

# **CEQA Findings of Fact and Statement of Overriding Considerations**

## **East Valley Specific Plan**

**State Clearinghouse No. 2021020263**

**June 2023**

Prepared for:



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## Introduction

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The City of Escondido (City) hereby makes the following Findings concerning the Final Program Environmental Impact Report (Final PEIR) (State Clearinghouse No. 2021020263) for the proposed East Valley Specific Plan (Project or EVSP), pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code section 21000 et seq.) and its implementing regulations, the CEQA Guidelines (CEQA Guidelines section 15000 et seq.).

The Final PEIR prepared for the Project consists of a summary of corrections and revisions made to the Draft PEIR, comments received on the Draft PEIR and the City's responses to those comments, a Mitigation Monitoring and Reporting Program, and the revised Draft PEIR showing revisions in strikeout/underline format.

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## Section 1 Project Description

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### 1.1 Project Location

The City of Escondido (City) is in northern County of San Diego (County), approximately 30 miles north of Downtown San Diego and 18 miles east of the Pacific Ocean. The City is situated in a natural valley at approximately 615 feet above mean sea level and surrounded by rolling hills and rugged terrain ranging up to 4,200 above mean sea level. The City is bounded to the north by the unincorporated County communities of Valley Center and Hidden Meadows, to the west by the City of San Marcos, to the south by Lake Hodges Reservoir and the City of San Diego, and to the east by unincorporated County. Interstate 15 bisects the City in a north–south direction, and State Route 78 transitions from freeway to surface streets in an east–west direction through the City.

The East Valley Specific Plan Area (EVSP Area) is approximately 191 acres in central Escondido, immediately adjacent to and east of downtown, and is generally bounded by Escondido Creek to the north, Harding Street to the east, East Grand Avenue and East 2nd Avenue to the south, and North Hickory, South Hickory, and North Fig Streets to the west. The EVSP Area is adjacent to a variety of neighborhoods: Downtown Escondido to the west, residential neighborhoods to the north and south, and large commercial shopping centers to the east. The Escondido Transit Center is an approximately 20-minute walk southwest of the EVSP Area, and multiple transit stops exist throughout the EVSP Area.

### 1.2 Project Objectives

The City’s objectives for the Project are as follows:

1. Create a self-contained land use pattern that offers a mix of compatible lands uses and quality landscaped community spaces.
2. Enhance the quality of the City’s housing stock that is environmentally mindful and equitable while preserving the physical character and pride of the EVSP Area.
3. Provide a range of housing opportunities for all income groups and households that seamlessly supports all right-of-way users.
4. Plan both public and private development to provide safe vehicular circulation connected to safe multimodal transportation with reliable and timely transit options.
5. Provide for robust economic activity within the EVSP Area.

### 1.3 Project Components

The overall purpose of the EVSP is to guide redevelopment of the underutilized residential and commercial land of low-intensity general retail, office, restaurants, and small-scale service businesses into a new neighborhood with a mix of residential, commercial, public, and open space uses. It would accommodate increased housing density and other transit-supportive uses and

improvements. The additional units needed to meet the City's Regional Housing Needs Allocation, as established in the Housing Element, would be accomplished through land use designation changes and rezoning in the EVSP Area.

The EVSP would propose goals, policies, design standards, and implementation strategies to guide private development and public investment through 2035. The EVSP would incorporate a dynamic mix of land uses, ensuring a variety of residential options, linked together through safe streets and a business corridor. The EVSP would address the following topics: EVSP Density Transfer Program, land use, parks and public realm, mobility, public services and infrastructure, and development standards and design guidelines.

### **1.3.1 East Valley Specific Plan Density Transfer Program**

The purpose of the EVSP Density Transfer Program is to enable the City to transfer densities from undeveloped or underutilized properties in the EVSP Area (sending areas) to other properties in the EVSP Area (receiving areas) to enable a developing property to increase its density beyond what current zoning would permit. The transferred density would be held in a density credit pool. Allocation of the density from the pool would only occur when developing properties request additional density beyond that permitted by current zoning. The request for an increase in units would require Escondido City Council approval of a Planned Development Permit.

### **1.3.2 Land Use**

The Project would involve the redesignation and rezoning of most of the 191-acre EVSP Area (127 acres excluding rights-of-way) from existing commercial and office uses to mixed-use and high-density residential uses to encourage new housing opportunities, improve economic vibrancy, and allow for flexibility in use and implementation as the EVSP Area changes over time. The proposed land use plan would focus on maintaining many of the existing uses while clustering them in different areas to create a more cohesive pattern and design. The proposed land use plan also would incorporate a dynamic mix of land uses, ensuring a variety of residential options, linked together through safe streets and a business corridor. Targeted areas for General Commercial and Mixed-Use would be along both sides of East Valley Parkway, urban residential areas would be north and south of the mixed-use corridor, and a Park Overlay Zone would be placed in areas best suited for a park, as well as along residential alleyways to create alley linear parks. Table 1, East Valley Specific Plan Land Use Designations, provides a summary of the proposed land use designations, permitted densities in those designations, and a description of the uses in the EVSP Area.



**Table 1. East Valley Specific Plan Land Use Designations**

Land Use Designation	Applicable Zoning	Description	Density	TPP	Approximate Yield
Urban IV/V	E-U-5	Multi-family residential units, townhomes, apartments, flats, and condominiums. 15,000 sf/ac retail and office uses are permitted.	21–30 du/ac	25 du/ac	1,495 du; 453,789 sf of commercial (retail/office/medical office)
General Commercial	EVSP-CG	Local-serving commercial, automobile service, eating/drinking establishments, and entertainment facilities.	1.0 FAR	0.5 FAR	0 du, 59,014 sf of commercial
Mixed-Use	EVSP-MU	Vertical or horizontal mixed-use, multi-family residential units, appropriate along major thoroughfares, proximate to shopping centers, entertainment, community facilities, and employment opportunities.	1.5–3.0 FAR 30–80 du/ac	45 du/ac	4,669 du; 703,338 sf of commercial (retail/office/medical office)
Park Overlay Zone	EVSP-POZ	Active and passive parks and land to protect, maintain, and enhance the community's natural resources, includes detention basins and creek corridors. Development impact fees contribute to park space in these areas.	NA	NA	The EVSP Land Use Plan allows for up to 25 acres of parkland and open space; however, it is estimated that only approximately 10 acres of parkland and open space would occur.

Source: City of Escondido 2023.

Notes: du = dwelling units; du/ac = dwelling units per acre; FAR = floor area ratio; ac = acres; NA = not applicable; sf = square feet; sf/ac = square feet per acre; TPP = target production point

Target production point is the midpoint of the density range that estimates realistic site development capacities that are likely to yield smaller housing units at a higher density that is more affordable by design. To ensure that the EVSP achieves a buildout that accommodates the Regional Housing Needs Allocation, especially for households with lower and moderate incomes, no residential permit shall be issued on any property with a unit yield that is lower than the target production point density yield unless an in-lieu fee is received for on-site production.

