR. Responses to public agency comments were released for a 10-day public notice period on October 13, 2017 and ending on October 23, 2017, pursuant to Public Resources Code Section 21092.5.

Final EIR. The Final EIR was distributed on October 13, 2017. The Final EIR was prepared by the City in accordance with CEQA statutes and CEQA Guidelines. The Final EIR contains copies of all comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to comments received during public review, changes to the Draft EIR, and the MMRP.

Planning Commission Public Hearing. On October 24, 2017, the City of Escondido Planning Commission (Planning Commission) held a public hearing on the proposed Project and provided a recommendation to the City Council.

EIR Certification. With respect to the entitlements over which the City Council has final approval authority and pursuant to CEQA Guidelines Section 15090, the City Council certifies that:

- a. The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA and the State CEQA Guidelines;
- b. The Final EIR has been presented to the City Council, and the Council has reviewed and considered the information contained in the Final EIR prior to taking action on the Project; and
- c. The Final EIR, as certified, reflects the City Council's independent judgment and analysis.

Pursuant to CEQA Guidelines Section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Escondido, Community Development Department, Planning Division, 201 North Broadway, Escondido, CA 92025. The custodian of these documents and other materials is the Community Development Department, Planning Division.

Notice of Determination. Upon approval of the Project, the City shall file a Notice of Determination with the County Clerk of San Diego County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA Section 21152.

IV. GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the "Lead Agency" for the proposed Project evaluated in the Final EIR.
- The Draft EIR and Final EIR were prepared in compliance with CEQA and the CEQA Guidelines.
- The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City Council and the City as the Lead Agency for the Project.
- In determining whether the proposed Project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and Guidelines Section 15901(b).

- The impacts of the proposed Project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- Pursuant to Senate Bill 18 and Assembly Bill 52, the City provided consultation opportunities with Native American tribes, as relevant.
- The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments; and the responses, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR. The City reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on a full evaluation of all comments in the Record of Proceedings, concerning the environmental impacts identified and analyzed in the Final EIR.
- The City evaluated the clarifications, enhancements, and minor revisions made to the EIR after preparation of the Draft EIR. In accordance with CEQA, the City finds that recirculation of the Draft EIR prior to certification is not required pursuant to CEQA Guidelines Section 15088.5 because no “significant new information,” as defined in that section, has been added to the EIR after public notice of availability of the Draft EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed Project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed Project;
- Any finding made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.
- These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.
- No significant irreversible environmental changes which would be involved in the proposed Project which have not been discussed within the individual sections of the Final EIR.

- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed Project and makes the findings as stated in herein. To the extent that these Findings conclude that various Project design features and Mitigation Measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed Project. The Project design features and adopted Mitigation Measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of Project implementation.

V. ENVIRONMENTAL IMPACT FINDINGS

V.A LEGAL REQUIREMENTS FOR IMPACT FINDINGS

The CEQA statute at Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible Mitigation Measures available that would substantially lessen the significant environmental effects of such projects[...].” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects. However, “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The principles established in CEQA Section 21002 are implemented, in part, through the requirement that an agency must adopt findings before approving a project for which an EIR has been certified which identified one or more significant environmental effects of a project. For each significant environmental effect identified in the EIR, the approving agency must issue a written finding, accompanied by a brief explanation of the rationale for each finding, reaching one or more of three permissible conclusions stated at CEQA Guidelines Section 15091(a):

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (CEQA Guidelines Section 15091(a)).

“Feasible” in this context means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (CEQA, Public Resources Code, § 21061.1, CEQA Guidelines § 15364, *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565). The concept of “feasibility” of a particular alternative or mitigation measure promotes the underlying goals and core objectives of a project (see *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). Feasibility under CEQA encompasses desirability to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

CEQA equates “mitigating” with “substantially lessening” the effects of a project. (CEQA, Pub. Res. Code §§ 21002, 21081, CEQA Guidelines § 15091.) For purposes of these Findings, the term “avoid” means to not result in a significant impact, while the term “substantially lessen” refers to the effectiveness of a mitigation measure or measures to substantially reduce the severity of a significant effect to a level which is less than significant. Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level or has simply been lessened but remains significant. Moreover, although CEQA Guidelines Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible. (CEQA Guidelines, Section 15091, subd. (a)(3).) With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found

that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects” (CEQA Guidelines Sections 15093 and 15043(b)). The California Supreme Court has stated that, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta, supra*, 52 Cal.3d at p. 576; see also *Cherry Valley Pass Acres Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357-359).

This section makes those findings required by CEQA Guidelines Section 15091. In making each of the findings below, the City has considered the Project design features and applicable plans, programs, and policies listed in the Final EIR. The Final EIR, responses to comments in the Final EIR, all documents included in the record of proceedings, and/or other documents identified in these findings, are hereby incorporated by reference as if fully set forth herein.

V.B SUMMARY OF IMPACT FINDINGS

The Final EIR contains an environmental analysis of the potential impacts associated with implementing the proposed project. In preparing the requisite environmental analysis, the City has considered Project design features, as well as the applicable plans, programs, regulations, and policies. The Project design features are part of the proposed Project that the City has considered, regardless of whether they are explicitly made conditions of the Project approval, and the City may assume that the Project will be implemented consistent with the Project description, Project design features and applicable plans, programs, regulations and policies that the proposed Project is subject to.

Based on the analysis in the Final EIR, and other evidence in the administrative record relating to the Project, the City finds and determines that the Project will have **no impact or a less than significant impact**, and that no mitigation measures are needed, with respect to the following environmental impact categories:

- Aesthetics
- Energy
- Geology and Soils
- Hydrology and Water Quality
- Land Use
- Population and Housing
- Public Services
- Recreation

- Utilities and Service Systems
- Agricultural and Forestry Resources
- Mineral Resources

The following environmental impact categories were evaluated in the Final EIR and, it was determined that the potentially significant impacts of the Project would be reduced below a level of significance with the implementation of the mitigation measures described therein. Based on this analysis in the Final EIR and other evidence in the administrative record relating to the Project, the City finds and determines that the Project will have a **less than significant impact with mitigation incorporated** with respect to the following impact categories:

- Air quality
- Biological resources
- Cultural resources
- Greenhouse gas (GHG) emissions
- Hazards/hazardous materials
- Noise.

The following environmental impact category was evaluated in the Final EIR and it was determined that no feasible mitigation measure was available to reduce potentially significant impacts of the Project to below a level of significance. Based on this analysis in the Final EIR and other evidence in the administrative record relating to the Project, the City finds and determines that the following impacts would remain **significant and unavoidable** despite the adoption of all feasible mitigation measures:

- Transportation and Traffic

Specifically, the Final EIR concluded all potentially significant impacts would be mitigated to less than significant levels with the exception of one significant and unavoidable long-term cumulative traffic impact at the I-15 southbound on-ramp at El Norte Parkway. Although mitigation is proposed to reduce this impact, it is considered a significant unavoidable impact even with the identified mitigation improvements because the improvements are located within the jurisdiction and responsibility of the California Department of Transportation (Caltrans), and neither the applicant nor the City of Escondido can ensure that Caltrans will permit the improvement to be made. Nonetheless, the proposed mitigation improvements are considered feasible to implement, and both the applicant and City will continue to coordinate with Caltrans to complete the mitigation improvements should the Project be approved. If Caltrans subsequently concurs and authorizes such improvements, this would eliminate the identified significant impact at this referenced on-ramp.

V.C ENVIRONMENTAL IMPACTS DETERMINED TO BE NOT SIGNIFICANT OR LESS THAN SIGNIFICANT

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings and based upon substantial evidence in the record, finds the following individual and cumulative environmental effects of the Project will be **less than significant** and no mitigation is required:

- Aesthetics
- Energy
- Geology and Soils
- Hydrology and Water Quality
- Land Use
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Agricultural and Forestry Resources
- Mineral Resources

V.C.1 Aesthetics

Less than Significant Impact

Most of the Project site is relatively level and typically at a lower elevation than the surrounding residential development. The pad elevations for the new residential development have been designed to be lower than the existing development in most areas so that existing near views of the golf course are replaced by views of the landscaped Greenbelt/Open Spaces. The Project would be designed to maintain a relatively low profile and would be similarly scaled to residential development in the area. The Project site has a low visual quality currently because the golf course has been closed since 2013 and is unattended, resulting in overgrowth and the need for maintenance/ abatement. No designated scenic vistas would be impacted by the Project. There are no officially designated or eligible highways in proximity to the Project site. Implementation of the Project's Specific Plan landscape design would achieve a coherent and consistent landscape theme and new residences would be visually compatible with existing residences that border the Project site. The Project would comply with the City Zoning Ordinance to be sensitive to existing "night skies" conditions.

The City finds that, based on substantial evidence in the record, potential impacts to aesthetics would be **less than significant** and no mitigation is required because the Project would not: (A) Have a substantial adverse effect on a scenic vista; (B) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; (C) Substantially degrade the existing visual character or quality of the site and its surroundings; or (D) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

V.C.2 Energy

Less than Significant Impact

The Project is not expected to have an impact on the local utility and due to the energy efficiency measures designed into the Project, it would not result in a wasteful use of energy including electricity, natural gas, petroleum, etc. The City finds that, based on substantial evidence in the record, potential impacts associated with energy would be **less than significant** and no mitigation is required.

V.C.3 Geology and Soils

Less than Significant Impact

The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides. The Project would not result in substantial soil erosion or the loss of topsoil, would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, would not be located on expansive soil, and would not involve the use of septic tanks or alternative wastewater disposal. Site design measures would be used to minimize geology and soil impacts including but not limited to removal of all deleterious material and vegetation prior to construction, remedial grading, compacting fill slopes, landscaping with drought-tolerant vegetation, and use of properly compacted soils in the upper 3 feet of all building pads. Site design measures included in **PDF-GE-1** and compliance with CBC regulations, impacts associated with geology and soils would be avoided. The City finds that, based on substantial evidence in the record, potential impacts to geology and soils would be **less than significant** and no mitigation is required.

V.C.4 Hydrology and Water Quality

Less than Significant Impact

The Project would not violate any water quality or waste discharge requirements or substantially deplete groundwater supplies or recharge. The Project would develop biofiltration detention basins and channels which would minimize off-site discharge of surface water pollutants while simultaneously preventing downstream flooding-related impacts. Greenbelts and environmental channels/basins, residential lawns and gardens, the farm, etc. would allow infiltration for groundwater recharge. Runoff would be prevented by incorporation of Project-related surface drains, greenbelts, vegetated swales, and vegetated stormwater detention basins. As a result, the Project would not (1) result in substantial erosion or siltation on or off site, (2) result in flooding on or off site, or (3) create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The Project site is not located within a 100-year flood hazard area, a dam inundation area, or an area subject to inundation by seiche, tsunami, or mudflow. The City finds that, based on substantial evidence in the record, potential impacts to hydrology and water quality would be **less than significant** and no mitigation is required.

