

## PLANNING COMMISSION

**Agenda Item No.:**  
**Date: October 22, 2013**

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** CLIMATE ACTION PLAN – PHG 09-0020 and ZONING CODE AMENDMENT – AZ 13-0003: – Environmental Quality Regulations (EQR)

**STAFF RECOMMENDATION:**

- 1) Approve the Escondido Climate Action Plan (E-CAP) involving the previously certified EIR and associated CEQA Findings of Significant Affect, Statement of Overriding Considerations, and Mitigation Monitoring Program, including the proposed CEQA Screening Tables for implementing E-CAP provisions.

The E-CAP is also online at:

<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/ClimateActionPlan/DraftClimateActionPlan.pdf>

The CEQA Screening Tables are also online at:

<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/ClimateActionPlan/CEQAThresholdsAndScreeningTables.pdf>

- 2) Approve an amendment to Zoning Code Article 47 “Environmental Quality Regulations” (EQR) (Refer to Attachment A) and Environmental Determination (Notice of Exemption)

**PROJECT DESCRIPTION:**

The City has prepared the Escondido Climate Action Plan (E-CAP) establishing goals and policies for reducing Greenhouse Gas (GHG) Emissions generated in the community in compliance with federal requirements and the state’s adopted AB 32 “California Global Warming Solutions Act.” The E-CAP contains implementing measures, sustainability features and strategies, including separate screening tables to assist developers in their efforts to reduce GHG emissions to 1990 levels by the year 2020 as mandated by law.

The request also includes an Amendment to Escondido Zoning Code Article 47 “Environmental Quality Regulations” (EQR) that implements the California Environmental Quality Act (CEQA) and State CEQA Guidelines. The modifications clarify procedures and modify significance criteria in concert with regional and industry standards, and establish thresholds for the preparation of CEQA exemptions, negative declarations and environmental impact reports.

## **BACKGROUND:**

### **Greenhouse Gas Emissions**

Greenhouse gases (GHGs) are a collection of atmospheric gases that trap heat similar to the effect of glass walls in a greenhouse. These gases, mainly water vapor, carbon dioxide, methane, nitrous oxide, ozone and chlorofluorocarbons (CFCs) all act as global insulators, reflecting infrared radiation back to earth. Human activities involving the burning of fossil fuels, such as generating electricity and driving internal combustion vehicles, emit these gases in the atmosphere. Because GHGs have variable heat-trapping properties, a common unit of measurement, the carbon dioxide equivalent (CO<sub>2</sub>e), is used to quantify different GHGs. For example, methane is a GHG that is 21 times more potent than carbon dioxide in its heat-trapping properties; therefore, one metric ton of methane is equal to 21 MT CO<sub>2</sub>e.

An individual project cannot generate enough GHG emissions to be considered a significant impact to the environment. The project participates in this potential impact by its incremental contribution combined with the cumulative increase of all other sources of GHG, which when taken together may have a significant effect on the environment. The largest contributors to GHG include vehicle emissions, electricity generation, natural gas combustion, landscaping equipment, transporting potable water, wastewater treatment, landfill equipment emissions, and construction. Legislation mandating increased vehicle and equipment fuel efficiencies, developing alternative energy sources (i.e. solar, wind, etc.) and conservation play an important role in reducing GHG emissions statewide, which also benefits Escondido.

Construction-related projects (i.e. residential, commercial, office, industrial, etc.) require compliance with State Title 24 energy efficiency standards. These construction practices include such features as thermal pane windows, enhanced ceiling, wall and ducting / piping insulation, energy efficient appliances, etc. Title 24 requirements are modified every three years incorporating stricter standards for energy efficiency. Incorporating these features in construction reduces the need to burn fossil fuels for generating electricity to meet a building's heating, cooling and operating requirements, thereby reducing GHG emissions.

### **Escondido Climate Action Plan (E-CAP)**

Assembly Bill 32 (AB 32) was passed by the state legislature in 2006 to address the state's requirement that all jurisdictions reduce their GHG emissions to 1990 levels by 2020, and 80 percent below 1990 levels by 2050. Escondido received Energy Efficiency Conservation Block Grant (EECBG) funding to prepare the E-CAP, and Atkins consulting firm was contracted by the city to prepare the plan in 2009 (refer to '*Final Climate Action Plan*' under separate cover). The E-CAP evaluates Escondido's GHG emissions, provides measures that new development projects must follow to meet the city's reductions target and provides an implementation, monitoring and update program to insure that the reduction target is met. The General Plan Update EIR (certified in 2012) included the ECAP in its analysis.