### 1.3.3 Parks and Public Realm

The EVSP would include a comprehensive and interconnected parkland network to provide a variety of active and passive recreational opportunities for community members and visitors of all ages that would enhance the overall quality of life and community health and wellness. Implementation of the EVSP would allow up to 25 acres of park; however, only approximately 10 acres of parkland and open space is anticipated in the EVSP Area, which would help the City reach its parks and open space projections. The EVSP would establish a Park Overlay Zone intended to integrate public parkland and outdoor spaces within proximity to schools, transit, trails, and activity nodes. The Park Overlay Zone would act as a recommended, or priority, area for parks and public spaces in the EVSP Area. The placement of the Park Overlay Zone would also broaden

the geographic area within 0.25 mile (or a 5-minute walk) of a park. The function and amenities of a park area would depend on the needs of the surrounding community and the size of the proposed park or public space. Chapter 4.0, Parks and Public Realm, of the EVSP would include the incorporation of pocket parks, neighborhood parks, linear parks, public outdoor spaces, and public rights-of-way in the Park Overlay Zone. The EVSP would include policies regarding the creation of new park facilities and proposed recreational amenities. To achieve this plan, the EVSP would propose the following five key elements:

- **Pocket Parks.** Pocket parks are small outdoor spaces, no more than one acre, that are best suited in urban areas surrounded by a mix of uses that lack places for people to recreate. Pocket parks are intended to provide a safe and inviting environment for surrounding community members. Pocket parks in the EVSP Area would serve nearby families, employees, shoppers, and visitors. With the surrounding community in mind, pocket parks would provide amenities best suited for its future users.
- **Neighborhood Parks.** Neighborhood parks serve as the foundation for the urban parkland network in Escondido. Neighborhood parks are characterized as parks over three acres and may offer both active and passive recreational options. Active recreational uses include but are not limited to soccer fields, baseball and softball diamonds, tracks, skate parks, dog parks, pump tracks, and hardcourt areas. Passive recreational uses include but are not limited to walking, hiking, cycling, and picnicking.
- **Linear Parks.** Linear parks are longer than they are wide and typically follow a linear object, such as rail lines, utility easements, waterfronts, creeks, and alleys. Linear parks can be as short as one block or as long as several miles and typically serve as outdoor areas for physical activities and boost alternative transportation.
- **Public Outdoor Spaces.** Public outdoor spaces provide varying sizes of human-made open space that can be used for a variety of uses, such as sitting, dining, socializing, and recreating and as venues for arts and entertainment. The public outdoor spaces are best suited in areas surrounded by or adjacent to commercial and/or office uses to allow for outdoor dining and other commercial opportunities to use and attract users to the space. Public outdoor spaces may include plazas, parklets, recreational facilities, and dog parks.
- **Public Rights-of-Way:** Public rights-of-way include streets, sidewalks, bikeways, and trails. These spaces act as the physical linkages to and from parkland, residences, and other destinations. Public rights-of-way should provide shade trees, generous sidewalks, street furniture, public art, and spaces for people to sit. Public rights-of-way also encourage active transportation and would support the compact, walkable design envisioned in the EVSP.

### 1.3.4 Mobility

Chapter 5.0, Mobility, of the EVSP would promote strong mobility connections throughout the EVSP Area, especially from the Escondido Creek Trail and adjacent neighborhoods to the commercial corridor along East Valley Parkway. The EVSP roadway network would consist of current roadways in the EVSP Area. No new roadways are proposed; however, one roadway is proposed to be reclassified to accommodate increased traffic volumes and pedestrian and bicycle improvements. Specifically Centre City Parkway between El Norte Parkway and State Route 78 would be reclassified to a six-lane super major.

The EVSP would include four roadway classifications: Four-Lane Major Road, Four-Lane Collector Street, 2-Lane Local Collector Street, and Local Street (remaining streets in the EVSP Area not outlined). Alleys would also be included to establish a service corridor and to incorporate green infrastructure that would improve stormwater drainage.

Chapter 5.0 of the EVSP describes future bicycle networks and pedestrian facilities. Public transit would also be an important component of the EVSP mobility network, providing access to both local and regional destinations. The City is served by the Metropolitan Transit System (MTS) and North County Transit District (NCTD). In addition, the EVSP would include Transportation Demand Management (TDM) measures and parking standards for both vehicles and bicycles.

#### 1.3.4.1 Transportation Fair Share Contribution Program

New development facilitated by the Project would increase traffic volumes in the EVSP Area. A Level of Service Analysis was prepared in the Transportation Analysis (PEIR Appendix G) to determine the future mobility needs of the EVSP Area. Based on this analysis, the Project has incorporated a Transportation Fair Share Contribution Program that the City has committed to in order to address the potential roadway deficiencies that may result from the Project. For each location identified, the percentage of the EVSP buildout that could be built before the improvement is triggered has been calculated. When specific developments are proposed in the EVSP Area, the average daily trips (ADT) would be determined and the development's "fair-share" contribution to the overall improvements would be calculated. The Transportation Fair Share Contribution Program includes the following improvements:

1. **Mission Avenue between Broadway and Hickory Street.** At 80,553 ADT, a dedicated eastbound right-turn lane shall be provided at the Mission Avenue and Broadway intersection, and the Mission Avenue and Hickory Street intersection shall be signalized. In addition, Transportation System Management measures shall be implemented along Mission Avenue between Broadway and Hickory Street, including adjustments to the signal timings, offsets, detection, and other parameters, to improve intersection performance along the study corridor.

2. **Broadway between Lincoln Avenue and Mission Avenue.** At 25,290 ADT, a dedicated southbound right-turn lane shall be provided at the Mission Avenue and Broadway intersection. In addition, Transportation System Management measures shall be implemented along Broadway between Lincoln and Mission Avenue, including adjustments to the signal timings, offsets, detection, and other parameters, to improve intersection performance along the study corridor.
3. **Ash Street/San Pasqual Valley Road between Grand Avenue and 2nd Avenue.** At 75,869 ADT, a two-lane roundabout shall be constructed at the San Pasqual Valley Road and 2nd Avenue intersection. In addition, Transportation System Management measures shall be implemented along Ash Street/San Pasqual Valley Road between Grand Avenue and 2nd Avenue, including adjustments to the signal timings, offsets, detection, and other parameters, to improve intersection performance along the study corridor.
4. **Centre City Parkway between El Norte Parkway and State Route 78.** At 46,833 ADT, an eastbound right-turn overlap phase and prohibition of the northbound U-turn movement shall be provided at the El Norte Parkway and Centre City Parkway intersection. This intersection already operates at level of service (LOS) F. Incremental increases in ADT would exacerbate this condition. A development's fair-share contribution would be considered as a mechanism to help fund this improvement.
5. **El Norte Parkway/Broadway.** At 84,299 ADT, a dedicated southbound right-turn lane and a dedicated northbound right-turn lane shall be provided at the El Norte Parkway and Broadway intersection.
6. **Lincoln Parkway/Broadway.** At 84,299 ADT, a southbound right-turn overlap phase shall be provided at the Lincoln Parkway and Broadway intersection, which would preclude the eastbound U-turn movements.
7. **Mission Avenue and Broadway Intersection.** At 9,367 ADT, a dedicated eastbound right-turn lane shall be provided at the Mission Avenue and Broadway Intersection.
8. **Mission Avenue and Hickory Street Intersection.** At 9,367 ADT, the Mission Avenue and Hickory Street intersection shall be signalized.
9. **Mission Avenue and Harding Street Intersection.** At 100 ADT, the Mission Avenue and Harding Street intersection shall be signalized.
10. **Washington Avenue and Juniper Street Intersection.** At 100 ADT, the Washington Avenue and Juniper Street intersection shall be signalized.
11. **Washington Avenue/Ash Street.** At 74,933 ADT, the signal timing shall be modified, the pedestrian phase on the eastbound through movement shall be removed, and the green time from the eastbound through phase to the westbound left-turn phase shall be transferred at the Washington Avenue and Ash Street intersection.
12. **Valley Parkway and Rose Street Intersection.** At 18,733 ADT, a dedicated westbound right-turn lane shall be provided at the Valley Parkway and Rose Street intersection.

### 1.3.5 Public Services and Infrastructure

Chapter 6.0, Public Services and Infrastructure, of the EVSP outlines the community facilities needed to ensure that high-quality services and infrastructure are provided to accommodate projected growth in the EVSP Area. In addition, this chapter identifies thresholds and targets to maintain adequate levels of public services and safety as growth occurs.

### 1.3.6 Development Standards and Design Guidelines

Chapter 7.0, Development Standards and Design Guidelines, of the EVSP is intended to help achieve the vision for the EVSP through setting standards and guidelines for future development. This chapter complements other Citywide guidance, such as the Escondido Municipal Code, which provides regulations for a variety of design topics, including setbacks, landscaping, and parking. Table 2, Development Standards, provides development standards and guidelines that are intended to supplement the Escondido Municipal Code’s provisions with more specific guidance on how to achieve the unique vision for the EVSP Area. The design guidelines and standards would apply to future public improvements and private development in the EVSP Area, addressing the design of both new buildings and renovations to existing structures.

