

**MITIGATED NEGATIVE DECLARATION
MODIFICATION OF THE MASTER DEVELOPMENT PLAN
For Lexus Escondido to add Outdoor Rooftop Events
(City File No. ENV 12-0006 / PHG 12-0001)**

**ENVIRONMENTAL CHECKLIST
SUPPLEMENTAL COMMENTS**

REVISED 8-19-13

Pursuant to CEQA Guidelines Section 15073.5, the lead agency must recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption. In this case, the "substantial revision" is that a new avoidable potentially significant effect under Transportation/Traffic has been identified and mitigation measures and project revisions have been added to reduce the effect to insignificance.

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

INTRODUCTION

This Negative Declaration assesses the environmental effects of the proposed Master Plan modification to allow outdoor rooftop events and concerts on an on-going basis at the Centre, Lexus Escondido automobile dealership, on 7.72-acres located west of Interstate 15 and south of Auto Park Way, addressed as 1205 Auto Park Way, APN 235-090-32.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the **Mitigated Negative Declaration** in writing before the end of the **20-day** public review period starting on **August 29, 2013**, and ending on **September 17, 2013**. Written comments on the Mitigated Negative Declaration should be submitted to the following address by **5:00 p.m., September 17, 2013**. Following the close of the public comment review period, the City of Escondido will consider this Mitigated Negative Declaration and any submitted comments in determining the approval of this project.

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

PROJECT DESCRIPTION

A modification of a previously approved Master Development Plan (Case No. 2006-10-PD) for the Centre at Lexus Escondido and the existing automobile dealership and Vintana restaurant to allow events to be held on the two existing third floor roof decks of the facility and to modify General Condition of Approval # 24 of Council Resolution No. 2006-269-R to allow the use of a public address system and amplified music for these events and entertainment that would include dancing. A Cabaret Permit for the amplified music and dancing is part of the request, as well as establishing a higher daytime (7 AM. to 10 PM.) noise level limit of 65 dBA (where 55 dBA and 60 dBA are currently permitted) at the property lines and modifying General Condition #30 regarding the noise thresholds. The General Plan indicates that higher levels of community noise exposure for the adjacent residential areas may be considered and conditionally acceptable up to 70 dBA. The applicant requests BEZ (Business Enhancement Zone) processing directly to city council. Types of events would include, but not be limited to, concerts, weddings and other ceremonies, receptions, corporate events, screening of movies/videos, civic meetings, charitable events, auctions, mixers, and similar uses/events. The maximum number of patrons that would occupy the outdoor space on the third-floor roof decks at any given event, or combination of smaller concurrent events, would be 615 people. Music would be provided by DJ's, live acoustic ensembles and live amplified ensembles, bands and orchestras. Events could occur at any time the Centre is open, except for certain time restrictions for an event or concurrent events exceeding 200 attendees during weekday peak commuter and school traffic periods. All amplified sound on the open roof decks would be reduced to the nighttime (10 PM. to 7 AM.) property line noise thresholds at 10:00 PM. On-site self-parking and/or valet parking are proposed for events. Also requested is to allow a second monument sign along Auto Park Way up to 4.5 feet high and 54 SF in area, and allow the use of a maximum of 10 feather flags 15-feet tall, to advertise any on-site business or combination of on-site businesses.

PROJECT LOCATION AND ENVIRONMENTAL SETTING

The site of the existing Lexus Centre/dealership is located on 7.72 acres west of Interstate 15 and Tanglewood Lane, south of Auto Park Way, addressed as 1205 Auto Park Way (APN 235-090-32). Access to the property is provided from Auto Park Way and Tanglewood Lane. Both roads are public streets with on-street parking only permitted on Tanglewood Lane. The site is fully developed with a three-story commercial center that includes an automobile dealership with sales and service, paved parking and auto display areas, and landscaping. Interstate 15 is located approximately 200 feet east of the property. The property is within the Planned Commercial (PC) General Plan land-use designation and zoned PD-C (Planned Development-Commercial). The area is characterized by urban commercial development to the north and east of I-15, and medium-density multi-family residential development to the west and south of the site. Legal non-conforming single family residences are located in the PD-C zone between the subject site and Interstate 15 to the east. Single-family residences in a multi-family R-2-12 zone are between Tanglewood Lane and Interstate 15.

Surrounding zoning and land uses are as follows:

North: PD-C zoning (Planned Development - Commercial) / The Promenade shopping center on 29+ acres is located across Auto Park Way from the site, at generally the same elevation.

South: PD-R 11.5 (Planned Development – Residential, 11.5 du/acre) / Multi-family residential units with carports and landscaping are located to the south of the subject site about 35' higher than the finished grade of the subject site.

East: PD-C zoning (Planned Development - Commercial) / Several legal non-conforming single family residences are located along Tanglewood Lane about 3-15' higher than the finished grade of the subject

site, with Interstate 15 beyond. Single-family residences in a multi-family R-2-12 zone are between Tanglewood Lane and Interstate 15.

West: PD-R-22 (Planned Development – Residential, 22 du/acre) / Multi-family apartments with carports and landscaping are located to the west, about 5-9' lower than the finished grade of the subject site.

Responsibility Agency Permit Approvals

As the request is to allow additional uses within the existing development facilities and no construction is proposed, no other agency permits would be required.

Anticipated Public Hearings

Pursuant to the requested BEZ (Business Enhancement Zone) incentive for direct review by the city council, the proposed project requires a noticed public hearing by the Escondido City Council. A separate public hearing notice will be mailed out confirming the hearing date and time. The tentative date is October 2, 2013.

I. AESTHETICS

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

The site is adjacent to Interstate 15 in a commercial area that includes other automobile dealerships, a major shopping center and a middle school. Apartments are along the south side of 9th Avenue to the west of the site. The Lexus Centre is currently developed with a retail automobile dealership with parts and service. The existing 3-story building includes a parking structure, separate retail space, conference facilities, a restaurant and outdoor deck area on the third level. Auto display areas, parking and a monument sign in the driveway are located in front of the building adjacent to Auto Park Way. The proposed events would occur in the existing outdoor roof deck areas on the north-eastern and north-western corners of the building. The second monument sign and ten proposed feather flags up to 15-feet in height would be located in the auto display area along the commercial frontage of Auto Park Way. The requested uses, monument sign and feather flags would not create any impacts to the existing visual character of the site and its surroundings nor affect scenic resources or vistas since the site is a fully developed commercial business adjacent to a major road and interstate freeway in a developed urban area, and they would be integrated with the existing facilities.