V.C.5 Land Use

Less than Significant Impact

Although the Project would change the on-site land use from a former golf course to residential with recreational uses, the operation of these uses would not conflict with existing uses in the surrounding community or divide an established community, and the Project would improve the existing site conditions. The Project would not generally conflict with the City's General Plan or zoning as development would occur generally consistent with the single-family residential designations and allowed density. The Project would be consistent with the General Plan and Zoning Ordinance upon issuance of associated approvals. The Project's proposed density and design, including its open space system, is compatible with the existing, adjacent residential uses. The Project's compliance with the design guidelines and other provisions of the Specific Plan ensure that the Project would be compatible with adjacent off-site land uses and those land uses proposed within the Project site. The Project also does not conflict with any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan. The Project is not proposed in any areas targeted for conservation and would not conflict with the provisions or preclude the future implementation of the Draft Escondido MHCP Subarea Plan.

The City finds that, based on substantial evidence in the record, potential impacts to land use would be **less than significant** and no mitigation is required.

V.C.6 Population and Housing

Less than Significant Impact

Implementation of the Project would accommodate projected growth within the City of Escondido. No existing housing would be displaced and no people would be displaced. The City finds that, based on substantial evidence in the record, potential impacts to population and housing would be **less than significant** and no mitigation is required.

V.C.7 Public Services

Less than Significant Impact

Through adherence to City policies associated with public services, payments of residential impact fees, and current availability of space at local schools, the Project would not cause substantial adverse impacts on public services throughout the City. Therefore, the City finds that, based on substantial evidence in the record, potential impacts to public services would be **less than significant** and no mitigation is required.

V.C.8 Recreation

Less than Significant Impact

The Project would development more than double the required amount of active and passive recreation areas for residential development. Furthermore, it is anticipated that residents would mainly use the new recreational facilities associated with the Project, thus lessening the deterioration of City-wide recreational facilities. As such, the City finds that, based on substantial evidence in the record, potential impacts to recreation would be **less than significant** and no mitigation is required.

V.C.9 Utilities and Service Systems

Less than Significant Impact

While the Project would connect to existing infrastructure, it would not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The Project would also not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. Sufficient water supplies are available from existing entitlements and resources to serve the Project. The City and the HARRF have been mandated to increase the capacity of the HARRF such that effluent will no longer be discharged to Escondido Creek after 2020, thus eliminating potential water quality impacts to a U.S. EPA-designated impaired water body. The City is complying with that mandate, and the Project would remain well below the HARRF's future capacity. The Project would not exceed the wastewater treatment requirements of the San Diego RWQCB, and the City has adequate capacity to serve the Project's projected wastewater demands. Solid waste disposal for the Project would be provided by Escondido Disposal, which has sufficient permitted capacity to accommodate the Project and which would comply with waste regulations. The City finds that, based on substantial evidence in the record, potential impacts to utilities and service systems would be **less than significant** and no mitigation is required.

V.C.10 Agricultural and Forestry Resources

Less than Significant Impact

No farmland or forest land exists within the vicinity of the Project site, as described previously. Therefore, no farmland or forests would be converted for nonagricultural or non-forest use due to the Project. The City finds that, based on substantial evidence in the record, **no impact** on farmland or forest land would occur and no mitigation is required.

V.C.11 Mineral Resources

Less than Significant Impact

The *City of Escondido General Plan* does not identify any zones of locally important mineral resources (City of Escondido 2012). Additionally, the Project site is located within a highly urbanized area of the City of Escondido. Mineral extraction land uses would be incompatible with the existing and planned land uses within and around the Project site. Therefore, **no impact** to locally important mineral resources would occur and no mitigation is required.

V.D FINDINGS REGARDING SIGNIFICANT IMPACTS THAT WILL BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (CEQA SECTION 21081(A)(1) AND CEQA GUIDELINES SECTION 15091(A)(1))

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to Public Resource Code Section 21081(a)(1) and Guidelines Section 15091(a)(1), that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen the significant individual and cumulative environmental effects of the Project to **less than significant**, as identified in the Final EIR, related to:

- Air quality
- Biological resources
- Cultural resources
- Greenhouse gas (GHG) emissions
- Hazards/hazardous materials
- Noise
- Transportation and Traffic – Except I-15 Southbound Ramp at El Norte Parkway

V.D.1 Air Quality

Significant Effect

Air quality impacts associated with the Project are related to emissions from short-term construction and long-term operations. Construction may affect air quality as a result of construction equipment emissions, fugitive dust from grading and earthmoving, and emissions from vehicles driven to and from the Project site by construction workers and material delivery trucks. Operational emissions would result primarily from vehicle exhaust (i.e. mobile sources).

Before mitigation, impacts to air quality would be **potentially significant**.

- **Impact AQ-1:** The Project's requested zoning change was not included in the current RAQS and the SIP.
- **Impact AQ-2:** Daily construction emissions would exceed the City's significance thresholds for NOx.
- **Impact AQ-3:** The Project would exceed the City's significance thresholds for NOx during construction with respect to sensitive receptors.

- **Impact AQ-CUM-1:** The Project would exceed the City’s significance thresholds for NOx during construction. Accordingly, the Project may result in a cumulatively considerable increase in emissions of nonattainment pollutants.

Facts in Support of Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. The following Mitigation Measures, as included in the Final EIR, are feasible and will reduce potentially significant impacts on air quality resources to less-than-significant levels, thereby avoiding any significant effects.

M-AQ-1: Prior to the San Diego Air Pollution Control District’s (SDAPCD’s) next triennial review of the Regional Air Quality Strategy, the City of Escondido (City) shall coordinate with SDAPCD to amend the growth assumptions using the Project’s Specific Plan. This includes changing the designation of Residential Urban I and R-1-7 to Specific Plan Area and SP Zone within the Project site.

M-AQ-2: Prior to the commencement of grading activities within each phase of development, the City shall confirm that the following measures shall be adhered to during construction activities associated with the Project to reduce oxides of nitrogen (NOx):

- a. For off-road equipment with engines rated at 75 horsepower or greater, no construction equipment shall be used that is less than Tier 3.

An exemption from these requirements may be granted by the City in the event that the Project applicant (or its designee) documents that:

1. Equipment with the required tier is not reasonably available (e.g., reasonability factors to be considered include those related to the commercial availability of the necessary equipment within the County of San Diego within the scheduled construction period).
2. Corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.

For example, if a Tier 3 piece of equipment is not reasonably available at the time of construction and a lower tier equipment is used instead (e.g., Tier 2), another piece of utilized equipment could be upgraded from Tier 3 to a higher tier (e.g.,

Tier 4 Interim or Tier 4 Final) or replaced with an alternative-fueled (not diesel-fueled) equipment to offset the emission reductions associated with using a piece of equipment that does not meet Tier 3 standards. The permissibility to achieve greater emission reductions through the use of cleaner equipment engines to offset assumed emission reductions that are not feasibly achieved ensures that total Project-generated criteria air pollutant emissions from equipment operation are reduced, if an exemption is granted by the City.

b. The engine size of construction equipment shall be the minimum size suitable for the required job.

c. Construction equipment shall be maintained in accordance with the manufacturer's specifications.

Rationale and Conclusion

With the implementation of Mitigation Measures **M-AQ-1** and **M-AQ-2**, the Project would have a less than significant impact related to air quality. Specifically, with implementation of **M-AQ-1**, the inconsistency with the current RAQS and SIP associated with the proposed land use designation changes would be rectified, and the proposed project would no longer be inconsistent. Therefore, after mitigation, **Impact AQ-1** would be **less than significant**. When **M-AQ-2** is implemented, daily construction emissions would not exceed the City's significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} during construction in all construction years (see Table 2.1-15, Estimated Mitigated Maximum Daily Construction Criteria Air Pollutant Emissions). Therefore, construction-generated emissions (**Impact AQ-2**) would be considered **less than significant** with mitigation. Furthermore, when **M-AQ-2** is implemented, daily construction emissions would not exceed the City's significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} during construction in all construction years (Table 2.1-15). Impacts to sensitive receptors associated with Project-generated construction criteria air pollutant emissions (**Impact AQ-3**) would be **less than significant** with mitigation.

V.D.2 Biological Resources

Significant Effect

Before mitigation, impacts to special-status species, riparian habitat or sensitive natural communities, and jurisdictional wetlands and waterways would be **potentially significant**.

- **Impact BI-1:** Significant impacts to nesting birds could occur if suitable nesting habitat is removed during the general bird breeding season (January 15 to September 15).
- **Impact BI-2:** The Project would impact approximately 0.29 acres of wetland/riparian sensitive natural communities.
- **Impact BI-3:** The Project would impact approximately 2.56 acres of wetland and jurisdictional waters.
- **Impact BI-4:** The Project would result in unavoidable impacts to up to 601 mature trees and 18 protected trees.
- **Impact BI-CUM-1:** The Project would potentially contribute to a cumulatively considerable impact to nesting birds.
- **Impact BI-CUM-2:** The Project would potentially contribute to a cumulatively considerable impact to jurisdictional waters and wetlands.
- **Impact BI-CUM-3:** The Project would potentially contribute to a cumulatively considerable impact to mature and protected trees.

Facts in Support of Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. The following Mitigation Measures, as included in the Final EIR, are feasible and will reduce potentially significant impacts on biological resources to less-than-significant levels, thereby avoiding any significant effects.

The following mitigation would reduce **Impact BI-1** and **Impact BI-CUM-1** to a level less than significant:

M-BI-1: Nesting Bird and Raptor Avoidance. If initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project applicant shall retain a qualified biologist to perform a preconstruction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California

Fish and Game Code. The preconstruction survey shall be performed no more than 7 days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

The following mitigation would reduce **Impact BI-2**, **Impact BI-3**, and **Impact BI-CUM-2** to a level less than significant:

M-BI-2: Restoration, Preservation, and Management of On-Site Open Space. The Project applicant shall prepare and submit to the City of Escondido (City) and/or other responsible agencies of the Project for approval a Restoration Plan for the establishment/reestablishment and enhancement of sensitive habitat within the Project's open space. The Restoration Plan shall provide for replacement of impacted sensitive habitat, i.e., wetland/riparian sensitive natural communities and jurisdictional wetlands and waters in an amount to satisfy a no-net-loss standard for both function and spatial area of wetland and non-wetland resources. The Restoration Plan shall include 5 years of maintenance and monitoring to ensure the restoration effort is successful. The Project applicant shall record a conservation easement, restrictive covenant, or other protective mechanism approved by the City and/or other responsible agencies of the Project over the establishment/reestablishment and enhancement areas. The conservation easement shall be included on final Project plans. The Project applicant shall prepare and submit to the City and/or other responsible agencies of the Project a Long-Term Management Plan for the on-site biological conservation easement areas. The Long-Term Management Plan shall include area specific management directives for maintenance, monitoring, and management of the conservation easement areas in perpetuity. The applicant shall also establish a non-wasting endowment for an amount approved by the City based on a Property Analysis Record or similar cost estimation method to secure the ongoing funding for the perpetual maintenance, monitoring, and management of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the City. Upon approval of the draft Long-Term Management Plan, the applicant shall submit the final Long-Term Management Plan to the City and/or other responsible agencies of the Project and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity. The Project applicant shall install appropriate permanent fencing, along the boundary of the open space to discourage human access. The Project applicant shall also install signage on the fence to educate and inform the public about the open space and to prohibit access. The fencing shall be shown on all final Project plans.