**Table 2. Development Standards**

Development Standard	Land Use/Area			
	Urban IV/V	Mixed-Use	General Commercial	Escondido Creek Trail
<b>Setback:</b> The minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot.	Front: 8 feet Rear: 8 feet Alley: 5 feet Side Internal: 0 feet Side Street: 8 feet	Front: 8 feet Rear: 8 feet Alley: 5 feet Side Internal: 0 feet Side Street: 8 feet	Front: 15 feet Rear: 10 feet Side Internal: 0 feet Side Street: 10 feet	Creekside building or structure: 20 feet Creekside wall or fence: 10 feet
<b>Landscaped Area:</b> The percentage of the total lot area covered by landscaping.	25% minimum	20% minimum	15% minimum	—
<b>Building Placement:</b> The massing and location of structures on individual parcels.	—	—	—	Buildings shall be designed with dual orientation to provide access and a public face to both the Escondido Creek frontage and side frontages
<b>Building Height:</b> The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building or structure to the top of the building or structure.	55-foot maximum	75-foot maximum	75-foot maximum	75-foot maximum

### 1.3.7 Development Potential

The development potential of the EVSP Area in Table 3, East Valley Specific Plan Development Potential by Land Use Type, estimates the potential growth by land use type through 2035. Table 3 also shows the difference between what is planned to be the EVSP buildout and the existing (2020) conditions. These assumptions are broad, planning-level estimates for potential future development based on the heights, intensities, and land uses that would be in the EVSP. The ultimate development potential is influenced by the Density Transfer Program.

**Table 3. East Valley Specific Plan Development Potential by Land Use Type**

Land Use Type	2035 EVSP Buildout	Existing Conditions (2020)	Difference
Residential	6,164 du	581 du	5,583 du
Multi-Family Residential	5,516 du	324 du	5,192 du
Office	657,786 sf	637,053 sf	+20,733 sf
Retail	1,025,801 sf	624,501 sf	+401,300 sf
Parks	25 acres	0 acre	+25 acres <sup>1</sup>
Community Services	123,084 sf	4,900 sf	+118,184 sf

**Source:** City of Escondido 2023.

**Notes:** du = dwelling units; EVSP = East Valley Specific Plan; sf = square feet

<sup>1</sup> The EVSP Land Use Plan allows for up to 25 acres of parkland and open space; however, it is estimated that only approximately 10 acres of parkland and open space would occur.

## **Section 2 Environmental Procedures**

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### **2.1 Lead Agency**

Pursuant to CEQA Guidelines section 15367, the City is the lead agency for preparing the environmental review required by CEQA. The environmental review prepared by the City will be used by the City Council regarding its decisions to certify the PEIR and approve the Project.

### **2.2 Environmental Impact Report**

Pursuant to CEQA Guidelines section 15080 et seq., the City prepared a PEIR to analyze the potential impacts of the Project on the environment. The Final PEIR contains the information required by CEQA Guidelines section 15132, including the Draft PEIR and the appendices to the Draft PEIR.

### **2.3 Public Participation**

Environmental review of the Project began on February 11, 2021, with the publication of the Notice of Preparation of the PEIR and a minimum 30-day public review period. The City held a public scoping meeting on March 2, 2021. The Notice of Preparation public comment period ended on March 12, 2021. The Draft PEIR was completed, and the Notice of Availability for public review was posted on March 30, 2023. A 45-day public review period for the Draft PEIR began on March 30, 2023, and ended on May 15, 2023. Two comment letters were received.

These comments and the City's responses to them are included in the Final PEIR as required by CEQA Guidelines sections 15088 and 15132. The Final PEIR, including revisions to the Draft PEIR in strikeout/underline format and the City's responses to comments, is complete. A public hearing concerning the certification of the Final PEIR will be held by City Council on July 19, 2023, at which time interested agencies, organizations, and individuals will be given an opportunity to comment on the Final PEIR and the Project.

### **2.4 Record of Proceedings**

For the purposes of CEQA and the Findings, as follows, the administrative record of the City's decision concerning certification of the Final PEIR for the Project includes the following:

- Draft PEIR (March 2023)
- Final PEIR (June 2023)
- Appendices to the Draft PEIR and the Final PEIR
- All documents and other materials listed as references or incorporated by reference in the Draft PEIR and Final PEIR, including but not limited to the materials identified in the Chapter 8, References, of the Draft PEIR

- All reports, applications, memoranda, maps, letters, and other documents prepared by the City's staff and consultants for the Project, which are before the City Council as determined by the County Clerk
- All notices issued by the City to comply with CEQA, the CEQA Guidelines, or any other law governing the processing and approval of the Project
- Mitigation Monitoring and Reporting Program for the Project
- All documents or other materials submitted by interested people and public agencies in connection with the Draft PEIR and the Final PEIR
- Minutes, recordings, and verbatim transcripts, if any, of the public hearing(s) concerning the Final PEIR and the Project
- All Findings and resolutions adopted by City Council in connection with the Project (including these Findings) and all documents cited or referred to therein
- Any documentary or other evidence submitted to the City at information sessions, public meetings, and public hearings concerning the Final PEIR and the Project
- Any other materials required to be in the record of proceedings by California Public Resources Code section 21167.6(e)
- Any other written materials relevant to the City's compliance with CEQA and its decision on the merits of the Project, including documents that have been released for public review and copies of reports, studies, or other documents relied on in any environmental documentation for the Project and either made available to the public during the public comment period or included in the City's files

The custodian of the documents and other materials composing the administrative record of the City's decision concerning certification of the Final PEIR is the City Clerk. The location of the administrative record is City of Escondido, 201 North Broadway Escondido, California 92025 (California Public Resources Code section 21081.6(a)(2)).



## Section 3 Findings Under CEQA

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### 3.1 Purpose

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

California Public Resources Code section 21002 is implemented, in part, through the requirement that agencies adopt written Findings before approving projects (California Public Resources Code section 21081; CEQA Guidelines section 15091). Specifically, CEQA requires the City to make written Findings of Fact for each significant environmental impact identified in the Final PEIR (CEQA Guidelines sections 15091, 21081).

In accordance with CEQA, the purpose of the Findings is to systematically restate the significant effects of the Project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Final PEIR that would avoid or substantially lessen the significant effects. These Findings set forth the reasons and evidence in support of the City’s determinations.

### 3.2 Terminology

A “Finding” is a written statement made by the City that explains how the City dealt with each significant impact and alternative identified in the Final PEIR. Each Finding contains a conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final PEIR, the City is required by CEQA Guidelines section 15091(a) to make a written Finding reaching one or more of the following conclusions:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A mitigation measure or an alternative is considered “feasible” if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (California Public Resources Code section 21061.1; CEQA Guidelines section 15364; see also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). “Feasibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

CEQA also requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and “substantially lessening” such an effect. Therefore, the City must glean the meaning of these terms from other contexts in which the terms are used. California Public Resources Code section 21081, on which CEQA Guidelines section 15091, is based, uses the term “mitigate” rather than “substantially lessen.” Therefore, the CEQA Guidelines equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (California Public Resources Code section 21002). For the purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible alternative, a public agency, after adopting proper Findings, may nevertheless approve the project if the agency adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects (CEQA Guidelines sections 15093 and 15043(b); California Public Resources Code section 21081(b)). The California Supreme Court has stated that “the wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576).

A Statement of Overriding Considerations is required for the approved Project because, despite implementation of all feasible mitigation measures, the Project as approved would have significant impacts on noise that could not be avoided or reduced to a less than significant level.

### **3.3 Legal Effect**

To the extent these Findings conclude that mitigation measures identified in the Final PEIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself and any other responsible parties to implement these mitigation measures. These Findings are not merely informational but constitute a binding set of obligations for the City and responsible parties, which will take effect if and when the City adopts a resolution certifying the Final PEIR and the City adopts resolutions approving the Project.