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

The existing site improvements include building and parking/display lot lights. The roof decks are currently lit with permanent light fixtures. No new permanent lighting is proposed with this request. Some of the events proposed for the roof decks will include additional temporary lighting. The events would all take place during the currently approved hours of operation. Directing the temporary lights, including temporary stage lights, to specific deck locations and compliance with the City's Outdoor Lighting Ordinance would ensure that impacts related to light and glare, resulting from future rooftop events, are less than significant.

II. AGRICULTURE RESOURCES

Significance Criteria and Impact Analysis

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

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

The project site is in an urban area and is fully developed with commercial uses including paved parking and auto display areas, and no new construction is proposed. Therefore, the proposed project will not result in impacts to agricultural resources, forest land, agricultural-related zoning or contract lands.

III. AIR QUALITY

Significance Criteria and Impact Analysis

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

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

The proposal to host events on the roof deck does not involve expansion of the existing facilities, new construction, or new uses that would impact air quality or create objectionable odors. Therefore, no significant impacts to air quality standards or sensitive receptors are anticipated

Construction Emissions

No construction is proposed. Therefore, the project will create no construction emissions impacts.

Odors - The project does not include uses typically associated with emitting objectionable odors. Project-generated refuse would be stored in covered containers and removed at regular intervals by Escondido Disposal. No significant odor impacts are anticipated.

Applicable Air Quality Plan

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

Operations emissions come from area sources, including natural gas for space and water heating, and gasoline-powered landscaping and maintenance equipment, and from vehicle operations associated with the project. The proposed project to allow outdoor events within the existing developed automobile dealership during the currently approved hours of operation within an established commercial zone and adjacent to Interstate 15, would not significantly increase traffic volumes on local streets and intersections, as detailed in the Lexus Escondido Special Event – Traffic Assessment Letter (TAL) dated 7-9-13 prepared for the project by Linscott, Law & Greenspan Engineers, and discussed in Section XVI Transportation/Traffic. Since the project would not adversely impact area roadways and intersections, the proposed project would not violate any air-quality standard or contribute substantially to an existing or projected air quality violation and would have a less than significant impact on local and regional air quality. Any individual impacts attributed to the proposed project are small on a regional scale and will not cause ambient air-quality standards to be exceeded, nor contribute to any adverse cumulative impacts.

Consistency with the RAQS

Consistency with the Regional Air-Quality Standards (RAQS) assumptions is determined by analyzing the project with the assumptions in the RAQS. Forecasts used in the RAQS are developed by the San Diego Association of Governments (SANDAG). The SANDAG forecasts are based on local general plans and other related documents that are used to develop population projections and traffic projections. The proposed uses would be consistent with uses allowed under the existing General Plan land-use designation of Planned Commercial; would be allowed with approval of a modification of the Lexus master development plan under the Planned Development-Commercial zoning designation; and would have a less than significant effect on traffic volumes. Therefore, the proposed events taking place within the existing facilities would be consistent with the traffic projections forecast in the Escondido General Plan and would not conflict with the goals and strategies in the RAQS or TCM. Any potential air quality impacts from an increase in vehicle trips from the site would be considered negligible since project traffic would not create a significant impact to area roads in the vicinity of the project site (see Section XVI – Transportation/Traffic) and would be consistent with the General Plan traffic/transportation goals and policies. Thus, the project would not exceed the assumptions used to develop the RAQS and would not obstruct or conflict with the SDAPCD's RAQS.

The proposed project would have a less than significant impact on cumulative regional and local air quality, and would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

Significance Criteria and Impact Analysis

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

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

The project site is currently fully developed with a commercial automobile dealership that includes sales, parts and service, as well as paved parking and auto display lots. Vegetation consists of ornamental landscaping around the perimeter of the site. No expansion of the developed facilities is proposed. The adjacent properties are developed with single family and multi-family residential units with paved parking and ornamental landscaping. There are no conservation areas adjacent to or in the vicinity of the project site. The site is adjacent to a circulation element Major Road and Interstate 15, in a projected General Plan noise contour of 70 dBA CNEL or greater. Therefore, no impacts to biological resources will result.

V. CULTURAL RESOURCES

Significance Criteria and Impact Analysis

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

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

The project site is currently fully developed with a commercial automobile dealership that includes sales, parts and service, as well as paved parking and auto display lots. Vegetation consists of ornamental landscaping around the perimeter of the site. No expansion of the developed facilities is proposed. Therefore, no impacts to cultural resources will result.

VI. GEOLOGY AND SOILS

Significance Criteria and Impact Analysis

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

- a. *Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii. *Strong seismic ground shaking?*
 - iii. *Seismic-related ground failure, including liquefaction?*
 - iv. *Landslides?*
- b. *Result in substantial soil erosion or the loss of topsoil?*
- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*
- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*
- e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The subject site, including all areas of Escondido and surrounding San Diego County is located within a Seismic Zone 4 designation. The project site is not located within proximity to any mapped State of California Fault-Rupture Hazard Zones (formerly known as Alquist-Priolo Special Studies Zones) or other known fault hazard designations (California Geological Survey [CGS] 2007). No known active or potentially active faults are located in the project site vicinity. The closest known active faults are the Rose Canyon Fault and the Elsinore Fault. The Rose Canyon Fault is located approximately 15 miles southwest of the project site, and the Julian segment of the Elsinore Fault is approximately 18 miles northeast of the project site. Accordingly, fault surface rupture is not likely at this project. In the event of a major earthquake on these faults or other faults within the Southern California region, the site could be subjected to moderate to severe ground shaking. However, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general, and associated potential impacts would be less than significant. The building and the entire development of the site was previously evaluated for effects on geology and soils at the time of the original development project approval, and the existing structures were constructed to conform to the seismic building code requirements designated for the specific area. The proposed request would allow events on the third-floor roof deck of the existing building within the existing developed site. No new construction is proposed. Therefore, no significant impacts to geology and soils will occur.

VII. GREENHOUSE GAS EMISSIONS

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

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

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

Transportation-Related Emissions

The Traffic Assessment Letter, dated 7-9-13, prepared for this project by Linscott, Law & Greenspan engineers indicates that the potential increase in vehicular traffic associated with events being held on the roof decks of the existing commercial facility is less than significant and would include combined trips to other businesses on the site, reducing vehicle miles traveled. Therefore, the project's transportation-related emissions reductions would be achieved through implementation of state wide regulations on vehicle engine and fuel technologies, such as improved vehicle technologies and low carbon fuel standards as new vehicles come on line. Efforts to reduce transportation emissions by reducing vehicle miles traveled (VMT) on a regional level are anticipated to come from polices related to changes in future land use patterns and community design, as well as through improvements in public transportation. By reducing miles vehicles travel, vehicle emissions would be reduced. Because the project is not anticipated to increase local vehicle trip lengths sufficient enough to increase the average regional trip length, as defined in the California Air Resources Board (CARB) business-as-usual (BAU) 2020 Forecast used to develop the regulations to reduce vehicle GHG emissions, project related impacts on statewide vehicular GHGs would not be considered significant.