The following mitigation would reduce **Impact BI-4** and **Impact BI-CUM-3** to a level less than significant:

M-BI-3: Mature and Protected Tree Replacement. The Project applicant shall replace impacted mature trees at a minimum 1:1 ratio, unless otherwise determined by the City. The Project applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development.

Rationale and Conclusion

With the implementation of Mitigation Measures **M-BI-1**, **M-BI-2**, **M-BI-3**, the Project would have a less than significant impact related to biological resources. **M-BI-1** would reduce **Impact BI-1** and **Impact BI-CUM-1** by ensuring that if an active migratory bird or raptor nest is identified, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist. Additionally, the Project would incorporate open space elements that would function as foraging habitat for raptors and other species. By avoiding migratory bird and raptor nests, and incorporating functional foraging habitats for raptors and other species, **Impact BI-1** and **Impact BI-CUM-1** would be reduced to **less than significant**. By developing the Restoration Plan (**M-BI-2**), the Project would ensure that its impacts to 0.29 acres of wetland/riparian sensitive natural communities and 2.56 acres of wetland and waterways would be offset by establishment of new, superior habitat to satisfy a no net loss standard for both function and spatial area of wetland and non-wetland resources. In fact, there would be a considerable net gain in wetland/riparian sensitive natural communities on the site compared to existing conditions, and the Project would result in a biologically superior condition compared what currently exists. Implementation of the Restoration Plan would reduce **Impact BI-2**, **Impact BI-3**, and **Impact BI-CUM-2** to **less than significant** levels. **M-BI-3** would reduce **Impact BI-4** and **Impact BI-CUM-3** by replacing impacted mature trees at a minimum 1:1 ratio and replacing protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. This would reduce **Impact BI-4** and **Impact BI-CUM-3** to **less than significant**.

V.D.3 Cultural Resources

Significant Effect

No cultural resources have been identified within the Project site, nor have any been documented in previous studies. The potential for intact, unknown, subsurface prehistoric archaeological materials to be present in the Project site is considered very low due to the developed nature of the site. However, in the unexpected event that grading and excavation activities during construction of the Project unearth previously undiscovered, intact archaeological materials, a potential impact could result. Before mitigation, impacts to cultural resources would be **potentially significant**.

- **Impact CR-1:** In the event that any previously undetected cultural resources are encountered, impacts associated with archaeological resources would be potentially significant.
- **Impact CR-2:** Because the exact depths of sensitive resources are unknown, in the event that unexpected intact paleontological resources are unearthed during ground-disturbing activities, impacts associated with the destruction of a unique paleontological resource or site or unique geologic feature would be potentially significant.
- **Impact CR-3:** In the event of accidental discovery of any human remains during construction of the Project, impacts associated with the disturbance of human remains would be potentially significant.
- **Impact CR-4:** Implementation of the Project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource as defined in California Public Resources Code, Section 21074, if unknown tribal resources were unearthed during grading activities.
- **Impact CR-CUM-1:** In the event that any previously undetected cultural resources are encountered, the Project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with archaeological resources.
- **Impact CR-CUM-2:** Ground-disturbing activities associated with the Project, in combination with cumulative projects occurring in areas containing geologic formations with high and moderate sensitivity for paleontological resources, could result in a significant cumulative impact associated with paleontological resources or unique geologic features.
- **Impact CR-CUM-3:** The Project would have the potential to disturb human remains, including those located outside of formal cemeteries, from ground-disturbing activities associated with development of the site. In combination with cumulative projects that

have the same potential to disturb human remains during ground-disturbing activities, a potentially significant cumulative impact associated with human remains would occur.

- **Impact CR-CUM-4:** In the event that any previously undetected tribal resources are encountered, the Project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with tribal resources.

Facts in Support of Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. The following mitigation would reduce **Impact CR-1, Impact CR-2, Impact CR-3, Impact CR-4, Impact CR-CUM-1, Impact CR-CUM-2, Impact CR-CUM-3, and Impact CR-CUM-4** to a level less than significant:

M-CR-1: An archaeological resources monitoring program shall be implemented that shall include the following:

1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of Escondido (City) that a certified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the Project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.
2. The qualified archaeologist and a Native American representative(s) shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. Native American monitors/representatives from the Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians, and the Kumeyaay Nation shall be invited to participate in the monitoring program.
3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and tribal representative shall be on site, as determined by the consulting archaeologist, to perform periodic inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The consulting archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated.
4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.

5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the Project manager at the time of discovery. The archaeologist, in consultation with the Project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency before being carried out using professional archaeological methods. If any human bones are discovered, the San Diego County coroner and the lead agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposal of the remains.

6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.

7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, June 2017 9993 The Villages – Escondido Country Club EIR 2.3-31 including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms.

M-CR-2: Prior to commencement of Project construction, a qualified paleontologist shall be retained to attend the Project pre-construction meeting and discuss proposed grading plans with the Project contractor(s). If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined below.

1. A qualified paleontologist or a paleontological monitor shall be on site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is

defined as an individual who has at least 1 year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation, and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).

2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days). All collected fossil remains shall be cleaned, sorted, cataloged and deposited in an appropriate scientific institution (such as the San Diego Natural History Museum) at the applicant's expense.

3. A report (with a map showing fossil site locations) summarizing the results, analyses, and conclusions of the above-described monitoring/recovery program shall be submitted to the City within 3 months of terminating monitoring activities.

M-CR-3: As specified by California Health and Safety Code, Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ (where they were discovered) by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code, Section 5097.98. The Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on site and in the presence of a Native American monitor.

Rationale and Conclusion

With the implementation of Mitigation Measures M-CR-1 through M-CR-3, the residential development would have a less-than-significant impact related to archaeological and tribal cultural resources. Implementation of **M-CR-1** would reduce **Impact CR-1**, **Impact CR-4**, **Impact CR-CUM-1**, and **Impact CR-CUM-4** to less than significant by requiring a comprehensive archaeological resources monitoring program as described above. Implementation of **M-CR-2** would reduce **Impact CR-2** and **Impact CR-CUM-2** to a level less than significant by requiring a qualified paleontologist to be retained prior to construction commencing. If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined in **M-CR-2**. Implementation of **M-CR-3** would reduce any potential impacts to accidental discovery of human remains (**Impact CR-3** and **Impact CR-CUM-3**) to less than significant by setting forth the procedures for handling human remains as consistent with California Health and Safety Code Section 7050.5. After mitigation, the Project would not represent a significant adverse impact to cultural resources.

V.D.4 Greenhouse Gas Emissions

Significant Effect

Based on the analysis in Chapter 2.4, the Project would have the following **potentially significant** impacts prior to mitigation:

- **Impact GHG-1:** The Project would exceed the City-specific GHG efficiency metric for 2023 prior to mitigation.
- **Impact GHG-CUM-1:** The Project would exceed the City-specific GHG efficiency metric for 2023 prior to mitigation, creating a potential cumulative impact relating to Project consistency with long-term statewide GHG reduction goals.

Facts in Support of Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. The following Mitigation Measures, as included in the Final EIR, are feasible and will reduce potentially significant impacts on biological resources to less-than-significant levels, thereby avoiding any significant effects.

The following mitigation would reduce **Impact GHG-1** and **Impact GHG-CUM-1** to a level less than significant:

M-GHG-1: The applicant or its designee will purchase and retire greenhouse gas (GHG) offsets to reduce the Project's GHG emissions level to 3.15 metric tons carbon dioxide equivalent (MT CO₂E) per service population per year, consistent with the performance standards and requirements set forth below.

- The GHG offsets shall be secured from an accredited registry that is recognized by the California Air Resources Board (CARB) or a California air district, or from an emissions reduction credits program that is administered by CARB or a California air district.
- The GHG offsets shall represent the past reduction or sequestration of 1 MT CO₂E that is “not otherwise required,” in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15126.4(c)(3).
- The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable.
- The quantity of GHG offsets required to achieve the service population value set forth above shall be calculated in and supported by technical documentation that is submitted to the City of Escondido (City) as part of the Mitigation Monitoring and Reporting Program, using an approved methodology demonstrating the quantity of reductions is valid and sufficient.
- The applicant shall offset the Project's GHG emissions prior to receiving the 196th certificate of occupancy from the City. This represents 50% of the Project's residential build-out and thus the Project's emissions would be offset prior to completion of the Project.

Rationale and Conclusion

With implementation of **M-GHG-1**, the Project would offset 1,682 MT CO₂E per year over the Project's lifetime, for a total of 50,472 MT CO₂E. The Project's GHG emissions would be reduced to a level below the efficiency metric of 3.15 MT/SP/year, which would be consistent with the GHG emission statewide reduction goals for 2030 and 2050. Therefore, after mitigation, **Impact GHG-1** would be **less than significant**.

With implementation of **M-GHG-1**, the Project would offset GHG emissions to a level below the efficiency metric of 3.15 MT/SP/year, which would be consistent with the GHG emission statewide reduction goals for 2030 and 2050. Therefore, the Project would result in a **less than significant** cumulative impact (**Impact GHG-CUM-1**).

V.D.5 Hazardous and Hazardous Materials

Significant Effect

Before mitigation, impacts associated with hazards and hazardous materials would be **potentially significant**.

- **Impact HZ-1:** The historical presence of two former USTs in the Project vicinity is presently considered a potentially significant impact until further investigation is conducted.
- **Impact HZ-2:** The presence of two floor drains and two clarifiers is a potentially significant impact.
- **Impact HZ-3:** The potential presence of ACMs in the existing buildings on the property is a potentially significant impact.
- **Impact HZ-4:** The potential presence of lead based paint in the existing buildings on the property is a potentially significant impact.
- **Impact HZ-5:** The historic agricultural use of the property is a potentially significant impact.

Facts in Support of Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. The following Mitigation Measures would reduce **Impact HZ-1** through **Impact HZ-4** to a less than significant level.