### **3.4 Mitigation Monitoring and Reporting Program**

In adopting these Findings, the City also adopts a Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code section 21081.6 and CEQA Guidelines section 15097. This program is designed to ensure that the Project complies with the feasible mitigation measures identified below during implementation of the Project. The program is set forth in the East Valley Specific Plan Mitigation Monitoring and Reporting Program, which is adopted by the City concurrently with these Findings, incorporated herein by reference, and included as Attachment 1 to these Findings.

### **3.5 Certification of the Final PEIR**

Pursuant to CEQA Guidelines section 15090, the City further finds and certifies that:

- The Final PEIR has been completed in compliance with CEQA.
- The Final PEIR has been presented to the City Council, which constitutes the decision-making body of the lead agency, and the City Council has reviewed and considered the information contained in the Final PEIR before approving the Project.
- The Final PEIR reflects the City's independent judgment and analysis.

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## Section 4 Findings Regarding Direct, Indirect, or Cumulative Significant or Potentially Significant Effects

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The Project would result in direct and indirect significant and potentially significant environmental effects regarding air quality, biological resources, cultural resources and Tribal Cultural Resources (TCRs), and noise. These significant environmental effects and the mitigation measures identified to avoid or substantially lessen them are discussed in detail in the Draft PEIR Section 3.2, Air Quality; Section 3.3, Biological Resources; Section 3.4, Cultural and Tribal Cultural Resources; and Section 3.6, Noise. A summary of significant impacts and mitigation measures for the Project is included in the Executive Summary of the Draft PEIR.

Below are the Findings regarding the potential direct, indirect, or cumulative significant environmental effects of the Project. The Findings incorporate by reference the discussion of potentially significant impacts and mitigation measures in the Final PEIR. The Final PEIR, which includes the Draft PEIR and appendices, is referred to below as the “PEIR.”

### 4.1 Air Quality

#### 4.1.1 Threshold 3: Sensitive Receptors

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Air Quality Threshold 3 related to the potential to expose sensitive receptors to substantial pollutant concentrations as a result of exposure to toxic air contaminants during project operation. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.2.4.3.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Air Quality Threshold 3 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impacts of the Project on Air Quality Threshold 3 are analyzed in PEIR Section 3.2.4.3. Impacts would result in exposure of sensitive receptors to substantial pollution concentrations if nearby future projects in the EVSP Area would release toxic air contaminants during project operation.

The potentially significant impact on Air Quality Threshold 3 would be mitigated by implementation of Mitigation Measures AIR-1. Mitigation Measure AIR-1 is set forth in full in Table ES-5, Summary of Environmental Impacts and Mitigation Measures, of the PEIR Executive Summary. Mitigation Measure AIR-1 would require that new sensitive receptors be screened for potential toxic air contaminants sources within 500 feet of the proposed sensitive receptor location. If a source of toxic air contaminants, such as dry-cleaning facilities, gas stations, commercial/drive-through facilities, or automotive repair shops, is identified within the applicable screening distance outline in the California Air Resources Board’s Air Quality and Land Use

Handbook, a Health Risk Assessment or equivalent health risk evaluation shall be prepared by a qualified air quality professional. The Health Risk Assessment would demonstrate that the Project would not pose a significant health risk to nearby sensitive receptors. If a potentially significant health risk is identified, the Health Risk Assessment shall identify appropriate measures, such as upgrading building ventilation systems, to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be sited in another location. Implementation of Mitigation Measures AIR-1 would reduce potential impacts associated with exposure of sensitive receptors to toxic air contaminants to a less than significant level.

## 4.2 Biological Resources

### 4.2.1 Threshold 1: Candidate, Sensitive, or Special-Status Species

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Biological Resources Threshold 1 associated with the construction of future development in the EVSP Area that could result in direct or indirect impacts to nesting birds and raptors. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.3.4.1.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Biological Resources Threshold 1 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impacts of the Project on Biological Resources Threshold 1 are analyzed in PEIR Section 3.3.4.1. Construction of future development projects in the EVSP Area would have the potential to result in direct and indirect physical impacts to nesting birds and raptors.

The potentially significant impacts on Biological Resources Threshold 1 would be mitigated by implementation of Mitigation Measures BIO-1. Mitigation Measure BIO-1 is set forth in full in Table ES-5 of the Executive Summary in the PEIR. Mitigation Measure BIO-1 requires pre-construction nesting bird surveys for projects in the EVSP Area that contain or are adjacent to mature trees or are within or adjacent to undeveloped land and/or open space in the EVSP Area and would remove trees or vegetation during the general bird nesting season (January 15 through September 15). If active nests of bird species covered by the Migratory Bird Treaty Act are detected in the EVSP Area during the pre-construction survey, construction activities shall stay outside a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. With implementation of Mitigation Measure BIO-1, impacts on nesting birds and raptors would be reduced to a less than significant level.

#### 4.2.2 Threshold 2: Riparian Habitat or Other Sensitive Natural Communities

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Biological Resources Threshold 2 associated with the construction of future development projects in the EVSP Area within or adjacent to Escondido Creek could result in potentially significant direct and indirect impacts to riparian habitat sensitive vegetation communities. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.3.4.2.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Biological Resources Threshold 2 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impact of the Project on Biological Resources Threshold 2 is analyzed in PEIR Section 3.3.4.2. Construction of future development projects in the EVSP Area would have the potential to result in direct and indirect impacts to riparian habitat and sensitive vegetation communities.

The potentially significant impacts on Biological Resources Threshold 2 would be mitigated by implementation of Mitigation Measures BIO-2 and BIO-3. Mitigation Measures BIO-2 and BIO-3 are set forth in full in Table ES-5 in the PEIR Executive Summary. Mitigation Measure BIO-2 requires the preparation of an aquatic resource delineation following the methods outlined in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual: Arid West Region for development within or adjacent to the Escondido Creek channel. The delineation would map the extent of wetlands and non-wetland waters, determine jurisdiction, and assess potential impacts. Mitigation Measure BIO-3 requires that future projects within or adjacent to Escondido Creek that have been determined through Mitigation Measure BIO-2 to have a significant impact to sensitive aquatic resources obtain required permits and authorizations from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and San Diego Regional Water Quality Control Board. The regulatory agency authorizations shall include impact avoidance and minimization measures and mitigation measures for unavoidable impacts. With implementation of Mitigation Measures BIO-2 and BIO-3, impacts on riparian habitat and sensitive vegetation communities would be reduced to a less than significant level.

#### 4.2.3 Threshold 3: Wetlands

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Biological Resources Threshold 3 associated with the construction of future development projects within or adjacent to Escondido Creek that may impact state or federal jurisdictional aquatic resources. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.3.4.3.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Biological Resources Threshold 3 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impact of the Project on Biological Resources Threshold 3 is analyzed in PEIR Section 3.3.4.3. Development of future projects would have the potential to result in direct impacts to state or federal jurisdictional aquatic resources within or adjacent to Escondido Creek.

The potentially significant impact on Biological Resources Threshold 3 would be mitigated by implementation of Mitigation Measures BIO-2 and BIO-3, which are set forth in full in Table ES-5 in the PEIR Executive Summary. Mitigation Measures BIO-2 and BIO-3 would be required as detailed above under Section 4.2.2, Threshold 2: Riparian Habitat or Other Sensitive Natural Communities. With implementation of Mitigation Measures BIO-2 and BIO-3, impacts on jurisdictional aquatic resources would be reduced to a less than significant level.

#### **4.2.4 Threshold 4: Native Resident or Migratory Fish or Wildlife Species**

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Biological Resources Threshold 4 associated with removal of trees or vegetation during construction that would result in direct and indirect impacts to nursery sites. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.3.4.4.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Biological Resources Threshold 4 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impact of the Project on Biological Resources Threshold 4 is analyzed in PEIR Section 3.3.4.4. Impacts would have the potential to result in direct and indirect impacts to nursery sites from removal of trees or vegetation during construction.