Project Related Emissions

An individual project such as the proposed outdoor events cannot generate enough greenhouse gas emissions to effect a discernible change in global climate. However, the project may participate in the potential for Global Climate Change by its incremental contribution of greenhouse gases combined with the cumulative increase of all other sources of greenhouse gases. The proposed project would generate emissions through the additional electricity use, natural gas consumption, water use, solid waste disposal, and project related traffic increases. The existing building was constructed in compliance with the Title 24 Energy Efficiency Standards in effect at the time building permits were issued. No new construction is proposed. As the project traffic would include combined trips to other businesses on site reducing vehicle miles traveled, and would have a less than significant impact to traffic in the vicinity of the project site, the project would generate a less than significant amount of GHG emissions. The project's contribution to cumulative statewide GHG emissions would not be significant. On a state and region-wide level, greenhouse gas emissions are expected to be reduced from energy efficiency gains from the increased amount of electricity produced from renewable energy sources, and energy efficient industries, homes

and buildings. Other land development applicable measures such as water conservation, materials use and waste reduction, and green building design and development practices also is anticipated to achieve additional emissions reductions. The project would not generate, either directly or indirectly, GHG emissions that would have a significant impact on the environment.

Conflict with Plans and Policies

As the project would allow use of existing roof top decks for entertainment events, it would not conflict with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. The project will not hinder the implementation of AB 32. Therefore, the project would not conflict with any applicable plan to reduce GHG emissions.

City of Escondido: The Climate Action Plan

The City of Escondido has developed a Climate Action Plan (E-CAP) as part of the City's General Plan Update (2012). The plan addresses GHG emissions from communities (commercial, industrial, residential and other) and from City operations. Through the E-CAP, the City establishes goals and policies that incorporate environmental responsibility into its daily management of residential, commercial and industrial growth, education, energy and water use, air quality, transportation, waste reduction, economic development, and open space and natural habitats to further their commitment. The plan includes discussion on the local impacts of climate change, actions to be adopted by the City to achieve sustainable development goals, emissions baselines and forecasts and emissions reduction strategies. The City's Climate Action Plan includes the implementation of the GHG reduction strategies by conducting a baseline GHG emissions inventory and setting up a baseline year of 1990. Following the state's adopted AB 32 GHG reduction target, Escondido has set a goal to reduce emissions back to 1990 levels by the year 2020. The estimated community-wide emissions for the year 2020, based on population and housing growth projections associated with the assumptions used for the General Plan Update are 992,583 MTCO₂e. In order to ready this reduction target, Escondido must offset this growth in emissions and reduce community-wide emissions to 788,176 MT CO₂e by the year 2020. The City of Escondido already has demonstrated its commitment to conserve energy and reduce emissions through a variety of programs and policies. Programs to reduce emissions include flexible employee work schedules, energy retrofits of City facilities, participation in the San Diego Association of Governments (SANDAG) Energy Roadmap Program, water conservation education efforts, and coordination with SANDAG and North County Transit District to expand transit systems. At the HARRF, the City already has installed California's first "green technology" that converts raw sewage gas into renewable natural gas, clean enough to use in homes and business. Various state policies have enacted programs that also will contribute to reduced GHG emissions in Escondido by year 2020. By supporting the state in the implementation of these measures, Escondido will experience substantial GHG emissions reductions. In order to reach the reduction target, Escondido also would implement the additional local reduction measures contained within the E-CAP. These measures encourage energy efficiency and renewable energy in buildings, transit oriented planning, water conservation, and increased waste diversion.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Significance Criteria and Impact Analysis

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

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Due to the nature of the type of uses and modifications proposed within the existing facilities on a completely developed site, the project would not result in any associated impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or wastes. The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (the Cortese List) indicating any open cases. The existing facilities were constructed in compliance with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. The proposed project will not intensify or modify the existing retail auto sales, parts sales and auto repair activities on site, which include the use and storage of batteries, oil, vehicle fluids and other materials categorized as hazardous substances in conformance with applicable city, county, state and/or federal regulations. Both the Federal government and State of California require all businesses that handle more than a specified amount of hazardous or extremely hazardous materials to submit a business risk management plan with the City of Escondido and County of San Diego Department of Environmental Health. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Therefore, the project will not create a significant risk of upset or hazard to human health and safety.

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

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

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

The project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan or evacuation plan.

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

The subject site is located within a developed urban area and surrounded by commercial and residential development on all sides. The project is not located within an identified Fire Hazard Area and would not result in a significant exposure of people or structures to wildland fires.

IX. HYDROLOGY AND WATER QUALITY

Significance Criteria and Impact Analysis

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

- a. *Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?*
- b. *Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*
- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?*
- d. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?*
- e. *Cause significant alteration of receiving water quality during or following construction?*
- f. *Cause an increase of impervious surfaces and associated runoff?*
- g. *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*
- h. *Cause potentially significant adverse impact on ground water quality?*
- i. *Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?*
- j. *Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?*
- k. *Otherwise substantially degrade water quality?*
- k. *Create or exacerbate already existing environmentally sensitive areas?*
- l. *Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?*
- m. *Impact aquatic, wetland or riparian habitat?*
- o. *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- p. *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*
- q. *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*
- r. *Inundation by seiche, tsunami, or mudflow?*

The project site is fully developed and includes all required drainage and storm water treatment facilities required at the time of construction. No new impervious surfaces or construction is proposed, and no changes to the existing drainage patterns and infrastructure would occur as a result of the proposed project. Therefore, the project would result in no significant impacts related to hydrology and water quality.

X. LAND USE AND PLANNING

The City of Escondido General Plan designates the site as Planned Commercial and is zoned Planned Development - Commercial (PD-C). The primary purpose of this land-use designation is to provide for a variety of commercial activities within a unified planned commercial center developed to agreed upon development standards. Public assembly uses and modified development/operational standards are allowed within the PD-C zone provided the request is consistent with the goals and policies of the General Plan and the project's Master Development Plan is approved or modified by the City Council to include them.

Significance Criteria and Impact Analysis

The effects of a project on existing or planned land uses are considered significant if the proposed project would:

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

The proposed request to add outdoor amplified entertainment and events as permitted uses at the Lexus Escondido Centre would include events for seated audiences and events with dining tables and optional dance floor areas. The four event layouts show the floor plans for the maximum seating, tables, buffet areas and band/DJ locations, as well as the required emergency exiting paths and ADA accessibility required by Building and Fire Codes. The proposed uses would occur on the existing 7,300± SF east roof deck with a maximum of 372 seats, and the 9,250± SF west roof deck with a maximum of 545 seats in the largest concert venue layouts. The project proposes a total combined capacity of 615 attendees for the concurrent use of both decks.