M-HZ-1: Prior to any Project construction, including demolition, excavation, or other earth-moving or soil disturbance activities, any areas of the Project site identified as containing or formerly containing aboveground storage tanks (ASTs), suspected underground storage tanks (USTs), floor drains, and/or clarifiers, shall be assessed for the presence of potential contaminants of concern. Any areas of the Project site found to be contaminated shall be remediated in conformance with applicable federal, state, and local laws. Assessment and remediation shall be to the satisfaction of the City of Escondido Fire Department, the County of San Diego Department of Environmental Health, or other applicable agency. No Project construction activities shall commence until written regulatory concurrence is obtained that no further action is required with respect to the areas of the Project site identified as containing or formerly containing ASTs, suspected USTs, floor drains, and clarifiers.

M-HZ-2: Prior to demolition, all on-site structures shall be tested to determine if they include asbestos-containing materials (ACMs). If present, ACMs shall be removed and disposed of by a licensed and certified asbestos abatement contractor, in accordance with all applicable federal, state, and local laws and regulations for asbestos removal and demolition operations.

M-HZ-3: Prior to demolition, all on-site structures shall be sampled to determine if they contain lead-based paint. If lead-based paint is present, health and safety procedures shall be initiated to protect workers during demolition activities, in accordance with all applicable federal, state, and local laws and regulations.

M-HZ-4: Prior to excavation and other earth-moving or soil disturbance activities, representative soil samples shall be collected from areas subject to historical agricultural use, submitted to a State of California-certified laboratory, and analyzed for the following potential contaminants of concern, as follows:

- Organochlorine Pesticides using U.S. Environmental Protection Agency (EPA) Method No. 8081A
- Arsenic using EPA Method No. 6010
- CAM-17 Metals, including lead, using EPA Method Nos. 6000/7000 series

Any soil identified as contaminated shall be remediated in accordance with all applicable federal, state, and local laws to the satisfaction of the City of Escondido Fire Department, the County of San Diego Department of Environmental Health, or other applicable agency. No excavation or other earthmoving or soil-disturbance activities shall commence until written regulatory concurrence is obtained that no further action is required with respect to the historical agricultural use of the Project site.

Rationale and Conclusion

Implementation of **M-HZ-1** would ensure that no ASTs, suspected USTs, floor drains, and/or clarifiers would affect the Project site during construction, by assessing the site for their presence prior to groundbreaking activities. Thus, implementation of **M-HZ-1** would reduce **Impact HZ-1** and **Impact HZ-2** to less than significant levels by ensuring that no ASTs or USTs would impact the Project site. Implementation of **M-HZ-2** would ensure that any ACMs are removed and disposed of in accordance with all applicable federal, state, and local laws and regulations, thus eliminating the potential for hazards associated with ACMs (**Impact HZ-3**). Thus, **Impact HZ-3** would be reduced to a less than significant level. Implementation of **M-HZ-3** would ensure that workers are not exposed to lead-based paint during demolition activities; this would be achieved by sampling the materials of the structures prior to demolition. Implementation of **M-HZ-3** would reduce **Impact HZ-4** to less than significant. Implementation of **M-HZ-4** would ensure that any contaminated soil at the Project site, including soil contaminated by the sites previous agricultural use, would be remediated appropriately, in accordance with all applicable federal, state, and local laws to the satisfaction of EFD, SDCDEH, or other applicable agency. Thus, implementation of **M-HZ-4** would reduce **Impact HZ-5** to a less than significant level by ensuring that all soils are remediated properly. With implementation of these Mitigation Measures, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Thus, impacts associated with hazards and hazardous materials would be **less than significant**.

V.D.6 Noise

Significant Effect

Based on the analyses in Sections 2.6.2 and 2.6.3, the Project would have the following significant impacts prior to mitigation:

- **Impact N-1** When the entire assemblage of construction equipment is working right at the edge of the construction zone in each phase, within 50 feet of existing residences, construction noise levels are anticipated to range from 87 to 90 dBA Leq. Assuming relatively steady work, this would result in an exceedance of the City's construction noise limit of 75 dBA Leq HOUR.
- **Impact N-2** The exact location of buildings and HVAC equipment within the Village Center is unknown, but it is possible HVAC equipment could be located closer than 250 feet from existing or proposed residences, which could result in HVAC noise levels at

adjacent residences that exceed the City's daytime limit of 50 dBA Leq for single-family residences.

- **Impact N-3** The exact location and orientation of loudspeakers for amplified sound systems within the Village Center is unknown, but sound levels from a wedding event or dance function at adjacent residences that could exceed the City's daytime limit of 50 dBA Leq for single-family residences.
- **Impact N-4** At the closest backyard boundary in the west segment of Country Club Lane, the predicted future traffic noise level would marginally exceed the "normally acceptable" limit of 60 dBA CNEL (by 1 dB), while the closest backyards along the east segment of West Country Club Lane and along Nutmeg Street would exceed this limit by up to 5 dBA CNEL.
- **Impact N-5** It is possible that some minor structural damage to the closest residences (i.e., within 100 feet), could occur as a result of blasting activities during construction of the Project.
- **Impact N-CUM-1** When all construction equipment is working at the edge of the construction zone in each phase, within 50 feet of existing residences, construction noise levels are anticipated to range from 87 to 90 dBA Leq at the property line of these existing residences. This would result in a Project-specific exceedance of the City's construction noise limit of 75 dBA Leq HOUR, and conservatively assuming another construction project may occur within 0.25 miles of the Project site during this timeframe, the Project would also result in a cumulatively considerable contribution to a cumulative impact.

Facts in Support of Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. The following Mitigation Measures, as included in the Final EIR, are feasible and will reduce potentially significant impacts on biological resources to less-than-significant levels, thereby avoiding any significant effects.

M-N-1: Construction noise levels are anticipated to exceed the applicable City of Escondido (City) noise restrictions when equipment is operating less than approximately 260 feet from existing residences in the Project vicinity. The following mitigation is required:

- Install temporary noise barriers around the construction site to minimize construction noise to 75 A-weighted decibels (dBA) as measured at the applicable property lines of the adjacent uses, unless an acoustical engineer submits

documentation that confirms that the barriers are not necessary to achieve the attenuation levels.

- All construction equipment employing an internal combustion engine shall be equipped with suitable exhaust and intake silencers that are in good working order.
- Stationary construction equipment such as generators or compressors shall be located on site as far away from adjacent residential property boundaries as is practicable.
- Minimize, to the extent practical, the number of pieces of construction equipment operating simultaneously.

M-N-2: Prior to issuance of building permits for the commercial structures to be located in the Village Center, an acoustical analysis shall be conducted to evaluate sound levels from proposed heating, ventilation, and air-conditioning equipment at the adjacent residential property lines, in order to ensure compliance with the City's daytime limit of 50 dBA equivalent continuous sound level (Leq). Shielding of equipment, selection of low-noise-generating equipment, or both shall be specified as necessary to achieve compliance with this standard.

M-N-3: Prior to issuance of building permits for the commercial structures that include outdoor sound amplification systems, an acoustical analysis shall be conducted to evaluate sound levels from use of the proposed amplification systems at the adjacent residential property lines, in order to ensure compliance with the City's daytime limit of 50 dBA Leq. Location and orientation of the speakers, volume governors, and/or sound barriers between the areas with sound amplification use and adjacent residences shall be specified, as necessary, to achieve compliance with this standard.

M-N-4: To comply with the City's 60 dBA community noise equivalent level (CNEL) exterior noise standard for single-family and duplex rear yards, noise barriers would be required for some home lots along Country Club Way and Nutmeg Street within the Project boundaries; see Table M-N-1, Barrier Heights at Rearyard Boundaries, for specific locations. Placing a barrier between the sound source (roadway) and receiver location (backyard) is an effective means of reducing sound levels at the receiver. If the barrier blocks a direct line of site between receiver and sound source, the minimum attenuation is approximately 5 dB; with increasing height of the wall, effective attenuation rates up to approximately 15 dB can be achieved. A standard barrier attenuation calculation was performed to determine the minimum necessary barrier height to achieve compliance with the 60 dBA CNEL criterion. Noise barriers shall either be (1) solid masonry walls, or (2) tongue-and-groove walls with 1-inch-thick lumber. Based on

future predicted traffic noise levels, barriers with the indicated heights would be required along the rear yard boundary of the residences identified in Table M-N-1.

The following mitigation is required in order to ensure blasting noise is compliant with this standard:

M-N-5: Restrict blasting operations to no more than 3 minutes of any given hour during allowable construction time periods. Adherence to the above mitigation during construction blasting would reduce potentially significant short-term blasting-related noise exposure impacts to less than significant levels.

Blasting activity during construction could result in damage to the existing residential structures located in close proximity to the blast zone. The following mitigation is required:

M-N-6: To reduce adverse effects related to rock blasting, the following measures shall be adhered to:

- The blasting contractor shall design the blasts to reduce vibration velocity levels from each blast below the damage threshold of 3.0 inches per second at the closest nearby residences (i.e., as close as 100 feet from the blast area).
- A blast signal (e.g., air horn) shall be used to notify nearby residents that blasting is about to occur per the California Code of Regulations, Title 8, Section 5291 Firing of Explosives regulations.
- All complaints shall be responded to and investigated as they occur.

Rationale and Conclusion

Implementation of **M-N-1** during construction activities within 260 feet of existing residences, would reduce construction noise levels to below the City's construction noise limit of 75 dBA Leq HOUR. Therefore, **M-N-1** would reduce potentially significant short-term construction noise exposure impacts (**Impact N-1** and **Impact N-CUM-1**) to less than significant levels. Implementation of **M-N-2** would achieve shielding and/or equipment selection to reduce HVAC noise levels from the Village Center at adjacent residential property lines, to achieve compliance with City residential exposure standards. Likewise, **M-N-3** would stipulate the location, orientation, and volume limits for outdoor amplification systems within the Village Center, along with sound barriers as necessary, to achieve compliance with the City of Escondido residential exposure standards. Consequently, **M-N-2** and **M-N-3**, as well as **PDF-N-1** and **PDF-N-2**, which include operating restrictions as part of the Specific Plan, would reduce **Impact N-2** and **Impact N-3**, respectively, to less than significant levels. Implementation of **M-N-4** would provide noise barriers along the rear yard boundary of residences some home lots along Country Club Way and

Nutmeg Street. This would reduce exterior noise exposure (**Impact N-4**) to below the City's 60 dBA CNEL exterior noise standard for single-family and duplex rear yards by providing a barrier between construction activities and residences that would dissipate the noise before it reaches the residences. Thus, with implementation **M-N-4**, **Impact N-4** would be reduced to less than significant. Implementation of **M-N-5** and **M-N-6** would ensure that impacts related to blasting noise and vibration (**Impact N-4**) are reduced to less than significant by implementing limits to the duration of blasting, requiring notification prior to blasting, and designing blasts to reduce vibration.