An initial step in crafting the E-CAP involved preparing a local GHG emissions inventory that identified and documented major sources of emissions affecting air quality within Escondido's boundaries. Results of that inventory formed the foundation for establishing the Climate Action Plan that will guide the city toward achieving its GHG reduction goals. Consistent with AB 32 provisions, the 1990 GHG emissions target was calculated as 15% less than 2005 GHG levels (the earliest GHG emissions recording). For Escondido, this totals 788,176 MT CO<sub>2</sub>e and provides a baseline for the city to measure future progress toward attaining the 2020 target.

After including updated GHG emission inventories, and factoring statewide GHG reduction measures and continued energy efficiencies in building construction, Escondido's GHG emissions projection for 2020 has been calculated as 992,583 MT CO<sub>2</sub>e. The difference between the 1990 and 2020 GHG emissions equals 204,406 MT CO<sub>2</sub>e, which represents Escondido's overall GHG emission reduction requirement by 2020.

### **Environmental Quality Regulations (EQR)**

The California Environmental Quality Act (CEQA) establishes environmental review requirements that are binding on all jurisdictions, and mandates the preparation of local implementation provisions commonly referred to as Environmental Quality Regulations (EQR). The City's EQR were adopted in the early 1980s and have been amended incrementally over the years in response to mandates for habitat preservation, congestion management, mitigation monitoring, General Plan Quality of Life Standards and General Plan environmental protection policies.

The EQR was comprehensively amended in 1994 to incorporate environmental significance thresholds as CEQA relies on local standards to evaluate levels of significance which can vary from jurisdiction to jurisdiction. The determination of levels of significance generally is based on compliance with a jurisdiction's General Plan Quality of Life Standards and environmental policies. The EQR also includes provisions that clarify Environmental Impact Report (EIR) and Mitigated Negative Declaration preparation threshold requirements, as well as when a Categorical or Statutory Exemption from CEQA may or may not be issued.

### **REASONS FOR STAFF RECOMMENDATION:**

1. **E-CAP** – The proposed Plan complies with state law and includes appropriate measures for reducing GHG emissions that will improve the health and safety of the community, consistent General Plan goals and policies. Reducing GHG emissions will be accomplished in coordination with the city's land use decisions including, but not limited to, 'smart growth' concepts, walkability, expanded transportation options, and energy efficient construction.
2. The proposed GHG thresholds are consistent with adopted County of San Diego standards. The screening tables' implementing measures and allows for maximum flexibility for projects to meet their reduction allocation, balancing the need to reduce emissions while maintaining a business-friendly environment that keeps Escondido competitive for development.
3. **EQR** – The proposed amendments would update thresholds requirements in conformance with regionally adopted standards. The standards also would achieve consistency between the City's Environmental Quality Standards and General Plan Quality of Life, and environmental protection policies and programs.

# ANALYSIS

## **A. ENVIRONMENTAL STATUS**

A Final Environmental Impact Report (EIR) for the comprehensive General Plan Update included analysis of the E-CAP and was certified in May 2012 (City Council Resolution 2012-53R). The CEQA Findings of Significant Effect, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program have been referenced in the E-CAP Resolution of adoption in order to be consistent with the General Plan Update Resolution. The Planning Commission does not need to re-certify the EIR.

The proposed modifications to the Environmental Quality Regulations are exempt from environmental review in conformance with the CEQA Section 15061(b)3 "General Rule." The proposal does not have the possibility to have a significant effect on the environment. Therefore, the project is exempt from CEQA.

## **B. PROJECT DISCUSSION / ANALYSIS**

### **Establishing GHG Emissions Thresholds**

The California Environmental Quality Act (CEQA) requires an assessment of environmental impacts associated with certain projects including the impacts of GHG emissions. There are currently no published statewide thresholds of significance for measuring the impact of GHG emissions generated by a proposed project. CEQA Guidelines Section 15064.7 indicates that, "each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects."

In establishing thresholds of significance for GHG emissions staff proposes to incorporate the County of San Diego's standards, which have been approved by the state. This would provide consistency between jurisdictions and ensure Escondido's competitiveness for development. In this approach, projects generating annual GHG emissions of 2,500 MT CO<sub>2</sub>e would trigger a significant environmental impact. A list of representative projects that generate 2,500 MT CO<sub>2</sub>e is provided in Exhibit 1 (next page). Projects less intense than those identified in Exhibit 1 are determined to annually generate less than 2,500 MT CO<sub>2</sub>e and therefore not considered to significantly impact GHG emissions.