The project would not divide an established community, nor be in conflict with the City's Draft Multiple Habitat conservation Plan (MHCP) since the site is within an urbanized area, is currently developed and surrounded by development on all sides.

The subject site is included within Target Area overlay #9, the Promenade Retail Center and Vicinity, as identified in Chapter II of the General Plan, Land Use /Community Form (page II-74). The proposed project would be consistent with the target area Guiding Principles that encourage opportunities for increasing employment densities and attracting businesses including theaters, entertainment and visitor serving uses that complement existing retail, and the transition of residential uses in the target area to commercial or mixed-use development. The Noise Element indicates that the Target Area overlay areas are planned for additional growth and increased traffic volumes, which would include the corresponding noise increases that would be generated.

The project includes a request to establish a daytime (7:00 AM to 10:00 PM) noise level limit of 65 dBA at all property lines, where the Noise Ordinance limits noise to 55 dBA adjacent to the residential zones on the west and south boundaries and to 60 dBA for commercial zones on the north and east boundaries. While the request would increase the noise limits by 10 dBA over the zoning code standards, the requested level of 65 dBA would be consistent with the General Plan policies and Figure VI-12. This figure depicts acceptable community noise exposure levels and identifies the range of normally acceptable outdoor noise levels in multi-family residential areas as 50-65 dBA, and conditionally acceptable outdoor noise levels for all residential zones as 60-70 dBA. Also requested is to allow up to

ten feather flags 15 ft. high to advertise, on an on-going basis, any on-site business or combination of on-site businesses. The previous sign code provisions for feather flags as temporary portable signs sunsetted in June 2013. In addition, the request includes a second monument sign up to 4.5 feet high and 54 SF on the Auto Park Way frontage, where only one freestanding sign would typically be allowed. The PD-C zone does allow council to approve development standards that vary from the basic city standards. See Section XII – Noise for analysis of potential noise impacts. The feather flag signs and second monument sign will be in scale with the 7.72 acre site and three-story building. Adequate separation between flags can be provided; and the feather flags will not obstruct vehicle sight visibility at the driveway. The second monument sign would be located to maintain appropriate clear sight distance areas for vehicles exiting the site and a separation from the existing freestanding sign, as determined by the City Engineer and the Director of Community Development. Therefore, with the approval of the requested noise standard, second monument sign and feather flag signs for the subject site, modification of the Master Development Plan, and the applicant's commitment to the Mitigation Monitoring Report Program (MMRP) for noise, potential impacts to Land Use and Planning would be reduced to less than significant.

XI. MINERAL RESOURCES

Significance Criteria and Impact Analysis

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

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

The subject site is not known to contain any known mineral deposits of value and has been fully developed with commercial buildings, paved parking and ornamental landscaping. No construction is proposed with this project. Therefore, no impacts to mineral resources will occur.

XII. NOISE

Significance Criteria and Impact Analysis

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

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

The subject site is fully developed with a commercial automobile dealership with repair services and carwash, retail parts and accessories, conference facilities, a restaurant, and small retail shops. The site is in an area that transitions from commercial uses to the east and north to residential uses to the west and south. To the north is Auto Park Way, a Major Circulation Element road and the Promenade

Shopping Center. To the East are several legal nonconforming single family residences in a PD-C (Planned Development- Commercial) zone, Interstate 15 Freeway, and several single-family residences in a multi-family zone east of Tanglewood Lane. Multi-family residential uses are to the west and south of the existing dealership in multi-family planned development zones, with single-family zones and development beyond. Block walls 6-feet high are located along the east, west and southern property lines. The subject area is located within a projected Noise Contour of 70 dBA CNEL or greater on the City's Noise Contour Map (General Plan Noise Contour Map, Figure VI-17, May 2012) due to the proximity of circulation element streets and Interstate 15.

The request is to allow events to be held on the existing third floor roof decks of the facility and to modify General Condition of Approval #24 of Council Resolution No. 2006-269-R to allow the use of a public address system and amplified music for these events and entertainment. The project also includes a request to establish a higher daytime (7 AM to 10 PM) noise level standard of 65 dBA (where 55 dBA and 60 dBA are currently permitted) at the property lines of the existing development for the outdoor events and modify General Condition #30 regarding the noise thresholds. Types of events would include, but not be limited to, concerts, weddings and other ceremonies, receptions, corporate events, screening of movies/videos, civic meetings, charitable events, auctions, mixers, and similar uses/events. Music would be provided by DJ's, live acoustic ensembles and live amplified ensembles, bands and orchestras. Events would occur at any time the Centre is open. All amplified sound on the open roof decks would be reduced at 10 PM to maintain the nighttime (10 PM to 7 AM) property line noise thresholds of 50 dBA along the south and west project boundaries and 55 dBA along the north and east project boundaries or any higher documented ambient nighttime noise level.

A concert was held on the west deck on October 12, 2011 (Temporary Use Permit #ADM11-0142) and the noise levels were evaluated and used to model noise impacts from events held on the east deck. Results were documented in the report "Noise Impact Analysis –Concerts at the Centre" prepared by Eiler Associates, Inc., dated January 10, 2012. The report concluded that events held on the east deck of the Centre as the building is currently configured, will be in compliance with the city's applicable daytime noise limits at the eastern property line. However, concerts held on the west deck will not meet the noise limit threshold at the western property line. The highest noise level along the western boundary was 66.5 dBA. The report modeled several mitigation measures to confirm that feasible mitigation is available. Mitigation of event noise could be accomplished with a combination of sound barrier panels and a reduction of the noise level of the sound system.

A subsequent series of four concerts were held on the west deck between May 13, 2012 and June 2, 2012 under Temporary Use Permit #ADM12-0009. Noise measurements of the sound system levels and the resulting noise levels at the property lines were taken and documented in the report, "Noise & Lighting Impact Analysis –Concerts at the Centre", prepared by Eilar Associates, Inc., dated June 27, 2012 and revised August 6, 2012. The venue setup for these concerts included noise barrier panels placed around the back and sides of the stage and extending 10-feet above the height of the stage, and 8-foot tall noise barrier panels bridging the gap between the roof equipment enclosure wall and the rooftop storage room, as noted in the January analysis. The subsequent report indicated that as a result of the noise barrier around the stage not being installed properly, noise levels from the concerts exceeded the 55 dBA standard threshold at the west and south boundaries. The highest noise level along the western boundary was 65 dBA. The noise level measurements of the sound system varied for each concert and were generally higher than the level measured at the October concert. The report concluded that to meet property line noise limits, the mitigation needs to be installed properly to eliminate all gaps between the panels, including the backstage access flap, and to reduce the noise levels on the stage.