V.D.7 Transportation and Traffic

Significant Effect

Based on the analyses in Sections 2.7.2 and 2.7.3, the Project would have the following significant impacts prior to mitigation:

Existing Plus Project:

Intersections

- **Impact TR-1** Intersection #8. El Norte Parkway/Woodland Parkway (*Escondido/San Marcos*)
- **Impact TR-2** Intersection #9. El Norte Parkway/Country Club Lane (*Escondido*)

Street Segments

- **Impact TR-3** Segment #10. El Norte Parkway from Nutmeg Street/Nordahl Road to I-15 Ramps (*Escondido*)
- **Impact TR-4** Segment #15. Nutmeg Street from Country Club Lane to Via Alexandra (*Escondido*)

Ramp Meters

- **Impact TR-5** El Norte Parkway to I-15 Southbound On-Ramp (*Caltrans*)

Existing + Cumulative Projects + Project:

In addition to the four direct and cumulative impacts listed above, the Project would result in **significant** cumulative-only impacts to the following locations in the near term:

Intersections

- **Impact TR-6** Intersection #12. El Norte Parkway/Nordahl Road Nutmeg Street (*Escondido*)

Street Segments

- **Impact TR-7** Segment #17. Bennett Avenue from El Norte Parkway to Toyon Glen (*Escondido*)

Year 2035 + Project:

The Project would result in **significant** long-term cumulative impacts to the following locations:

Intersections

- **Impact TR-8** Intersection #8. El Norte Parkway/Woodland Parkway (*Escondido/San Marcos*)
- **Impact TR-9** Intersection #9. El Norte Parkway/Country Club Lane (*Escondido*)
- **Impact TR-10** Intersection #12. El Norte Parkway/Nutmeg Street/Nordahl Road (*Escondido*)

Ramp Meters

- **Impact TR-11** El Norte Parkway to I-15 Southbound On-Ramp (*Caltrans*)

Facts in Support of Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. The following Mitigation Measures, as included in the Final EIR, are feasible and will reduce potentially significant impacts on biological resources to less-than-significant levels, thereby avoiding any significant effects.

M-TR-1 Intersection #8. El Norte Parkway/Woodland Parkway. Prior to issuance of a building permit for the 158th dwelling unit, the Project applicant, or its designee, shall restripe the westbound approach of El Norte Parkway at Woodland Parkway to provide two left-turn lanes, two through lanes, one right-turn lane, and a bike lane. The westbound leg (west of Woodland Parkway, now Borden Road) shall be restriped with

two receiving lanes and a bike lane. The striped median and eastbound left-turn lane will be restriped to correct the offset. The westbound right-turn lane striping on Borden Road to the church driveway will be removed. The two westbound lanes shall continue westbound to Amber Drive, where a lane drop shall be striped to transition to a single westbound through lane. Traffic signal equipment at the El Norte Parkway/Woodland Parkway intersection shall also be modified to serve the revised geometry. No widening of El Norte Parkway or Borden Road will be required.

M-TR-2 Intersection #9. El Norte Parkway/Country Club Lane. Prior to issuance of a building permit for the 60th dwelling unit, the Project applicant, or its designee, shall restripe the eastbound approach of El Norte Parkway to provide a second eastbound left-turn lane, and shall also restripe northbound Country Club Lane (north of El Norte Parkway) to accept the two left-turn lanes and to taper to one lane south of the Country Club Lane/Golden Circle Driveway. The existing raised median on El Norte Parkway would be removed and reconstructed to accommodate the second eastbound left-turn lane. The eastbound through lanes shall also be restriped to accommodate the improvement. Traffic signal equipment at the El Norte Parkway/Country Club Lane intersection shall also be modified to serve the revised geometry. No widening of El Norte Parkway or Country Club Lane will be required. These improvements were included in the modeling and are thus accounted for in the LOS findings.

M-TR-3 Segment #10. El Norte Parkway from Nutmeg Street/Nordahl Road to I-15 SB Ramps. Prior to issuance of a building permit for the 272nd dwelling unit, the Project applicant, or its designee, shall revise and enhance the right-turn/right edgeline striping serving the commercial uses between Bourbon Road and the I-15 southbound ramps, commensurate with the striping improvements recently installed by the City of Escondido between Nutmeg Street/Nordahl Road and Bourbon Road to improve ingress and reduce driver confusion with respect to the commercial driveways right-turn movement to Nutmeg Street. The Project shall also restrict the northbound left-turns from Bourbon Road to westbound El Norte Parkway with striping and signage, consistent with left-turn restrictions for the commercial driveway located directly across the intersection. The eastbound U-turn restriction at the El Norte Parkway/I-15 northbound ramps intersection should be removed to serve the displaced left-turns that will become downstream U-turns. There is sufficient distance in the intersection to serve the displaced left turns from Bourbon Road, and the modest volume would not affect efficiency of the intersection. If Caltrans will not allow the U-turn at this intersection, the movement is allowed at the signalized El Norte Parkway/7 Oaks intersection located approximately 350 feet farther east. Removal of left-turns from Bourbon Road to El Norte Parkway will eliminate a conflicting midblock movement and enhance operations on El Norte Parkway. Construction of **M-TR-6** (dual southbound lefts on Nutmeg Street at El Norte Parkway)

will also increase efficiency on El Norte Parkway by processing twice as many southbound left turning vehicles per cycle, allowing for more green time to serve El Norte Parkway. **M-TR-5** (additional ramp storage on the I-15 southbound on-ramp) will further improve operations on this segment by reducing the eastbound queuing that occurs on El Norte Parkway during the AM peak hour and queuing those vehicles on the ramp instead of the segment. Although it is not a Mitigation Measure, the proposed adaptive signal control proposed for the El Norte Parkway corridor within the study area will also improve capacity along this segment.

M-TR-4 Segment #15. Nutmeg Street from Country Club Lane to Via Alexandra. Prior to issuance of a building permit for the 145th dwelling unit, the Project applicant, or its designee, shall construct interim improvements in the existing right-of-way on southbound Nutmeg Street between La Paloma Avenue and Via Alexandra to provide a wider travel lane, and curb, gutter, and sidewalk improvements to the satisfaction of the City engineer. These improvements will enhance vehicular, pedestrian, and bicycle circulation and will increase capacity to mitigate the Project's impact. Furthermore, **M-TR-6** (dual southbound left turns from Nutmeg Street to El Norte Parkway) will serve to enhance the overall Nutmeg Street corridor operations by increasing traffic flow from Nutmeg Street to El Norte Parkway.

M-TR-5 El Norte Parkway to I-15 Southbound On-Ramp. Prior to issuance of a building permit for the 170th dwelling unit, the Project applicant, or its designee, shall provide an additional Single Occupancy Vehicle (SOV) lane to the southbound on ramp. However, because the improvement would be located within the jurisdiction and control of the State of California (Caltrans), and neither the applicant nor the City of Escondido can assure that Caltrans will permit the improvement to be made, for the purposes of this analysis, the long-term significant cumulative impact at this location is considered significant and unavoidable.

M-TR-6 Intersection #12. El Norte Parkway/Nutmeg Street/Nordahl Road. Prior to issuance of a building permit for the 300th dwelling unit, the Project applicant, or its designee, shall restripe the south leg of Nutmeg Street to provide two southbound left-turn lanes, one shared through-right-turn lane, and a bike lane. The median on the north leg will need to be restriped. Traffic signal equipment at the subject intersection shall also be modified to serve the revised geometry. No widening of El Norte Parkway, Nutmeg Street or Nordahl Road will be required. This improvement will primarily improve the efficiency of the intersection by serving the dominant movement with two lanes instead of one. The secondary effect will be more green time per cycle to be allocated to El Norte Parkway. Another benefit will be to address the existing offset issue affecting north-

south drivers through the intersection. Moving the through lane to the east will better align it with the receiving lane on the side (Nordahl Road) of the intersection.

M-TR-7 Segment #17. Bennett Avenue from El Norte Parkway to Toyon Glen. Prior to issuance of a building permit for the 162nd dwelling unit, the Project applicant, or its designee, shall restripe a two-way left-turn lane between El Norte Parkway and Toyon Glen. There are currently left-turn pockets striped at intervals along this segment. As such, there is sufficient room in the existing curb-to-curb width to stripe in the two-way left-turn lane. While the existing pockets serve to allow turning vehicles from Bennett Avenue to queue outside of the through lanes, they do not provide refuge for vehicles turning from the minor streets along the segment to Bennett Avenue.

Rationale and Conclusion

In order to determine the significant of traffic and transportation impacts resulting from buildout of the Project, the trip generation for the Project was calculated based on the land use maps and buildout assumptions provided by the Project Description and trip generation rates from SANDAG's Guide to Vehicular Traffic Generation Rates for the San Diego Region. Five long-term cumulative impacts were identified in the traffic analysis (Chapter 2.7 of the Final EIR), three of which were at intersections surrounding the Project (**Impact TR-8** through **Impact TR-10**). One long-term cumulative impact was identified at a segment (**Impact TR-11**), and one long-term cumulative impact was identified at a nearby ramp meter (**Impact TR-12**).

The City of Escondido has adopted and will implement the following Mitigation Measures that will reduce impacts on the disturbance or loss of special-status plants to less-than-significant levels. **M-TR-1** would reduce **Impact TR-8** by restriping the westbound approach of El Norte Parkway at Woodland Parkway to provide one left-turn lane, two through lanes, one right-turn lane, and a bike lane, thus reducing congestion at the intersection and reducing the long-term cumulative impact to less than significant. **M-TR-2** would reduce **Impact TR-2** and **Impact TR-9** by providing a second eastbound lane at El Norte Parkway and modifying Country Club Lane, resulting in less congestion at the intersection of El Norte Parkway and Country Club Lane. Thus, the long-term cumulative impact would be reduced to less than significant. **M-TR-6** would reduce **Impact TR-10** restriping the south leg of Nutmeg Street to provide two southbound left-turn lanes, one shared through-right turn lane, and a bike lane, as well as restriping the north leg. Additionally, traffic signal equipment at this intersection would be modified to serve the revised intersection. Thus, with implementation of these measures, the long-term cumulative impact would be reduced to less than significant. **M-TR-5** would reduce **Impact TR-11** by providing an additional SOV lane to the southbound on ramp which would reduce congestion. However, because the improvement would be located within the jurisdiction

and control of the State of California (Caltrans), and neither the applicant nor the City of Escondido can assure that Caltrans will permit the improvement to be made, for the purposes of this analysis, the long-term significant cumulative impact at this location is considered significant and unavoidable.