The potentially significant impacts on Biological Resources Threshold 4 would be mitigated by implementation of Mitigation Measure BIO-1, which is set forth in full in Table ES-5 in the PEIR Executive Summary. Mitigation Measure BIO-1 would be required as detailed above in Section 4.2.1, Threshold 1: Candidate, Sensitive, or Special-Status Species. With implementation of Mitigation Measure BIO-1, impacts on nursery sites would be reduced to a less than significant level.

### **4.3 Cultural and Tribal Cultural Resources**

#### **4.3.1 Threshold 1: Historic Built Environmental Resources**

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Cultural and Tribal Cultural Resources Threshold 1 associated with the physical demolition, destruction,



relocation, or alteration of a historic built environmental resource that may result from future development projects. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.4.4.1.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Cultural and Tribal Cultural Resource Threshold 1 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impact of the Project on Cultural and Tribal Cultural Resources Threshold 1 is analyzed in PEIR Section 3.4.4.1. An impact on Cultural and Tribal Cultural Resources Threshold 1 would occur if future development in the EVSP Area would result in the physical demolition, destruction, relocation, or alteration of a historic built environmental resource (Levels 1–2); therefore, the impact would be potentially significant.

Potentially significant impacts on Cultural and Tribal Cultural Resources Threshold 1 would be mitigated by implementation of Mitigation Measure CUL-1. Mitigation Measure CUL-1 is set forth in full in Table ES-5 in the PEIR Executive Summary. Mitigation Measure CUL-1 would require projects located in areas identified as Level 1 (red) sensitivity or Level 2 (orange) on the Sensitivity Map for Built Environment Cultural Resources in the EVSP Area (Figure 3) in the Cultural Resources Technical Report (PEIR Appendix D) be avoided or redesigned whenever possible. Where avoidance is not feasible, Mitigation Measures CUL-1 would require the preparation of a Historical Resources Assessment Report to assess impacts to individual resources and the district. If a historical resource is identified, the Historical Resources Assessment Report shall assess the potential impacts from the Project following the Secretary of the Interior’s Standards and CEQA Guidelines. Implementation of Mitigation Measure CUL-1 would reduce potential impacts associated with historic built environmental resources to a less than significant level.

#### 4.3.2 Threshold 2: Archaeological Resources

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Cultural and Tribal Cultural Resources Threshold 2 associated with future development construction activities in the EVSP Area that could result in the damage or destruction of previously unknown subsurface archaeological resources. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.4.4.2.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Cultural and Tribal Cultural Resources Threshold 2 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impact of the Project on Cultural and Tribal Cultural Resources Threshold 2 is analyzed in PEIR Section 3.4.4.2. An impact on Cultural and Tribal Cultural Resources Threshold 2 would occur if construction activities associated with future

development consistent with the EVSP goals and policies could damage or destroy previously unknown subsurface archaeological resources; therefore, impacts would be potentially significant.

Potentially significant impacts on Cultural and Tribal Cultural Resources Threshold 2 would be mitigated by implementation of Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, and CUL-10. Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, and CUL-10, which are set forth in full in Table ES-5 in the PEIR Executive Summary. Mitigation Measure CUL-2 would require archaeological evaluation. This includes the review of the future discretionary projects in the EVSP Area by the City of Escondido Planning Department to determine if a Cultural Resources Study is required prior to the issuance of a building permit. Site-specific archaeological surveys shall be conducted for the following types of projects: (1) projects in areas that have not been previously developed, or (2) projects that may impact built environment resources that meet the age threshold for eligibility. If potentially significant archaeological resources are identified during the Phase I or Phase II assessments and impacts on these resources cannot be avoided, then appropriate site-specific mitigation measures shall be established and undertaken. If significant resources are found, Mitigation Measure CUL-3 requires the retention of a qualified archaeologist and a Native American monitor associated with a Tribe that is traditionally and culturally affiliated with the project location implement a monitoring program for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever an archaeological site or a Native American Traditional Cultural Property within the project footprint would be impacted. Mitigation Measure CUL-4 would require monitoring of a qualified archaeological and Native American monitor during initial grubbing, site grading, excavation, or disturbance of the ground surface. Mitigation Measure CUL-5 shall provide the qualified archaeological and Native American monitors the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Mitigation Measure CUL-6 requires the qualified archaeological monitor and Native American monitor to notify the City of Escondido of any discovery identified during ground disturbance as outlined in Mitigation Measure CUL-5. The qualified archaeologist, in consultation with the City of Escondido, the traditionally and culturally affiliated Tribe, and the Native American monitor, shall determine the significance of the discovered resource. Mitigation Measure CUL-7 requires the avoidance and/or preservation of the significant Tribal Cultural Resource and/or unique archaeological resource. If avoidance and/or preservation measures are deemed to be infeasible by the City of Escondido, Mitigation Measure CUL-7 requires a research design and data recovery program to mitigate impacts be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the traditionally and culturally affiliated Tribe and the Native American monitor and shall be subject to approval by the City of Escondido. Mitigation Measure CUL-8 outlines the collection and treatment of any TCRs identified as part of Mitigation Measure CUL-7. Any TCRs collected by the qualified archaeologist shall be reburied on the project site. Should the

affiliated Tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. Mitigation Measure CUL-9 describes the process for the reburial of the resources on the project property. Mitigation Measure CUL-10 requires the preparation of monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusion of the archaeological monitoring program and any data recovery program on the project site, that shall be submitted by the qualified archaeologist to the City of Escondido.

With implementation of Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, and CUL-10, impacts on cultural and Tribal cultural archaeological resources would be reduced to a less than significant impact.

### 4.3.3 Threshold 3: Human Remains

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Cultural and Tribal Cultural Resources Threshold 3 from future development project construction activities, including excavation, which could disturb unknown human remains. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.4.4.3.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Cultural and Tribal Cultural Resources Threshold 3 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impact of the Project on Cultural and Tribal Cultural Resources Threshold 3 is analyzed in PEIR Section 3.4.4.3. An impact on Cultural and Tribal Cultural Resources Threshold 3 would occur if future development project construction activities would result in the disturbance of unknown human remains. Therefore, impacts would be potentially significant.

Potentially significant impacts on Cultural and Tribal Cultural Resources Threshold 3 would be mitigated by implementation of Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, CUL-10, and CUL-11, which are set forth in full in Table ES-5 in the PEIR Executive Summary. To reduce potential impacts on human remains from the construction activities, Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, and CUL-10 would be required, as detailed under Threshold 2. In addition, Mitigation Measure CUL-11 would require that construction activities be immediately halted in the event that human remains, possible human remains, and/or grave goods are encountered within 100 feet of the remains. The project proponent shall then inform the County Coroner and the City. If human remains are determined to be of Native American origin, the Applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (California Public Resources Code section 5097). The County Medical Examiner shall contact the Native American Heritage Commission to determine the most

likely descendant. The landowner shall discuss and confer with the most likely descendant regarding all reasonable options for treatment of human remains and any associated grave goods as provided in California Public Resources Code section 5097.98.

With implementation of Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, CUL-10, and CUL-11, impacts on human remains would be reduced to a less than significant level.

#### **4.3.4 Threshold 4: Tribal Cultural Resources**

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Cultural and Tribal Cultural Resources Threshold 4 associated with future development project grading and construction activities in undeveloped areas or redevelopment that requires more intensive soil excavation than in the past that could disturb TCRs. Detailed information and analysis regarding the potentially significant impact is provided in PEIR Section 3.4.4.4.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Cultural and Tribal Cultural Resources Threshold 4 as identified in the PEIR.

**Fact in Support of Finding:** The potentially significant impact of the Project on Cultural and Tribal Cultural Resources Threshold 4 is analyzed in PEIR Section 3.4.4.4. Impacts on Cultural and Tribal Cultural Resources Threshold 4 would result because of the potential disturbance to TCRs associated with future development project grading and construction activities.