The applicant requests a 10 dBA and 5 dBA increase of the property line noise threshold limits from 55 dBA to 65 dBA along the western and southern boundaries and from 60 dBA to 65 dBA along the eastern

and northern boundaries. While the 65 dBA limit would exceed the current thresholds of the Escondido Noise Ordinance, it would still be within the range of acceptable community noise exposure levels identified in the General Plan. Figure VI-12 on page VI-22 shows a range of 50-65 dBA as being acceptable for Multi-Family Residential land use categories, as exists along the western and southern boundaries of the site, and that higher community noise exposure levels of 60-70 dBA could be conditionally acceptable for residential land use categories. The figure shows a range of 50-70 dBA as acceptable for Business/ Commercial land use categories, as along the eastern and northern boundaries of the project site. The PD-C zone does allow council to approve development standards that vary from the basic city standards when the requested standards are in compliance with General Plan thresholds. The requested daytime noise threshold of 65 dBA would be consistent with the General Plan normally acceptable and conditionally acceptable threshold range of 50-70 dBA.

The applicant has committed to mitigating noise levels by developing a noise compliance plan and implementing appropriate measures during outdoor events to keep the daytime noise levels at the property lines at 65 dBA or less, and to further reduce sound levels at 10 PM to meet the nighttime noise thresholds of 50 and 55 dBA. The noise compliance plan will address responsibilities for monitoring compliance with the established noise levels, including but not limited to monitoring noise and sound levels in front of the speakers and along the property lines during events, documenting the sound monitoring information, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures. A noise compliance report summarizing all of the outdoor events will be required to be submitted to the Planning Division on an annual basis.

A noise compliance plan will be required for monitoring and adjusting the sound levels from rooftop events to maintain sound levels at the property lines not exceeding 65 decibels (daytime), and 50 and 55 decibels (nighttime). The noise compliance plan is a feasible mitigation measure since it is easily done, and the sound can be adjusted by turning down the sound levels of the amplification system and or reorienting the speakers to address each unique event situation. The annual noise compliance report will document the effectiveness of the noise compliance plan and identify any adjustments that may be necessary for future events.

With the implementation of the mitigation measures to prepare and implement a noise compliance plan and establish a mechanism to receive immediate community comments regarding events, and the fact that amplified entertainment events will be of short duration at various times throughout the year, with all amplified sound being reduced at 10:00 PM to current noise ordinance nighttime property line thresholds, the potential noise impacts to adjacent properties will be reduced to less than significant levels.

Mitigation Measures Noise:

1. The property manager shall prepare and implement a Noise Compliance Plan to address responsibilities for monitoring compliance with the established noise levels at the property lines, including but not limited to monitoring noise and sound levels along the property lines during events, documenting the event and associated sound monitoring information and readings, record keeping, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures.
2. Actions shall be implemented prior to or during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures

identified in the Noise Compliance Plan.

3. The property manager shall establish a hot line, website contact information or other mechanism to receive feedback regarding noise, lighting or other activities associated with the outdoor events. Any information received related to noise shall be discussed in the annual noise compliance report.
 - e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
 - f. *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

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

XIII. POPULATION AND HOUSING

Significance Criteria and Impact Analysis

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

- a. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No impacts will occur to population and housing since the site is currently developed with commercial uses and facilities and no new construction is proposed.

XIV. PUBLIC SERVICES

Significance Criteria and Impact Analysis

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

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

The City Fire Department has indicated their ability to adequately serve the proposed site with respect to day-to-day fire suppression and EMS facilities/services. The area currently is served by Fire Station No. 1, which is located on N. Quince Street. The existing facilities were constructed with the appropriate emergency access and exits in conformance with Fire and Building codes. Therefore, less than a significant impact would occur.

ii. Police protection

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

iii. Schools

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

iv. Parks

The proposed modifications to an existing commercial facility would not result in a need to provide additional park or open space amenities, an increase in the use of existing neighborhood or regional parks or other recreation facility, or an impact to the quality or quantity of existing recreational opportunities. Therefore, no significant impact to parks would occur as a result of the proposed project.

v. Libraries

The project would not result in an increase in population, and thus, would not generate an increased demand for library facilities, or the development of additional library spaces, books or other related items.

vi. Gas/Electric

SDG&E currently provides gas and electric service to the existing facilities. Approval of the project would create an increase use of gas and electricity over existing levels at the site, but the project increase in not significant on an area-wide level and the project would not require an expansion of existing SDG&E power transmission facilities. Therefore, no significant impacts are anticipated to occur with respect to increased power demand from the proposed project.

XV. RECREATION

Significance Criteria and Impact Analysis

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

- a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.*
- b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

The proposed project, which involves an existing commercial facility, would not result in an increased use of existing parks or other recreational facilities, nor require construction or expansion of recreational facilities. Therefore, no significant impact to recreational resources would occur.

XVI. TRANSPORTATION/TRAFFIC

Significance Criteria and Impact Analysis

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

- a. *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.*
- b. *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measure, or other standards established by the county congestion management agency for designated roads or highways*
- c. *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*
- d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e. *Result in inadequate emergency access?*
- f. *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Significant Determination – To determine the project impacts to roadway segments and intersections, the City of Escondido has developed thresholds based on allowable increases in delay at intersections and volume to capacity ratios (v/c Ratio) for roadway segments. At intersections that are expected to operate at LOS E or F with the project, the allowable increase in delay is two seconds. If vehicle trips from a project cause the delay to increase by more than two seconds, this would be considered a significant project impact that requires mitigation. Under this condition, the applicant would be responsible for mitigation to restore the operations of the intersection to LOS Mid-D or better. If an existing intersection is at LOS E or F, the intersection would be considered an existing deficiency and the applicant would be responsible for making a fair-share contribution toward intersection improvements to achieve a LOS Mid-D or better. A fair-share contribution is based on the project's proportionate traffic contribution to the overall traffic volumes entering an intersection. For roadway segments that are forecasted to operate at LOS E or worse and the increase in v/c ratio exceeds 2% this would be considered a significant project impact that requires mitigation. The City's Quality of Life standards and the environmental quality regulations of Escondido Zoning Code Article 47 indicate that any project that adds 200 ADT or more to a roadway segment that operates at a level of service of E or F is considered a significant impact.