V.E FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS WHERE MITIGATION MEASURES ARE THE RESPONSIBILITY OF ANOTHER AGENCY (CEQA SECTION 21081(A)(2) AND GUIDELINES SECTION 15091(A)(2)) OR ARE OTHERWISE INFEASIBLE (CEQA SECTION 21081(A)(3) AND GUIDELINES SECTION 15091(A)(3))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and (3) and CEQA Guidelines §15091(a)(2) and (3) that there are changes or alterations which could reduce significant impacts, but that such changes or alterations are within the responsibility and jurisdiction of another public agency, or are otherwise infeasible, related to:

- Transportation and Traffic – I-15 Southbound Ramp at El Norte Parkway (long-term cumulative)

The City thus finds and determines that the Project will have a **significant and unavoidable** long- term cumulative impact to traffic at this ramp.

V.E.1 Transportation and Traffic

Significant Effect

Chapter 7 of the Final EIR addressed the potential transportation- and traffic-related impacts associated with implementation of The Villages – Escondido Country Club Project. Interstate-15 (I-15) is a north/south facility that extends as a freeway from the San Diego area to the California/Nevada border and beyond. In the Project study area, it provides four lanes in each direction. A diamond interchange is located at El Norte Parkway. Similar to intersection analysis, the analysis is for freeway on-ramps is based on the delay per vehicle at the ramp meter. However, the delay per vehicle is measured in minutes. Ramp metering delay represents how long the peak hour (ramp metering) would need to be extended in order to accommodate the excess vehicles. A delay above 15 minutes at a ramp is considered unacceptable. Table 2.7-8 of the Final EIR summarizes the peak hour ramp meter operations at the I-15/El Norte Parkway southbound on-ramp for Existing + Cumulative Projects + Project conditions. As shown on the table, with the addition of Project traffic, the calculated delay at this on-ramp during the AM

peak hour continues to be in excess of 15.0 minutes, with a calculated increase in excess of the allowable 2.0 minutes over Existing + Cumulative Projects conditions. Thus, the Project would result in a **significant cumulative impact** as the increase in delay exceeds the allowable 2.0 minutes established by the significance criteria (**Impact TR-11**).

For a complete summary of the Project's impacts and associated Mitigation Measures, Table 2.7-14 summarizes intersection impacts and Mitigation Measures, Table 2.7-15 summarizes street segment impacts and Mitigation Measures, and Table 2.7-16 summarizes the ramp meter impacts and Mitigation Measures.

Under CEQA, “[i]t is the policy of the state that public agencies should not approve Projects as proposed if there are feasible alternatives or feasible Mitigation Measures available which would substantially lessen the significant environmental effects of such Projects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such Project alternatives or such Mitigation Measures, individual Projects may be approved in spite of one or more significant effects thereof.” (Public Resources Code Section 21002.) Moreover, CEQA defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, social, legal, and technological factors.” (CEQA Guidelines Section 15364.) Accordingly, the Final EIR duly investigates all potential measures and provides specific, feasible actions that would actually improve adverse environmental conditions. The Final EIR distinguishes between Mitigation Measures which are proposed by the Project proponents to be included in the Project from other measures proposed, which are not included but could be reasonably expected to reduce the adverse impacts if required as conditions of approving the Project. Mitigation Measure **M-TR-5**, which relates to the **El Norte Parkway to I-15 Southbound On-Ramp**, states the following:

Prior to issuance of a building permit for the 170th dwelling unit, the Project applicant, or its designee, shall provide an additional Single Occupancy Vehicle (SOV) lane to the southbound on ramp. However, because the improvement would be located within the jurisdiction and control of the State of California (Caltrans), and neither the applicant nor the City of Escondido can assure that Caltrans will permit the improvement to be made, for the purposes of this analysis, the long- term significant cumulative impact at this location is considered significant and unavoidable.

Facts in Support of Finding

Mitigation Measure **M-TR-5** would reduce **Impact TR-11** by providing an additional SOV lane to the southbound on ramp which would reduce congestion. However, because the improvement would be located within the jurisdiction and control of the State of California (Caltrans), and neither the applicant nor the City of Escondido can assure that Caltrans will permit the

improvement to be made, for the purposes of this analysis, the long-term significant cumulative impact at this location is considered significant and unavoidable.

Rationale and Conclusion

To reduce the potentially significant impacts, improvements to roadway segments, intersections, and freeway ramps would be required. The Final EIR, Table 2.7-14 summarizes intersection impacts and Mitigation Measures, Table 2.7-15 summarizes street segment impacts and Mitigation Measures, and Table 2.7-16 summarizes the ramp meter impacts and Mitigation Measures. Mitigation Measure **M-TR-5** would provide a mechanism by which to mitigate for ramp capacity impacts to Caltrans facilities. Because the City cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance will occur prior to construction of the Project, the Project's cumulative impacts on freeway ramp operations at the El Norte Parkway to I-15 Southbound On-Ramp are considered significant and unmitigated.

Pursuant to CEQA Guidelines Section 15091(a)(2), the implementation of necessary improvements to freeway facilities is within the exclusive jurisdiction of Caltrans, not the City, and Caltrans can and should adopt the measures identified in the Final EIR. The Project is required to implement all feasible mitigation measures referenced in Table 2.7-14 of the Final EIR. The timing, design and implementation of necessary improvements to freeway facilities is within the exclusive jurisdiction of Caltrans and the City cannot guarantee that necessary improvements will be installed when needed. No other feasible mitigation measures have been identified that would reduce potentially significant impacts to less than significant. Thus, a Statement of Overriding Considerations would be required with adoption of the Project.

VI. FINDINGS REGARDING PROJECT ALTERNATIVES

Because the proposed project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the Final EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's significant environmental effects while achieving most of its objectives (listed in **Section II.E** above and in Chapter 4 of the Final EIR).

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code § 21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following ultimate findings with respect to the alternatives identified in the Final EIR:

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or alternatives identified in the FEIR as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Public Resources Code § 21081 and State CEQA Guidelines § 15019(a)(3) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

The City also finds that the Final EIR included an analysis of a reasonable range of feasible alternatives to a proposed project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the project pursuant to CEQA Guidelines § 15126.6. Pursuant to CEQA Guidelines § 15126.6, the range of reasonable alternatives to the proposed project must include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Based on considerations of avoiding or substantially lessening the significant environmental impacts of the Project, as well as consideration of the basic Project objectives and public comments, the following alternatives to the Project were identified and evaluated in the EIR:

- No Project/No Development Alternative
- Reduced-Density Alternatives (158 units and 138 units)
- Reduced-Density Alternative (279 units)

While the 138 and 158 Unit Reduced- Density Alternatives are two segregable alternatives to the Project, they were analyzed together in the Final EIR because both alternatives would result in similar impacts compared to the Project.

Based on the analysis presented in the EIR, the environmentally superior alternative is the No Project/No Development Alternative. However, CEQA requires that if the No Project/No Development Alternative is the environmentally superior alternative, another environmentally superior alternative must be identified. Here, aside from the No Project/ No Development Alternative, the 138 Unit Reduced- Density Alternative would be the environmentally superior alternative. 138 Unit Reduced- Density Alternative would be the environmentally superior alternative because this alternative develops the least number of residential units and therefore reduces vehicle trips from the project and impacts associated with air quality, noise, and transportation and traffic. However, as described below, the 138 Unit Reduced-Density Alternative does not meet several of the basic Project objectives.

VI.A ALTERNATIVE DEVELOPMENT LOCATION ALTERNATIVE CONSIDERED AND REJECTED FROM FURTHER EVALUATION IN THE EIR

The Final EIR discusses that an Alternative Development Location was considered and eliminated from further evaluation due to the alternative being infeasible, not reducing significant impacts of the Project, and not meeting the primary project objectives. This is consistent with CEQA Guidelines § 15126.6 (f)(2).

CEQA Guidelines Section 15126.6(f)(2) states an alternative location for a Project should be considered if development of another site is feasible and if such development would avoid or substantially lessen the significant impacts of the Project. Among factors typically used to eliminate alternatives from detailed consideration in an EIR include any of the following: failure to meet most of the basic Project objectives, inability to avoid significant environmental effects, need for additional regulatory steps, inability to add a meaningful analysis, and/or feasibility.

The Alternative Development Location alternative would consist of building the same development but at an alternative location. This alternative was rejected because another alternate site location is not likely to substantially reduce significant environmental effects as to those resources when compared to the Project site. Additionally, the Project site is in an area surrounded by residential development and thus constitutes infill and avoids inducing sprawl. In this way, the Project site helps to avoid environmentally sensitive areas and minimizes impacts to these other valued lands while aiding the City to meet their housing needs. An alternative development location is not likely to substantially reduce significant environmental effects as to those resources when compared to the Project site. The applicant has also stated that it cannot reasonably acquire, control, or otherwise have access to an alternative site with the same or similar attributes as the Project site.

Further, if an alternative site location were selected, the alternative would not address the underlying purpose of the Project and its basic objective to revitalize the existing abandoned clubhouse property, and eliminate its ongoing challenges with regard to maintenance and other hazard, public health, safety, and welfare concerns (e.g., overgrowth of vegetation, dying trees and other foliage due to lack of irrigation, unsightly areas adversely affecting neighboring properties). Additionally, the Project's underlying purpose would be frustrated by the selection of an alternative site. In fact, the applicant targeted this specific site because of the need to revitalize the now dilapidated former clubhouse property, which creates an opportunity for positive change, and there are no similar alternative sites that would provide opportunities for positive change of this magnitude. For these reasons, the City considered but rejected from further analysis an alternative development location as infeasible and undesirable.

VI.B SUMMARY OF ALTERNATIVES CONSIDERED IN THE FINAL EIR

The Project alternatives evaluated in the Final EIR include:

- No Project/No Development Alternative
- Reduced-Density Alternatives (158 and 138 Units)
- Reduced-Density Alternative (279 Units)

VI.B.1 No Project/No Development Alternative

CEQA requires an evaluation of the “No Project” alternative so that decision makers can compare the impacts of approving the Project with the impacts of not approving it. Under the No Project/No Development alternative, the site would remain in its existing condition as an unsightly, abandoned, former golf course/clubhouse property. There would be no residential, greenbelt, park, trail, and other community and recreation uses developed on site. Traffic improvements would not be constructed, and none of Project site would be permanently preserved as open space. Maintenance and abatement would continue to be required to ensure the public, health, safety, and welfare. The existing site would continue to be used for unauthorized purposes, such as use of the site by transients and vandals for drug use and graffiti.

In relation to the proposed Project, the No Project/ No Development alternative would reduce impacts to air quality, biological resources, cultural resources, greenhouse gas emissions (GHGs), hazards and hazardous materials, noise, and transportation and traffic.

However, because the proposed Project would not be constructed under the No Project/No Development Alternative, none of the Project objectives as set forth in **Section II.E.** above and in the Final EIR would be attained under this alternative. It also is noted that under this alternative, certain benefits associated with the project such as the construction of community and recreational amenities, preservation of open space, and maintenance and nuisance abatement would not occur. Furthermore, development of the existing site is reasonably expected to occur in the foreseeable future, and another development proposal would likely have the same or similar impacts.