Potentially significant impacts on Cultural and Tribal Cultural Resources Threshold 4 would be mitigated by implementation of Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, CUL-10, CUL-11, and CUL-12. These mitigation measures are set forth in full in Table ES-5 in the PEIR Executive Summary. Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, and CUL-10 would be required as detailed above under Cultural Resources and Tribal Cultural Resources Threshold 2. Mitigation Measure CUL-11 would be required as detailed above under Cultural Resources and Tribal Cultural Resources Threshold 3. Mitigation Measure CUL-12 would require any project with the potential to result in adverse impacts to TCRs to avoid and/or minimize impacts. Coordination and collaboration regarding the resources shall be completed with Tribes traditionally and culturally affiliated with the project location institutions, such as the South Coastal Information Center and the Native American Heritage Commission, including consultation as outlined in Senate Bill 18 and Assembly Bill 52. The resources shall be treated with culturally appropriate dignity, taking into account the Tribal cultural values and meaning of the resources. With implementation of Mitigation Measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, CUL-8, CUL-9, CUL-10, CUL-11, and CUL-12, impacts associated with TCRs would be reduced to a less than significant level.

## 4.4 Noise

### 4.4.1 Threshold 1: Exceedance of Noise Standards

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Noise Threshold 1 associated with the permanent increase in vehicle noise during project operation from an increase in vehicle trips on local roadways. Detailed information and analysis is provided in PEIR Section 3.6.4.1.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on noise identified as an impact on Noise Threshold 1 in the PEIR, and pursuant to CEQA Guidelines section 15091(a)(3), specific legal, economic, social, technological, or other considerations make other mitigation measures or project alternatives identified in the PEIR infeasible.

**Fact in Support of Finding:** The potentially significant impact of the Project on Noise Threshold 1 is analyzed in PEIR Section 3.6.4.1. Impacts on Noise Threshold 1 would result from permanent increases in vehicle noise. Implementation of the Project would result in a direct noise impact to two segments of Valley Parkway and one segment of Date Street. Mitigation measures that would fully reduce impacts to below a level of significance were considered including construction of noise barriers and implementation of a Citywide moratorium on building permits for projects that would result in a potentially significant increase in regional roadway noise for which no feasible mitigation is available. However, the City determined that these measures are infeasible for the following reasons. Noise barriers would potentially require installation of noise walls on private property, in a designated right-of-way, or otherwise outside the City's jurisdiction, which may not be allowed by a property owner or the jurisdiction in which the sound barrier would be located. The feasibility of noise walls is also restricted by access requirements for driveways, cross streets, underground utilities, other noise sources in the area, and safety considerations. Finally, construction of a noise barrier would potentially wall off existing neighborhoods or individual residences from the surrounding community, which could result in adverse impacts to aesthetics, land use, and public safety. For example, the impacted segments of Valley Parkway and Date Street include existing driveways and cross streets on both sides of the roadways that would reduce noise wall effectiveness. Additionally, noise walls on these segments would block existing residential and commercial entrances from street view, which could result in potential aesthetic and/or public safety impacts by reducing visibility and accessibility. A building permit moratorium along the Valley Parkway and Date Street segments would impede the City's ability to implement the EVSP because it would prohibit future development in areas identified for increased residential growth. It would also conflict with the Housing Element Update by limiting the City's ability to meet the housing needs of existing and future residents.

For the reasons listed above, mitigation measures are infeasible to reduce vehicle noise associated with the Project. The impact on permanent increases in vehicle noise is considered significant and unavoidable, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### **4.4.2 Threshold 2: Excessive Groundborne Vibration or Noise**

**Potentially Significant Impact:** The PEIR identifies a potentially significant impact on Noise Threshold 2 associated with the generation of excessive groundborne vibration levels during construction activities of future development within the EVSP Area. Detailed information and analysis is provided in PEIR Section 3.6.4.2.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on noise identified as an impact on Noise Threshold 2 in the PEIR, and pursuant to CEQA Guidelines section 15091(a)(3), specific legal, economic, social, technological, or other considerations make other mitigation measures or project alternatives identified in the PEIR infeasible.

**Fact in Support of Finding:** The potentially significant impact of the Project on Noise Threshold 2 is analyzed in PEIR Section 3.6.4.2. Impacts on Noise Threshold 2 would result from the exposure of people to or generation of excessive groundborne vibration or groundborne noise levels generated during construction activities of future development within the EVSP Area.

Potentially significant impacts on Noise Threshold 2 would be mitigated by implementation of Mitigation Measure NOI-1. Mitigation Measure NOI-1 is set forth in full in Table ES-5 in the Executive Summary in the PEIR. Mitigation Measure NOI-1 would require future development projects to demonstrate that vibration would not exceed the applicable Federal Transit Administration threshold (65 vibration decibels for vibration-sensitive land uses or 75 vibration decibels for other daytime land uses) or to identify best management practices to be implemented by the construction contractor to reduce vibration levels to below the applicable threshold. The best management practices may include but not be limited to the use of only properly maintained equipment with vibratory isolators, operation of equipment as far from sensitive receptors as possible, and use of rubber-tired vehicles as opposed to tracked vehicles. However, consistent with the conclusion of the certified 2012 General Plan Update, Downtown Specific Plan Update, and CAP PEIR (City of Escondido 2012), it cannot be demonstrated at this time that these best management practices would reduce all construction-related vibration impacts to a less than significant level. Therefore, impacts from groundborne vibration during construction of future projects consistent with the EVSP would be significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### 4.4.3 Cumulatively Considerable Exceedance of Noise Standards

**Potentially Significant Impact:** The PEIR identifies a potentially significant cumulative impact on noise associated with increases in traffic that would cumulatively increase traffic noise from the buildout of the Project in combination with future regional growth. Detailed information and analysis is provided in PEIR Section 3.6.5, Cumulative Impacts and Mitigation.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on cumulative traffic noise in the PEIR, and pursuant to CEQA Guidelines section 15091(a)(3), specific legal, economic, social, technological, or other considerations make other mitigation measures or project alternatives identified in the PEIR infeasible.

**Facts in Support of Findings:** The potentially significant cumulative impact of the Project on noise is analyzed in PEIR Section 3.6.5. Buildout of the EVSP, along with future regional growth, would result in increases in traffic that would cumulatively increase traffic noise. As mentioned in Threshold 1, Excessive Noise Levels, there are no feasible mitigation measures to lessen the impact. Therefore, the cumulative impact associated with traffic noise is considered significant and unavoidable, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

#### 4.4.4 Cumulatively Considerable Excessive Groundborne Vibration or Noise

**Potentially Significant Impact:** The PEIR identifies a potentially significant cumulative groundborne vibration impact due to cumulative construction projects occurring simultaneously. Detailed information and analysis is provided in PEIR Section 3.6.5.

**Finding:** Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on cumulative groundborne vibration in the PEIR, and pursuant to CEQA Guidelines section 15091(a)(3), specific legal, economic, social, technological, or other considerations make other mitigation measures or project alternatives identified in the PEIR infeasible.

**Facts in Support of Findings:** The potentially significant cumulative impact of the Project on noise is analyzed in PEIR Section 3.6.5. Groundborne vibration impacts could result from construction operations of future development within the EVSP Area. The potential exists for cumulative construction projects to result in combined construction impacts if occurring simultaneously. As mentioned in Threshold 2, Excessive Groundborne Vibration or Noise, it cannot be demonstrated at this time that these best management practices would reduce all construction-related vibration impacts to a less than significant level; therefore, the cumulative impact associated with groundborne vibration construction impacts is considered significant and unavoidable, and a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093 is required.

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## Section 5 Findings Regarding Project Alternatives

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In preparing and adopting Findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level below significance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its Findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the Findings concerning alternatives for the Project, the City considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project would result in some unavoidable, significant environmental impacts even after application of all feasible mitigation measures identified in a PEIR, the lead agency must evaluate the project alternatives identified in the PEIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the Project that could avoid or substantially lessen the unavoidable, significant environmental impacts. “Feasible” means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines section 15364).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to CEQA Guidelines section 15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the project. The lead agency must consider in detail only those alternatives that could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives (CEQA Guidelines section 15126.6(f)).

These Findings contrast and compare the alternatives where appropriate to demonstrate that the selection of the preferred alternative as the Project has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the City has examined the project objectives and weighed the ability of the various alternatives to meet the objectives. The objectives considered by the City are set forth in Section 1.2, Project Objectives, in this Findings and in PEIR Section 2.2, Project Objectives.