Existing Conditions – Access to the site is provided by Auto Park Way, which is classified as a Major Road (82'/102') in the Mobility and Infrastructure Element of the General Plan. This roadway was improved with the development of the Lexus Escondido Centre from 9th Avenue to the I-15 SB on-ramp to 4 lanes (2 lanes each way) with a class II bike lane and a 5th EB lane for right-turn only access to the SB I-15 on-ramp. Directly in front of the Lexus Centre driveway, six lanes are provided; however the number 1 westbound lane ultimately traps into the left-turn lane at the Auto Park Way/9th Avenue intersection. Sidewalks, curbs and gutters are provided and parking is restricted along both sides of the roadway. There is a left turn pocket (non-signalized) at the driveway into the Lexus Escondido Centre, and a U-turn is permitted at the Auto Park Way/9th Avenue intersection for access to the facility. The left-turn pocket is striped to provide 140 feet of storage for left-turning vehicles but extends to about 160 feet before tapering to the roadway median. Assuming a typical passenger vehicle requires about 22 to 25 feet of

stacking space per lane, approximately six to seven vehicles could be stored in the left-turn lane before overflowing and conflicting with the number one westbound through lane on Auto Park Way. The driveway is right out only with a U-turn permitted at La Terraza Blvd. /Canterbury Place. There is a school zone speed limit of 25 mph posted along Auto Park Way and 9th Avenue in the vicinity of the project.

The Traffic Impact Analysis prepared for the Escondido General Plan Update by Linscott, Law & Greenspan, Engineers (December 2011) indicates that road segments within the Promenade Retail Center & Vicinity Target Area operate at LOS C and better, except for 9th Avenue from Auto Park Way to Del Dios Road at LOS F and 9th Avenue from Del Dios Road to Valley Parkway at LOS E. Auto Park Way between 9th Avenue and SB I-15 on-ramp operates at LOS C with 30,300 Average Daily Traffic (ADT). The road has a capacity of 43,500 trips. All intersections in the Target Area operate at better than LOS Mid-D.

Project Traffic – The proposed use would occur on the existing 7,300± SF east roof deck with a maximum of 372 seats, and the 9,250± SF west roof deck with a maximum of 545 seats in the largest concert venue layouts. The project proposes a total combined capacity of 615 attendees for the concurrent use of both decks based on the project architect's calculations for emergency exiting from the existing facilities. Most large-scale events would likely occur on the weekends (Friday and Saturday nights), and two maximum-capacity events (615 attendees) would not be expected to occur on the same day. Typical events generally would draw up to 200 attendees. The Traffic Assessment Letter (TAL) prepared by Linscott Law & Greenspan Engineers (LLG), dated July 9, 2013, indicates that a trip generation was developed based on site-specific characteristics since there is no published trip generation rates for "special event"-type venues similar to that of the proposed project. The four primary assumptions used for calculating the trip generation were: 1) Event Times; 2) Attendance; 3) Restaurant Patronization; and 4) Vehicle Occupancy (carpooling).

As detailed in the TAL, arrival and departure times for events were considered in light of the weekday traffic peaks during the 7:00-9:00AM and 4:00-6:00PM commuter timeframes, and during the 2:00-4:00PM timeframe for the nearby school letting out. As the restaurant "Vintana" is also located at the Centre, the TAL considered it likely that attendees of a special event would also patronize the restaurant, either for dinner and/or drinks before or after an event. LLG conducted a vehicle occupancy survey at Humphrey's Concerts by the Bay in the city of San Diego. As this venue hosts similar special events, such as weddings and concerts, it was determined to be a comparable land use to that of the proposed project. The survey data resulted in an average vehicle occupancy ratio (VOR) of 2.28 persons per vehicle. Applying all the assumptions, the trip generation for a maximum-capacity event of 615 attendees was calculated to be 540 trips as shown in Table 1 of the TAL.

Two scenarios were developed for the project's maximum capacity effect on peak weekday street traffic: events with a 3:00PM start time and events with a 6:00PM start time. Weekday events that started at 7:00PM or later would be outside of the commuter peak hours and maximum-capacity project related traffic would not be expected to occur during the morning commuter peak hours. The project proposes to separate any combination of events with a cumulative total in excess of 615 attendees by imposing a one and a half hour window between event end and start times. Traffic departing the 3:00PM event would not be expected to conflict with inbound traffic from a 6:00PM event start time because of this offset. Figure 7 and Figure 8 of the TAL detail the project traffic volumes, trip distribution and trip assignment for the two scenarios. Table 2 and Table 3 from the TAL, below, summarize the intersection and street segment operations with maximum capacity events.

TABLE 2
INTERSECTION OPERATIONS - MAXIMUM CAPACITY EVENTS

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Intersection	Control Type	Peak Hour	Existing		Existing + 3PM Event (2:00-3:00PM and 5:00-6:00PM)		Δ Delay ^a	Existing + 6PM Event (5:00-6:00PM)		Δ Delay ^a	Sig?
			Delay ^a	LOS ^b	Delay	LOS		Delay	LOS		
1. Auto Park Wy/9 th Ave/ Shopping Ctr Dwy	Signal	MD	25.6	C	25.7	C	0.1	—	—	—	No
		PM	28.9	C	29.3	C	0.4	29.0	C	0.1	
2. Auto Park Wy/ Lexus Centre Dwy	MSSC ^c	MD	11.3	B	16.6	C	13.3	—	—	—	No
		PM	14.2	B	14.2	B	0.0	23.2	C	9.0	
3. Auto Park Wy/ I-15 SB Ramps	Signal	MD	26.6	C	27.4	C	0.8	—	—	—	No
		PM	30.6	C	38.6	D	8.0	31.0	C	0.4	
4. Auto Park Wy/ I-15 NB Ramps	Signal	MD	21.7	C	23.9	C	2.2	—	—	—	No
		PM	21.3	C	21.4	C	0.1	23.1	C	1.8	
5. 9 th Ave/ La Terraza Blvd	Signal	MD	10.0	A	10.0	A	0.0	—	—	—	No
		PM	12.0	B	18.7	B	6.7	12.1	B	0.1	
<i>With 15% Lexus Centre Driveway Bypass</i>											
1. Auto Park Wy/9 th Ave/ Shopping Ctr Dwy	Signal	MD	25.6	C	26.4	C	0.8	—	—	—	No
		PM	28.9	C	—	—	—	29.8	C	0.9	
2. Auto Park Wy/ Lexus Centre Dwy	MSSC ^c	MD	11.3	B	15.9	C	4.6	—	—	—	No
		PM	14.2	B	—	—	—	21.7	C	7.5	

Footnotes:

- Average delay expressed in seconds per vehicle.
- Level of Service.
- MSSC = Minor Street Stop-Controlled intersection. Westbound left-turn delay reported.
- Δ denotes the increase in delay due to Project. A change in delay is considerable only for locations operating at worse than Mid-LOS D. All intersections in the study area are operating at LOS C or better.