### **Mitigating GHG Emissions**

The E-CAP includes a companion document: '*Greenhouse Gas Emissions CEQA Thresholds and Screening Tables*' (Screening Tables) that provides guidance in measuring the reduction of GHG emissions attributable to certain design and construction measures incorporated into development projects. Projects that exceed 2,500 MT CO<sub>2</sub>e in GHG emissions would be directed to the Screening Tables that include options for enhancing the design in order to reduce the GHG emissions below the 2,500 MT CO<sub>2</sub>e threshold. The Screening Tables include a menu of features that allow maximum flexibility and options for how development projects can implement the GHG reduction measures. Projects that garner at least 100 points will be consistent with the reduction quantities anticipated in the city's E-CAP and would be determined to have a less than significant individual and cumulative impact for GHG emissions.

## EXHIBIT 1

### Sample Project Sizes by Land Use Category that Generate 2,500 MT CO<sub>2</sub>e<sup>(1)</sup> per year

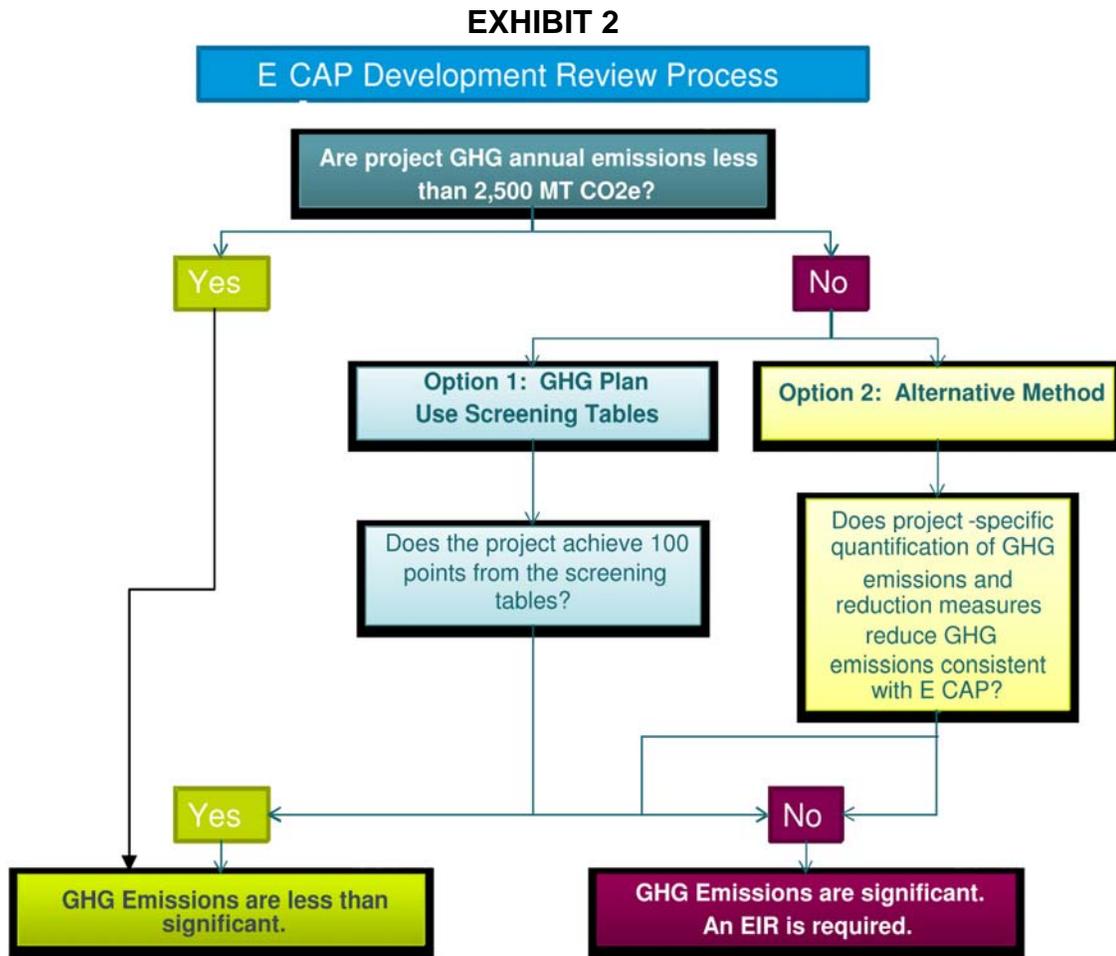
Project Type	Project Size
Single Family Residential	86 dwelling units
Low Rise Apartments	121 dwelling units
Mid-Rise Apartments	136 dwelling units
High-Rise Apartments	144 dwelling units
Condominiums or Townhouses	120 dwelling units
Retirement Community (age restricted)	112 dwelling units
Congregate Care (Assisted Living) Facility	239 dwelling units
Elementary or Middle School	91,000 square feet of interior area
High School	103,000 square feet of interior area
University or College	336 students
Library	81,000 square feet of interior area
Hospital/Medical Facility	47,000 square feet of interior area
General Office Space	61,000 square feet of interior area
Office Park	56,000 square feet of interior area
Retail Commercial Space (no refrigeration)	33,000 square feet of interior area
Retail Commercial Space (with refrigeration)	31,000 square feet of interior area
Supermarket / Grocery Space	32,000 square feet of interior area
Restaurants (sit down)	12,000 square feet of interior area
Fast-Food Restaurants	5,200 square feet of interior area
Convenience Store/Gas Station (24 hour)	2,000 square feet of interior area
Warehousing	141,000 square feet of interior area
Light Duty Manufacturing	74,000 square feet of interior area