The PEIR examined a range of reasonable alternatives to determine whether they could meet the project objectives while avoiding or substantially lessening one or more of the Project’s significant impacts. These Findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the City considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social, and technological factors (CEQA Guidelines sections 15126(d)(5)(A) and 15364).

The PEIR analyzed three alternatives to the Project: (1) No Project/Existing 2012 General Plan Alternative, (2) Reduced Development Capacity Alternative, and (3) Reduced Retail/Office Alternative. Detailed information and analysis concerning these alternatives is in PEIR Chapter 6, Alternatives.

This section of the Findings summarizes these alternatives and their feasibility and effectiveness in avoiding or substantially lessening any of the significant impacts associated with the Project.

**a. Alternative 1: No Project/Existing 2012 General Plan Alternative**

Pursuant to CEQA Guidelines section 15126(e)(1), a No Project/Existing 2012 General Plan Alternative is addressed in the PEIR. The discussion of the No Project/Existing 2012 General Plan Alternative must examine the existing conditions and reasonably foreseeable future conditions that would exist if the Project is not approved (CEQA Guidelines section 15126.6(e)). The No Project/Existing 2012 General Plan Alternative is defined as a continuation of existing conditions and conditions that are reasonably expected to occur in the event that the Project is not implemented. The No Project/Existing 2012 General Plan Alternative would leave the existing Escondido General Plan land use map in place for the East Valley Parkway Target Area and would not accommodate the planned growth as anticipated in the Escondido General Plan for the EVSP Area.

Land uses would include Office and General Commercial with a Mixed-Use Overlay. Under the existing Escondido General Plan, the development capacity of the total East Valley Parkway Target Area includes 2,100 dwelling units and 8,328,596 square feet of non-residential development. The EVSP Area represents 58% of the East Valley Parkway Target Area as defined in the Escondido General Plan. Therefore, the development capacity of the No Project/Existing 2012 General Plan Alternative includes 1,218 dwelling units and 4,830,585 square feet of non-residential development compared to 6,164 dwelling units and 1,683,587 square feet of non-residential development for the Project.

However, similar to the Project, implementation of the No Project/Existing 2012 General Plan Alternative would still have the potential to expose land uses to noise levels in excess of noise compatibility guidelines during construction with the development of future land uses and has the potential to result in significant groundborne vibration impacts on sensitive land uses and historic buildings during construction activities because similar types of development are expected to occur. In addition, also similar to the Project, this alternative has the potential to increase vehicle noise as a result of future development and would result in the placement of new sensitive receptors in areas that would be exposed to vehicle noise levels in excess of the City's noise and land use compatibility standards. Mitigation measures identified for the Project would be required to reduce noise impacts associated with the No Project/Existing 2012 General Plan Alternative. Therefore, noise impacts under the No Project/Existing 2012 General Plan Alternative would be slightly reduced compared to those identified for the Project due to the overall reduction in new

development. However, impacts would still be significant and unavoidable after feasible mitigation is applied.

The City rejects the No Project/Existing 2012 General Plan Alternative as it would conflict with the Housing Element Update by limiting the City's ability to meet the housing needs of existing and future residents. Further, this alternative would not meet Project Objectives 1, 2, or 5 and would partially meet Project Objective 3. The Alternative would not create a self-contained land use pattern that offers a mix of compatible lands uses and quality landscaped community spaces (Project Objective 1) or enhance the quality of the City's housing stock that is environmentally mindful and equitable while preserving the physical character and pride of the EVSP Area because the number of dwelling units would be greatly reduced (Project Objective 2). In addition, the No Project/Existing 2012 General Plan Alternative would not provide the necessary area plan and zoning changes to implement the Escondido General Plan vision for the East Valley Parkway Target Area. The No Project/Existing 2012 General Plan Alternative partially meets Project Objective 3. The current Escondido General Plan land use plan does not provide a range of housing opportunities for all income groups and households. Finally, the No Project/Existing 2012 General Plan Alternative would not provide for robust economic activity in the EVSP Area because the square footage of commercial and retail development would be smaller compared to the square footage and development in the Project (Project Objective 5).

For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the City adopts the Statement of Overriding Considerations in Section 6 of this Findings document pursuant to CEQA Guidelines section 15093.

### **b. Alternative 2: Reduced Development Capacity Alternative**

The Reduced Development Capacity Alternative would concentrate Mixed-Use and General Commercial land uses east of the EVSP Area and away from East Valley Parkway compared to the Project. Urban III and Urban IV land uses would be concentrated along East Valley Parkway compared to the Mixed-Use designations in the Project. In addition, this alternative would incorporate the Urban III land use designation into the land use map, which is not part of the Project, and would not include the Urban V land use designation that the Project includes. The Urban III land use designation accommodates a wide range of housing types but only allows for 18 dwelling units per acre. In comparison, the Urban IV and V land use designations allow for a high density of units up to 30 units per acre. The reduced acres of Mixed-Use and Commercial land uses and the incorporation of the Urban III land use designation would reduce the overall development capacity of the EVSP Area.

Table 4, Comparison of Development Capacity of Reduced Development Capacity Alternative and East Valley Specific Plan, provides a summary of the development capacity under the Reduced Development Capacity Alternative compared to the Project. Compared to the Project, this

alternative would result in 1,914 fewer overall dwelling units and would reduce the amount of overall non-residential space by 381,781 square feet.

**Table 4. Comparison of Development Capacity of Reduced Development Capacity Alternative and East Valley Specific Plan**

Land Use Type	Reduced Development Capacity Alternative	2035 EVSP Buildout
Single Family Residential	511 du	648 du
Multi-Family Residential	3,739 du	5,516 du
<b>Total Residential Units</b>	<b>4,250 du</b>	<b>6,164 du</b>
Office Services	559,019 square feet	657,786 square feet
Retail	833,886 square feet	1,025,801 square feet
Parks	7.1 acres	25 acres
Community Services	31,985 square feet	123,084 square feet

**Source:** Rick Engineering 2021.

**Notes:** du = dwelling units; EVSP = East Valley Specific Plan

Furthermore, similar to the Project, the Reduced Development Capacity Alternative would include a Park Overlay Zone intended to integrate public parkland and outdoor spaces. However, compared to the Park Overlay Zone in the Project, the Park Overlay Zone in this alternative would be reduced and concentrated in different areas of the EVSP Area to facilitate more commercial and residential development. Similar to the Project, the Reduced Development Capacity Alternative would include the same proposed mobility network and development and design standards. However, building heights would be reduced due to the inclusion of the Urban III land use designation, which would allow for a lesser capacity of residential development.

The Reduced Development Capacity Alternative would result in fewer residential dwelling units and non-residential space, which would result in the reduction of average daily vehicle trips and vehicle noise compared to those identified under the Project. While the reduced vehicle noise attributed to the Reduced Development Capacity Alternative would reduce vehicle noise from future development, a permanent increase in vehicle noise would occur as a result of new development. Similar to the Project, it is unlikely that significant increases in noise level would be able to be reduced because project-level attenuation, such as noise barriers, window or other building upgrades, or changes to roadway design or speed, may not be available in all cases. Impacts related to permanent increases in vehicle noise levels would remain significant and unavoidable under this alternative, similar to those identified for the Project. In addition, similar to the Project, the Reduced Development Capacity Alternative has the potential to result in significant groundborne vibration impacts on sensitive land uses and historic buildings during construction activities because similar types of development and would remain significant and unavoidable.