General Notes:

- Sig = Significant impact, yes or no.
- For 3:00PM events, MD = 2:00-3:00PM and PM = 5:00-6:00PM.
- For 6:00PM Events, PM = 5:00-6:00PM. No analysis is provided for the 8:00-9:00PM period.

SIGNALIZED		UNSIGNALIZED	
DELAY/LOS THRESHOLDS		DELAY/LOS THRESHOLDS	
Delay	LOS	Delay	LOS
0.0 ≤ 10.0	A	0.0 ≤ 10.0	A
10.1 to 20.0	B	10.1 to 15.0	B
20.1 to 35.0	C	15.1 to 25.0	C
35.1 to 45.0	D	25.1 to 30.0	D
45.1 to 55.0	Mid-D	30.1 to 35.0	Mid-D
55.1 to 80.0	E	35.1 to 50.0	E
≥ 80.1	F	≥ 50.1	F

Maximum capacity event traffic will not reduce the Level of Service of area intersections below Mid-D, therefore no significant impact occurs.

TABLE 3
STREET SEGMENT OPERATIONS - MAXIMUM CAPACITY EVENTS

Street Segment	Existing Capacity (LOS E) ^a	Existing			Existing + 3:00PM or 6:00PM Event			Δ ^c	Sig?
		ADT	LOS	V/C	ADT	LOS	V/C		
9th Avenue									
1. Del Dios Rd to Auto Park Wy	10,000	14,410	F	1.441	14,456	F	1.445	0.004	No
Auto Park Way									
1. Valley Pkwy to 9 th Ave	34,200	15,270	B	0.446	15,308	B	0.448	0.001	No
2. 9 th Ave to Lexus Centre Dwy	43,500	28,970	C	0.666	29,051	C	0.668	0.002	No
3. Lexus Centre Dwy to I-15 Ramps	50,000	28,970	C	0.579	29,510	C	0.590	0.011	No

Footnotes:

- Capacities based on City of Escondido Roadway Classification & LOS table.
- Average Daily Traffic.
- Level of Service.
- Volume to Capacity ratio.
- Δ denotes a Project-induced increase in the Volume to Capacity ratio. For locations operating at worse than Mid-LOS D, a change in excess of 0.02 V/C is considered significant.
- Auto Park Way between 9th Avenue and the Lexus Centre Driveway provides three lanes in the eastbound direction and two lanes in the westbound direction. Five-lane capacity was used in the analysis.

General Notes:

- Sig = Significant impact, yes or no.

LOS	V/C
A	0.00 ≤ 0.34
B	0.35 ≤ 0.54
C	0.55 ≤ 0.74
D	0.75 ≤ 0.90
Mid D	0.91 ≤ 0.89
E	0.90 ≤ 1.00
F	> 1.00

The 9th Avenue road segment west of Auto Park Way is calculated to operate at LOS F both without and with the project. However, the project adds less than 200 trips (46 ADT) to this segment and the increase in the v/c ratio is less than 2%. Therefore, it is not a significant project-related impact. Given that all other study area locations were calculated to operate efficiently with the addition of event traffic, the project would have no significant adverse effects on peak hour and daily traffic in the area.

Queuing at the Project Entrance - The potential for queuing at the Auto Park Way/Lexus Centre Driveway was evaluated for the westbound left-turn lane into the site. The existing left-turn pocket provides storage for approximately seven vehicles, assuming 22 feet per vehicle (160 feet of storage provided). Queuing issues could arise due to the heavy flow of through traffic along Auto Park Way during the 2:00-3:00PM and 5:00-6:00PM peak hours. The availability of sufficient gaps in the flow of eastbound traffic could be low during the peak hours, thus preventing westbound left-turns from entering the Lexus Centre driveway. In addition, pedestrian trips from the nearby middle school traverse the sidewalk along the project frontage during the 2:00-3:00PM timeframe.

Events with a cumulative attendance of up to 200 people (generating about 88 vehicles (200 people + 2.28 VOR) will not significantly affect traffic on adjacent streets and will be sufficiently managed by the on-site circulation and parking services. The TAL recommended that the Lexus Centre impose restricting measures for scheduling events based on the number of attendees and prepare a Traffic Management Plan for events with a cumulative attendance of 450 people or more to address the potential vehicular queuing and pedestrian conflicts at the Lexus Centre driveway.

- Measure 1. On- and off-site circulation for any event(s) of 200 persons or less will be sufficiently managed solely by the Centre's professional parking services.
- Measure 2. In addition to Measure #1, events with attendance ranging between 201 to 449 people would be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days. (E.g. Monday, Tuesday, Wednesday and Friday school lets out at 2:42PM; Thursday school lets out at 12:21PM.)
- Measure 3. In addition to Measures #1 and #2, any combination of events with a cumulative attendance ranging between 450 to 614 people (e.g. two 250-person evening events) would be required to implement the proposed Traffic Management Plan on weekdays in addition to restricting start and end times within the school blackout period on active school days.
- Measure 4. In addition to Measures #1, #2 and #3, any combination of events with a cumulative attendance amount to 615 people (e.g. one 250-person evening event and one 365-person event) would be required to implement the proposed Traffic Management Plan, restrict start and end times within the school blackout period, and impose a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site on weekdays and active school days.

Construction Traffic – The proposed rooftop events will occur on the deck areas that were constructed as part of the original development of the Lexus Escondido Centre. No additional construction is proposed. Therefore, no traffic impacts will occur due to construction.

Design Features/Hazards/Emergency Access – The project does not include any design features or incompatible uses that would substantially increase hazards, limit visibility or create dangerous intersections. Adequate fire lanes and emergency vehicle access are provided as part of the existing developed site and facilities.

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

Adopted Plans/Policies – The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. There currently are Class II bike lanes along Auto Park Way. The project would not impact existing or planned alternative transportation projects. Therefore, no impacts will occur.