VI.B.2 Reduced-Density Alternatives (158 and 138 Units)

ECCHO proposed two reduced-density alternatives of 158 and 138 residential units during the EIR public scoping period, which were considered as Reduced-Density Alternatives in the EIR. As both alternatives would result in similar impacts compared to the Project, they were analyzed together in the EIR. It was assumed, based on the Figures provided (Figures 4-1A and 4-1B of the Draft EIR), that the existing R-1-7 zoning would remain the same under the two reduced-

density alternatives; therefore, all lots would be a minimum of 7,000 square feet. Although fewer units would be developed, the disturbance footprint would be roughly the same as the Project because the lot sizes would be larger. In addition, the green areas depicted in the plans were reasonably assumed to consist of drainage facilities, BMPs, utilities to support the residential development and uses, as well as some passive open space. Lastly, the alternative would not include the SAP, but it would include bicycle and pedestrian improvements along Country Club Lane.

In relation to the proposed Project, as the footprint of disturbance to construct the reduced number of residences would remain the same, the Reduced-Density Alternatives (158 and 138 Units) would still result in impacts to biological resources, cultural resources and paleontological resources, and potentially hazardous conditions, and would be the same compared to the Project. The Reduced-Density Alternatives (158 and 138 Units) would reduce air quality, GHG, noise, and traffic impacts because the reduced-density alternatives would involve fewer units and thus fewer traffic trips. Construction emissions would be similar to the Project; however, since fewer homes would be constructed, fewer emissions would occur over a shorter duration. However, with the exception of the single identified traffic impact on the I-15 southbound on-ramp at El Norte Parkway, the Project would reduce each of these impacts to less than significant with mitigation incorporated. Ultimately, the impacts of the Reduced Density Alternatives would be less than significant with mitigation incorporated, the same as the Project, for air quality, biological resources, cultural resources and paleontological resources, GHGs, hazards/ hazardous materials, and noise.

While the alternatives would not require the identified improvements on the I-15 southbound on-ramp at El Norte Parkway, which would eliminate an identified significant unavoidable traffic impact associated with the Project, it is noted the Project incorporated mitigation for this impact which may reduce the impact to less than significant. The effect is only found significant and unavoidable because the proposed improvements are not within the City's jurisdiction and control because the on-ramp is a Caltrans facility.

VI.B.3 Reduced-Density Alternative (279 Units)

This reduced-density alternative would include development of 279 residential units (Figure 4-2). This alternative would include three different sized lots: 5,000 square feet (94 DUs); 6,000 square feet (86 DUs); and 7,000 square feet (99 DUs). A zone change or a specific plan would be required. Under this alternative, there would be approximately 30 acres less open space than the Project-- approximately 18 acres of open space/landscape with a 1.5-mile trail system. Although this alternative has fewer units than the Project, because the smallest lot would be 5,000 square feet, this alternative would have a larger development footprint than the Project. Because of the smaller area of open space, this reduced-density alternative would not include the same

opportunities for dedicated open space and the provision of greenbelts or a walking trail system as the Project. Lastly, the alternative would not include the SAP, but it would include bicycle and pedestrian improvements along Country Club Lane.

In relation to the proposed Project, as the footprint of disturbance to construct the reduced number of residences would be slightly larger, this Reduced-Density Alternative (would still result in similar impacts to biological resources, cultural resources and paleontological resources, and potentially hazardous conditions compared to the Project. However, the Reduced-Density Alternative would reduce air quality, GHG, noise, and traffic impacts because the reduced-density alternatives would involve fewer units and thus fewer traffic trips. Construction emissions would be similar to the Project; however, since fewer homes would be constructed, fewer emissions would occur over a shorter duration. Ultimately, the impacts of the Reduced Density Alternative would be the same as the Project: less than significant with mitigation incorporated for all impacts with the exception of traffic impacts at the El Norte Parkway I-15 Southbound ramp meter, which would remain significant and unavoidable.

VI.C FINDINGS REGARDING ALTERNATIVES CONSIDERED IN THE FINAL EIR

Finding

The City finds that the Final EIR adequately evaluates the comparative merits of each alternative. The No Project/No Development Alternative is addressed to compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. “No project” can be interpreted as no development or maintaining the existing condition. As discussed throughout the Final EIR, this alternative most closely represents the existing condition at the time of the release of the NOP. While adoption of the No Project/No Development Alternative would avoid the proposed Project’s significant impacts, it would not meet the basic Project objectives.

Development would still occur under the Reduced-Density Alternatives. The footprint of disturbance to construct the reduced number of residences would still result in impacts to biological resources, cultural resources and paleontological resources, and potentially hazardous conditions, and would be the same or substantially similar compared to the Project. The reduced density alternatives would still be required to implement mitigation measures to reduce potential impacts. Construction emissions would be similar to the Project; however, since fewer homes would be constructed under these alternatives, fewer emissions would occur over a shorter duration. Additionally, although slightly less grading and earthwork would be required because these alternatives do not include the Specific Alignment Plan (SAP), the same type of equipment would be used and the amount of area disturbed would be only slightly less under these

alternatives because the lot sizes would be larger. Construction noise levels would be slightly less; however, mitigation would still be required to reduce impacts to less than significant.

There would be approximately 67 percent less traffic under the Reduced-Density Alternative (138-unit) alternative and 63 percent less traffic under the Reduced-Density Alternative (158-unit) alternative compared to the Project. These alternatives would result in two fewer street segment significant impacts, and two fewer intersection impacts; see Appendix 4-1 in the Final EIR. All other significant impacts would remain the same as the Project. Therefore, under these Reduced-Density Alternatives (138- and 158- unit), traffic impacts would be reduced, because fewer homes would result in fewer trips and fewer vehicles on surrounding streets. In addition, the alternatives would not require the identified improvements on the I-15 southbound on-ramp at El Norte Parkway, which would eliminate an identified significant unavoidable impact associated with the Project. However, the Project mitigates this impact with the identified improvements and conservatively recommends adoption of a significant “unavoidable” impact, only because the proposed improvements are not within the City’s jurisdiction and control because the on-ramp is a Caltrans facility.

Under the Reduced-Density Alternative (279 Units), there would be approximately 35 percent less traffic compared to the Project. This alternative would result in one less street segment significant impact, one less intersection impact, and one intersection impact would be delayed from “direct” to “near-term and long-term cumulative” only. All other significant impacts would remain the same as the Project (Appendix 4-2). Therefore, although impacts would be reduced compared to the Project, they would not be avoided.

Having weighed and balanced the pros and cons of each of the alternatives analyzed in the Final EIR, each of these alternatives is hereby found to be infeasible based on the Final EIR’s analyses, the Project Objectives, these CEQA findings, and other appropriate considerations. Project alternatives would not meet Project Objectives as effectively as the Project and would not adequately meet the City’s housing goals and policies. Project alternatives would also not allow the context sensitivity addressed in the Project, through a clustered development pattern. Nor would the alternatives address existing land use incompatibilities to the extent addressed by the Project. Through the clustered development application, the total number of homes, or density allowed on the Project site, is clustered to more suited areas of the property (and on a smaller portion of the total available land). The remaining land, which would have been allocated to individual home sites, is converted into protected passive and active open space areas and shared by the residents of the Project and the entire ECC community.

The alternatives would not meet the City’s goals and policies concerning meeting its regional housing needs and promoting a variety of housing opportunities. The Project would increase housing stock and provide a variety of housing types in a manner that helps preserve community

character, while allowing development to proceed in accordance with the General Plan land use designation, which authorizes the type, amount, and intensity of permitted development. (See, General Plan; General Plan Housing Element; City Housing Policy 2.1; and City's Regional Housing Needs Assessment, Final EIR Section 4.9.2.) No housing would be provided with the No Project/ No Development Alternative. While the Reduced Density Alternatives would also increase housing by 138, 158, or 279 units, the increase would be substantially less and all new residential lots would be of larger size and feature similar housing prototypes. Therefore, a range of housing types and densities would not be provided. The alternatives also do not meet the City's policies to encourage creative residential development or provide the numerous amenities offered by the Project.

The City also finds the Project alternatives are infeasible for not satisfying Project Objectives. Whereas the Project would incorporate numerous community, social, and recreational amenities and expand the housing stock in clustered villages in a manner aligned with City policies and Project Objectives; the alternatives do not include a Specific Alignment Plan (SAP), a trail, recreation center, event lawn, community farm, restaurant, banquet space or other amenities provided by the Project. While sustainable design measures would be included as part of the Reduced Density Alternatives, they would not be included to the level provided by the Project. While the Reduced Density Alternatives would maintain site topography and protect natural resources similar to the Project, they would not enhance walkability, minimize water usage, maximize energy saving features, or protect privacy of existing residents to the level provided by the Project. **Table 4-2** of the Final EIR, **Comparison of Alternatives Relative to Project Objectives**, provides a comparison of each of the alternatives relative to achieving each of the Project Objectives. In sum, the Reduced Density Alternatives (138 and 158 Units) would not meet Project Objectives 3, 5, and 6 and would only partially achieve Project Objectives 4, 7, and 8. The Reduced Density Alternatives (279 Units) would not meet Project Objectives 3, 5, and 6, and would only partially achieve Project Objectives 2, 4, 7, and 8. The No Project/ No Development Alternative would not satisfy any Project Objectives.

Further, the Project would reduce all significant impacts to a less-than-significant levels through mitigation, excepting one anticipated cumulative impact at the I-15 southbound on-ramp at El Norte Parkway; thus the Project would ultimately achieve all of the Project objectives and substantially lessen its environmental impacts. Mitigation of the only identified unavoidable impact is technically and realistically feasible through ramp metering adjustments; the impact is only deemed significant and unavoidable because the timing, design and implementation of necessary improvements to freeway facilities is within the exclusive jurisdiction of Caltrans, and the City cannot guarantee that necessary improvements will be installed when needed. For each of these reasons, the City finds the alternatives infeasible.

VII. GROWTH-INDUCING IMPACTS

Pursuant to CEQA Guidelines Sections 15126(d) and 15126.2(d), the Draft EIR examined ways in which the Project could foster economic or population growth, or the construction of additional development, either directly or indirectly, in the surrounding environment. As discussed in the Initial Study prepared for the Project, which is provided in Appendix 1-1 of the Draft EIR, the Project proposes infill residential development which is not anticipated to induce substantial population growth in the area. The project would not remove an impediment to growth to the surrounding area by removing infrastructure limitations. If the project creates substantial new permanent employment opportunities, it could indirectly induce growth by stimulating the need for additional housing and services to support the new employment demand. Given the small size of proposed commercial use and activity, impacts are anticipated to be less than significant.