The City rejects the Reduced Development Capacity Alternative because it would conflict with the Housing Element Update by limiting the City’s ability to meet the housing needs of existing

and future residents. Further, this alternative it would partially meet Project Objectives 1, 2, 3, and 4 and would not meet Project Objective 5. It would partially create a self-contained land use pattern that offers a mix of compatible land uses and quality landscaped community spaces (Project Objective 1), although not to the same degree as the Project because it would result in 1,914 fewer overall dwelling units and a reduction in non-residential space by 381,781 square feet. This alternative would partially enhance the quality of the City’s housing stock that is environmentally mindful and equitable while preserving the physical character and pride of the EVSP Area (Project Objective 2) but, with 1,914 fewer dwelling units, would not fully meet this objective. The Reduced Development Capacity Alternative would provide a range of housing opportunities for all income groups and households that supports all right-of-way users; however, it would result in 1,914 fewer overall dwelling units and would not fulfill this objective to the same degree as the Project (Project Objective 3). The Reduced Development Capacity Alternative would partially provide opportunities for private and public development with safe vehicular circulation connected to safe multimodal transportation, including sidewalks and bike lanes connected to reliable and timely transit options (Project Objective 4). However, it would not be to the same degree as the Project due to the reduced residential and non-residential development. The Reduced Development Capacity Alternative would not meet Project Objective 5 because it would not provide robust economic activity in the EVSP Area due to reduced development capacity. The Commercial and Mixed-Use land use designations under this alternative would be limited to the boundaries of the EVSP Area, and housing units would be focused along the major road corridors, reducing the amount of economic activity in the central portion of the EVSP Area.

For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the City adopts the Statement of Overriding Considerations in Section 6 of this Findings document pursuant to CEQA Guidelines section 15093.

### **c. Alternative 3: Reduced Retail/Office Alternative**

The Reduced Retail/Office Alternative would concentrate the General Commercial land uses in the eastern portion of EVSP Area. Mixed-Use land use designations would remain along East Valley Parkway and in the eastern portion of the EVSP Area. This alternative would incorporate the Urban III land use designation, which is not included in the Project, in the central part of the EVSP Area. Table 5, Comparison of Development Capacity of Reduced Retail/Office Alternative and East Valley Specific Plan, provides a summary of the development capacity under the Reduced Retail/Office Alternative compared to the development capacity in the Project. Compared to the Project, this alternative would result in 290 fewer dwelling units and would reduce the amount of non-residential space by 204,830 square feet.

**Table 5. Comparison of Development Capacity of Reduced Retail/Office Alternative and East Valley Specific Plan**

Land Use Type	Reduced Retail/Office Alternative	2035 EVSP Buildout
Single Family Residential	0 du	648 du
Multi-Family Residential	5,874 du	5,516 du
<b>Total Residential Units</b>	<b>5,874 du</b>	<b>6,164 du</b>
Office Services	631,968 square feet	657,786 square feet
Retail	937,888 square feet	1,025,801 square feet
Parks	0 acre	25 acres
Community Services	31,985 square feet	123,084 square feet

**Source:** Rick Engineering 2021.

**Notes:** du = dwelling units; EVSP = East Valley Specific Plan

The Reduced Retail/Office Alternative would not include a Park Overlay Zone and would not include recommended or priority areas for parks and public spaces to focus on various housing opportunities while leveraging the existing Escondido Creek Trail as the main source for parks/open space. The Reduced Retail/Office Alternative would include the same proposed mobility network and development and design standards as identified for the Project. However, building heights would be reduced due to the inclusion of the Urban III land use designation, which provides reduced capacity of residential development.

Compared to the Project, the Reduced Retail/Office Alternative would result in fewer overall dwelling units and non-residential space, which would result in a reduction in the ADT volumes and vehicle noise. However, the reduced vehicle noise attributed to the Reduced Retail/Office Alternative would not reduce vehicle noise from future development to a less than significant level. Similar to the Project, impacts related to increases in vehicle noise levels would be significant and unavoidable. In addition, similar to the Project, the Reduced Development Capacity Alternative has the potential to result in significant groundborne vibration impacts on sensitive land uses and historic buildings during construction activities because similar types of development and would remain significant and unavoidable.

The City rejects the Reduced Retail/Office Alternative because it would conflict with the Housing Element Update by limiting the City's ability to meet the housing needs of existing and future residents. Further, this alternative would partially meet Project Objectives 2, 4, and 5 and would not meet Project Objectives 1 and 3. It would not meet Project Objective 1 because, while it would create a self-contained land use pattern that offers a mix of compatible lands uses, it does not include the Park Overlay Zone, which would provide for public community landscaped spaces. The Reduced Retail/Office Alternative would partially enhance the quality of the City's housing stock that is environmentally mindful and equitable while preserving the physical character and pride of the EVSP Area (Project Objective 2), but with 290 fewer dwelling units, it would not fully meet this objective. Compared to the Project, the Reduced Retail/Office Alternative would not

provide a range of housing opportunities for all income groups by providing only multi-family dwelling units, which excludes single-family dwelling units (Project Objective 3). The Reduced Retail/Office Alternative would partially meet Project Objective 4 because the alternative would provide some opportunities for private and public development with safe vehicular circulation connected to safe multimodal transportation, including sidewalks and bike lanes connected to reliable and timely transit options. However, it would not be to the same degree as the Project because the alternative would provide 290 fewer dwelling units and 204,830 square feet less of non-residential development. Finally, the Reduced Retail/Office Alternative would partially meet Project Objective 5 because it would provide for economic activity in the EVSP Area through the incorporation of both Commercial and Mixed-Use land use designations, albeit with 204,830 square feet less of non-residential development.

For the potentially significant impacts that cannot be avoided or mitigated to a level below significance, the City adopts the Statement of Overriding Considerations in Section 6 of this Findings document pursuant to CEQA Guidelines section 15093.

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## Section 6 Statement of Overriding Considerations

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The Project would result in potentially significant, unavoidable direct and cumulative environmental impacts on the following areas, which is described in detail in PEIR Section 3.6, Noise:

- Excessive noise levels from permanent increase in vehicle noise
- Excessive groundborne vibration during project construction

The City has adopted all feasible mitigation measures regarding the significant, unavoidable environmental impacts. Although in some instances the mitigation measures may substantially lessen the unavoidable environmental impact, adoption of the mitigation measures would not fully avoid the impact. In addition, the City has analyzed a reasonable range of alternatives to the Project. Based on this analysis, the City has determined that none of these alternatives meet the objectives of the Project or are feasible and environmentally preferable to the Project as approved.

Therefore, pursuant to CEQA Guidelines sections 15043 and 15093, the City must adopt a Statement of Overriding Considerations to approve the Project. A Statement of Overriding Considerations allows a lead agency to determine that specific economic, social, or other expected benefits of a project outweigh its potential unavoidable, significant environmental risks. The City has weighed the benefits of the Project against its potentially significant environmental risks in determining whether to approve the Project.

Pursuant to CEQA Guidelines section 15093, the City hereby finds that the Project would have the following benefits and that each of the following benefits is sufficient on its own to justify adoption of the Project:

- The EVSP will provide for robust economic activity within the EVSP Area by increasing the range of services, retail shops, community facilities, public outdoor spaces, and other neighborhood amenities.
- The EVSP will enhance the quality of the City's housing stock that is environmentally mindful and equitable while preserving the physical character and pride of the EVSP Area.
- The EVSP will implement the City's Housing Element Update by providing housing opportunities to meet the needs of existing and future residents.
- The EVSP will provide a range of housing opportunities for people of all lifecycles and income levels.
- The EVSP will provide for an active open space network, attractive public spaces, connected paths, parkland, and open space for the EVSP Area, which will enhance the overall quality of life, community health, and wellness of the community.
- The EVSP will promote strong mobility connections throughout the EVSP Area, especially from the Escondido Creek Trail and adjacent neighborhoods to the commercial corridor along East Valley Parkway through the construction of public

improvements commensurate with the proposed development, including but not limited to bicycle facilities and amenities, enhanced sidewalks, street parkway landscaping, curb ramps, and closures of curb cuts.

## Section 7   **References**

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City of Escondido. 2012. Environmental Impact Report for the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan. Final. Vol. 1. PHG 09-0020, PHG 10-0016, SCH No. 2010071064. Prepared by Atkins. Adopted August 11. Accessed June 2023. <https://www.escondido.org/Volume-I-Draft-EIR.aspx>.

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**Attachment 1. Mitigation Monitoring and Reporting Program**

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