On-Site Parking – Currently there are 420 striped parking spaces available on-site around the building and in a three level parking structure. If all uses on site, including two large events on the outdoor decks totaling the maximum capacity of 615 attendees, were to occur simultaneously, 637 parking spaces would be required under the Escondido Zoning Code parking standards. However, the hours of operation differ for several uses on-site, allowing shared parking opportunities, and combined trips would occur, such as when a driver visits the service area, retail shops and restaurant in the same trip to the Centre. Carpooling would occur for events. The project proposes that self-parking and/or valet parking will be provided during rooftop events so that parking will be efficient and maximized to the fullest extent while maintaining required emergency vehicle access. The site and parking structure allow flexibility in providing additional valet parking temporarily during rooftop events. This additional valet parking could be provided as needed in the service area, the auto display areas and open paved areas outside of the fire lanes. There is no on-street parking on Auto Park Way. There is limited on-street parking along Tanglewood Lane. With the low likelihood that all uses would occur simultaneously, the implementation of the Traffic Management Plan and scheduling restrictions for events, the proposed self-parking and/or valet parking, and the opportunities for shared parking, carpooling and combined trips, potential parking impacts will be less than significant.

Mitigation Measures –Transportation/Traffic

1. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.
2. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)
3. In addition to Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)
4. In addition to Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)
5. In addition to Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)

With the implementation of these mitigation measures addressing scheduling restrictions and the preparation of a Traffic Management Plan, the potential impacts due to event traffic, parking, vehicular queuing and pedestrian conflicts during the occurrence of rooftop events will be reduced to a less than significant level.

XVII. UTILITIES AND SERVICE SYSTEMS

Significance Criteria and Impact Analysis

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

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

Solid Waste/ Sewer Service/ Water Service - The proposed project would operate in the existing multi-use commercial building on the fully developed site. All utilities and service systems are existing. The proposed use of the existing roof decks would not significantly increase the demand on services, nor require expansion of any utility facilities. Therefore, no significant impact to Utilities will occur.

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

SUMMARY OF MITIGATION MEASURES

Mitigation Measures Noise:

1. The property manager shall prepare and implement a Noise Compliance Plan to address responsibilities for monitoring compliance with the established noise levels at the property lines, including but not limited to monitoring noise and sound levels along the property lines during events, documenting the event and associated sound monitoring information and readings, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures.
2. Actions shall be implemented prior to and during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures identified in the Noise Compliance Plan.
3. The property manager shall establish a hot line, website contact information or other mechanism to receive community comments and feedback regarding noise, lighting or other activities associated with the outdoor events. Any information received related to noise shall be discussed in the annual noise compliance report.

Mitigation Measures Transportation/Traffic:

1. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.
2. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)
3. In addition to Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)
4. In addition to Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)
5. In addition to Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)

MANDATORY FINDINGS OF SIGNIFICANCE

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

Materials Use in Preparation of this Analysis

1. Escondido General Plan – updated May 2012
2. Final Environmental Impact Report for General Plan Update - May 2012
3. Escondido Zoning Code and Land Use Maps
4. SANDAG Summary of Trip Generation Rates
5. Escondido Historic Resources Survey
6. City of Escondido – Comments from other Departments:
Engineering Division Planning Division
Traffic Division Building Division
Fire Department Police Department
7. County of San Diego Health Department, Hazardous Material Management Division (HMMD)
Hazardous Sites List
8. Escondido Drainage Master Plan (1995)
9. Escondido Water Master Plan (2000)
10. Escondido Wastewater Collection System Master Plan Update (Nov. 2005) and Wastewater
Treatment and Disposal Facilities Capacity Study, Dec. 2006
11. The California Air Pollution Control Officers Association (CAPCOA) guide to addressing
greenhouse gas (GHG) emissions from projects subject to the California Environmental Quality
Act (CEQA) 2008
12. Traffic Impact Analysis, Escondido General Plan Update, prepared by Linscott, Law &
Greenspan, Engineers, dated December 5, 2011
13. City of Escondido Climate Action Plan (Jan. 2012)
14. Noise Impact Analysis –Concerts at the Centre, prepared by Eilar Associates, Inc., dated
January 10, 2012
15. Noise & Lighting Impact Analysis –Concerts at the Centre, prepared by Eilar Associates, Inc.,
dated June 27, 2012 and revised August 6, 2012
16. Project Description and Preliminary Information
17. Site Visits
18. Lexus Escondido Special Events – Traffic Assessment Letter, prepared by Linscott, Law &
Greenspan Engineers, dated July 9, 2013



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

ACKNOWLEDGEMENT OF ENFORCEABLE COMMITMENT

Case No: ENV 12-0006 / PHG 12-0001

Lexus Escondido
 Modification of the Master Development Plan

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

8-27-13 JUDITH A. JONES-CONE *Judith A. Jones-Cone*

 Date Applicant's Name (printed) Applicant's Signature



CITY OF ESCONDIDO
 PLANNING DIVISION
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REVISED 8-19-13

ATTACHMENT "A"
MITIGATION MONITORING PROGRAM
CASE NO.: ENV 12-0006 / PHG 12-0001

PROJECT NAME: Lexus Escondido
PROJECT LOCATION: 1205 Auto Park Way
PROJECT DESCRIPTION: Modification of the Master Development Plan
APPROVAL BODY/DATE: City Council
CONTACT PERSON: Drew Davis
PHONE NUMBER: 760-690-2796

Phase at which the Mitigation Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION. NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTING	CERTIFIED INITIAL/DATE	COMMENTS
NOISE - PRIOR TO HOLDING A ROOFTOP EVENT	<p>1. The property manager shall prepare and implement a Noise Compliance Plan to address responsibilities for monitoring compliance with the established noise levels at the property lines, including but not limited to monitoring noise and sound levels along the property lines during events, documenting the event and associated sound monitoring information and readings, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures.</p> <p>2. The property manager shall establish a hot line, website contact information or other mechanism to receive community comments and feedback regarding noise, lighting or other activities associated with the outdoor events. Any information received related to noise shall be discussed in the annual noise compliance report.</p>	Section XII - Noise	Applicant to submit plan within 45 days of project approval to the Planning Division.		
	Same		Applicant to submit evidence of implementation to the Planning Division within 45 days of project approval.		

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION. NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTING	CERTIFIED INITIAL/DATE	COMMENTS
NOISE - ONGOING	<p>3. Actions shall be implemented prior to and during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures identified in the Noise Compliance Plan..</p>	Same	Applicant - ongoing		
TRANSPORTATION/TRAFFIC- PRIOR TO THE FIRST EVENT(S) TOTALING 450 ATTENDEES OR MORE	<p>1. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.</p>	Section XVI - Transportation/Traffic	Applicant to submit plan within 45 days of project approval to the Planning and Engineering Divisions		
TRANSPORTATION/TRAFFIC- ONGOING	<p>2. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)</p>	Same	Applicant - ongoing		
	<p>3. In addition to Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)</p>	Same	Applicant - ongoing		
	<p>4. In addition to Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)</p>	Same	Applicant - ongoing		
	<p>5. In addition to Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)</p>	Same	Applicant - ongoing		