The Draft EIR Section 1.8, Growth-Inducing Impacts, examined whether the Project could induce growth. As discussed, the Project would connect to existing utilities and service systems, and would not result in the expansion or extension of facilities in a manner which would induce growth. The Project would also not result in the need for new or physically altered facilities related to fire, police, schools, or libraries; or solid waste disposal facilities. While the Project would induce economic growth by introducing temporary employment opportunities associated with construction of the Project; providing recurring revenues that would include property taxes and sales taxes; introducing new permanent jobs associated with ongoing maintenance and operations of the greenbelt area, Clubhouse, gym, community farm, convenience grocery store, and restaurant; etc.; the economic growth attributable to the Project would not result in an indirect adverse environmental impact. The Project would also not induce growth where its proposed density is consistent with the surrounding area and the General Plan.

The Draft EIR Chapter 3.1.6, Population and Housing, further analyzed forecasted growth under the Project to determine whether the potential population and housing change would result in physical environmental effects related to the development of the Project. The Project is anticipated to bring approximately 1,254 new residents to the Escondido area. Based on the analysis in the Draft EIR, the Project would be an infill development, constructed on previously developed land, and would provide appropriate housing stock to accommodate future growth forecasted to occur within the City. Growth as a result of the construction of utilities and associated utility lines is not considered to be substantial and it would not significantly increase existing population numbers within the Escondido Area.

VIII. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed Project, which the City has adopted or made a condition of approval of the proposed Project. That MMRP is incorporated herein by reference as though fully set forth and is considered part of the Record for the proposed Project. This MMRP is designed to ensure that, during Project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The MMRP designates responsibility and anticipated timing for the implementation of Mitigation Measures. The City will serve as the MMRP Coordinator.

To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed project. The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of implementation of the Project.

The City hereby finds that the MMRP, which is incorporated herein by reference, meets the requirements of CEQA, including Public Resources Code Section 21081.6, by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Whenever a lead agency adopts a Project which will result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code Sections 21002 and 21081(b) and CEQA Guidelines Section 15093, state in writing the specific reasons to support its action based on the Final EIR and/or other information in the administrative record.

CEQA Guidelines Section 15093 states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) When the lead agency approves a Project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the Project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

As demonstrated in **Section VI** of this document, the Project alternatives would not satisfy the project objectives as effectively as the Project. Accordingly, the City Council adopts the following Statement of Overriding Considerations.

The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives for the reasons discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project, against the Project's potential significant and unavoidable impacts, the City Council hereby finds that the benefits of the Project outweighs and overrides the potential significant unavoidable impacts of the Project, for the reasons stated below. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the Project. The City finds that each one of the following overriding considerations independently, grouped by overarching theme, or collectively, is/are sufficient to outweigh the significant and unavoidable impacts of the Project:

1. Housing Benefits

- The Project would provide a variety of quality housing opportunities, totaling 380 units, which would accommodate anticipated population growth and future housing needs within the City as projected by the San Diego Association of Governments (SANDAG). SANDAG is the agency responsible for allocating the region's future housing needs to jurisdictions, taking into account: the market demand for housing; employment opportunities; availability of suitable sites and public facilities; commuting patterns; type and tenure of housing; loss of units in assisted housing developments; over-concentration of lower income households; and geographical and topographical constraints. Rather than directing new development into agricultural, natural land, or environmentally sensitive areas, the Project redirects anticipated growth to an underutilized, infill site and guides physical development towards a desired image that is consistent with the social, economic, and aesthetic values of the City.

- The Project proposes a range of housing types and designs, which would increase homeownership opportunities and expand the stock of housing. The proposed housing can accommodate a range of incomes and lifestyles, and can assist with meeting entry-level workforce, or senior housing. The Project would include senior-targeted residences designed to be compatible with existing residential land uses while providing for easy entry and other easy living features targeted for seniors or others with disabilities.
- The Project allows the City to become a model of context-sensitive development and provide for the long-term conservation and management of the natural resources that help to define the City's identity, contribute to its economy, and improve its quality of life. The Project provides a realistic land use map that accounts for existing development, physical constraints, hazards, and incompatible uses and assigns densities and use types accordingly to ensure that communities and neighborhoods remain safe and livable. The primary planning principle for the Project is the integration of the new land uses into the land use patterns of the existing ECC community. The Project is replacing the former golf course use. The original design of the master planned ECC community and many of the existing homes adjacent to the former golf course are oriented to take advantage of the visual open space. In consideration of this context, new development would need to fit within the existing neighborhood to help re-establish important community functions. Where new growth is anticipated and planned on the subject site, Project features have been incorporated to help minimize physical and visual impacts. The Project addresses land use compatibility with the adjacent neighborhood and overall mass and scale of the Project through the context sensitive design and innovative design solutions, such as, and not limited to, provisions of multiple smaller building groups rather than fewer but larger buildings; providing one-story development of 16 percent of the housing provided; facilitating architectural styles and building materials similar to adjacent single- and multi-family development; and accommodating privacy buffers between 50 and 200 feet, which would provide varied building setbacks around the perimeter of the site and larger setbacks adjacent to residential uses. In addition, the Project proposes to preserve or enhance much of the natural features on the site in order to maintain the character of the area. Therefore, the Project promotes sustainable development through goals and policies that balance the need for adequate housing, with the need for resource management, environmental protection, and preservation of quality of life for residents in the ECC community.
- The Project would eliminate the blighted condition of the Project site and abate hazards to public health in the neighborhood and would revitalize the neighborhood by creating a highly livable environment with various social, recreational, and open space uses.

2. Recreational and Open Space Benefits

- The Project promotes sustainability through the provision of residential, commercial, and recreational uses on the same site and in close proximity to existing ECC community. Development under the proposed project would be focused primarily on previously disturbed/developed areas around the golf course, and would integrate with and support the existing ECC community. Through compact design and enhanced mobility options, the Project provides infrastructure improvements that are conducive to walking and biking for residents of the new development, as well as for the existing residents. While the Project eliminates the land-intensive golf course use, recreational and social functions would be replaced or expanded. The Project's design includes a 48.9-acre open space system, a trail and park system that links the neighborhood amenities and encourages outdoor activity, a series of four neighborhood parks totaling 3.5 acres. Within these areas, there would be a wide range of services and amenities dedicated for public use. These improvements would result in a substantial public benefit in the form of expanded public recreation facilities in the ECC community. The Project would also provide other recreational amenities including a swimming pool, gym facility, and other community amenities. The Project expands opportunities and outcomes for families by providing a healthy and safe physical environment, while supporting recreational opportunities and land use patterns that encourage a healthy lifestyle.
- The Project would generally maintain the current land use pattern and housing density that is similar to the surrounding areas. Innovative land use measures promoting the preservation of open space and environmentally sensitive areas is an important feature of the Project and helps produce a comprehensive development of superior quality than might otherwise occur from more traditional development applications because the proposed development clusters density at the center of the site allowing for more open space at the perimeter, preserving visual character. The Project is a departure from the typical suburban development model, which generally has been implemented in other areas of the City and the rest of the San Diego region.
- The Project would develop an infill site which would limit the encroachment of development into environmentally sensitive areas and natural habitats.

3. Social Benefits

- The Project provides innovative land use measures and fulfills a neighborhood need to have a civic and cultural “core” by creating a special destination where work, play, dining/entertainment, living and just gathering naturally bring the ECC community together. The Project would serve as the major unifying element of the entire community

by helping connect the community by providing walkways, trails, bike lanes, linear park-like amenities, and diverse land uses to connect to one and another. By providing a new degree of connectivity, residents, employees, and visitors would be able to explore their community by foot and by bicycle in new and different ways.

- The Project provides a new set of activity options for guests, residents, and the surrounding community. In addition to the recreation and open space-related benefits of the Project, the Village Center would accommodate a number of social and community amenities, including a convenience grocery store, restaurant, community farm, and a Village green. Other amenities would include a swimming pool, gym facility, and other amenities. Increased options for entertainment and activities, such as community events and farmers' markets, would also increase options for entertainment. Altogether, the Project would provide a new set of diverse activity options for guests and residents, filling a void of activities for different age groups, including children and seniors. These areas can provide everyday experiences that are shared with a variety of people. The design of the Village Center, as well as the trail and park system, would help provide opportunities for interactions and contribute to social cohesion in the area.
- The Project would eliminate the blighted condition of the current Project site and abate hazards to public health and safety, which brings benefits to the larger ECC community.

4. Mobility and Access Benefits

- The Project improves mobility through the development of a balanced, multimodal transportation network, focusing new development near to existing services and infrastructure. It emphasizes a multi-modal approach to mobility that recognizes the benefits (including healthful and traffic-alleviating benefits) of providing options that encourage walking, cycling and transit use. All together these enhanced mobility options provide a better connected, user-friendly network representing a more diverse, sustainable transportation network.
- The convenient availability of walking trails and parks that are accessible for use by both nearby existing residents and new residents would reduce demand on the local street system and satisfy the demand on the local parks and recreational facilities.
- Traffic calming measures along West Country Club Lane, embodied by a proposed Specific Alignment Plan (SAP), would improve vehicular flow at a managed pace, enhance roadway user experiences, and widen the network of walkable routes and biking options throughout the extended community.

5. Economic and Tax Benefits

- Development of the Project would activate an underutilized property and result in a new source of economic vibrancy in the ECC community, which would benefit existing and future homeowners and fund City infrastructure. The Project, as designed, would provide a stable and significant source of tax revenue for the City, including property tax and sales tax. The addition of new retail uses at the Project site would fulfill a recognized need in the community for additional retail development, and reduce the need for area residents to travel outside the community to satisfy their shopping requirements. In consideration of property taxes and sales tax, the Project is estimated to generate a net annual fiscal benefit to the City. Such revenue may be spent by the City to improve vital services including police and fire protection, parks, roads and other infrastructure in the City. Money added to the General Fund will positively impact the City as a whole, not just the ECC community.
- The Project enhances the local economy and provides opportunities for future jobs and business development. The Project would boost the local economy by supporting construction-related jobs, property management and maintenance-related jobs, and full and part time jobs at the Village Center. Labor income output from the Project would result in direct, indirect, and induced spending, injecting job wages into the local economy.

The City, (i) having independently reviewed the information in the Final EIR and the Record of Proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the Project to the extent feasible by adopting the Mitigation Measures identified in the Final EIR; and (iii) having balanced the benefits of the Project against the significant environmental impacts, chooses to approve the Project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the Project render the significant environmental impacts acceptable. In making this Statement of Overriding Considerations in support of the Project, the City Council hereby determines that the Project's benefits outweigh the significant unmitigated adverse impacts. Substantial evidence supports the various benefits and such evidence can be found either in the Findings which are incorporated by reference into this section, the Final EIR, or in documents that comprise the Record of Proceedings in this matter. Therefore, the City Council finds it necessary to adopt a Statement of Overriding Considerations for the proposed Project.