<sup>(1)</sup> Based upon statistical analysis of projects run in the CalEEMod model.

The Screening Tables are intended to be a streamlined, flexible and easy-to-use tool to assist applicants in reducing their projects' GHG emissions in concert with the city efforts to meet state mandates. An additional benefit is that the Screening Tables provide the city with local control in its GHG emissions compliance efforts and can be modified to include other features and options as technology, innovation and best management practices change over time. Further, state and federal action would also result in changes that would influence the level of Escondido GHG emissions resulting in modifications to the Screening Tables.

Applicants proposing projects that exceed the 2,500 MT CO<sub>2</sub>e threshold, but choosing not to utilize the Screening Tables, would have the option of preparing an individualized GHG emission assessment incorporating alternative features for reducing emissions. If the assessment documents that GHG emissions can be reduced consistent with the E-CAP the project would be determined to have a less than significant individual and cumulative impact for GHG emissions.

Projects that cannot reduce their annual GHG emissions to less than 2,500 MT CO<sub>2</sub>e would be subject to an Environmental Impact Report with the City Council required to make overriding findings in order to approve the project. Exhibit 2 illustrates the E-CAP Development Review Process delineating the approach for projects to follow in their GHG reduction efforts.



**ZONING CODE ARTICAL 47 (EQR) AMENDMENTS:**

Section 33-924 (Coordination of CEQA, quality of life standards and growth management provisions) is intended to ensure consistency between the City’s thresholds of environmental significance and the Public Facilities Master Plans which implement the Growth Management Element of the General Plan. Specific threshold criteria is intended to clarify how facility deficiencies should affect CEQA determinations, and whether a negative or mitigated negative declaration may still be prepared in lieu of the more costly, time consuming and sometimes unnecessary Environmental Impact Report (EIR). The existing thresholds of significance are proposed to be modified/updated as indicated in the following categories:

### **Traffic / Circulation {Sec. 33-924.(a) (4)}**

The current traffic thresholds of significance would require the preparation of an Environmental Impact report if, after mitigation, a project caused a circulation element street to fall below the mid-range of Level-of-Service “D” or add more than 200 trips to a circulation element street below mid-range LOS “D” yet above LOS “F.” The current threshold criteria would be replaced with regionally adopted (and more conservative) standards based on San Diego Regional Traffic Engineers’ Council (SANTEC) criteria. SANTEC serves as SANDAGs technical advisory committee on regional traffic engineering matters, thus promoting uniformity and consistency in traffic impact studies and creating a region-wide standard for determining traffic impacts.

Individual review of projects still would occur to ensure that appropriate project related impacts are mitigated and necessary improvements incorporated. The updated criteria also would provide for more flexibility to address differing levels of service and improvement conditions along street segments and intersections without automatically requiring an Environmental Impact Report. These standards have been developed in conjunction with the City’s Engineering and Traffic Divisions, and also recommended for approval by the City’s Transportation Commission. The updated threshold criteria also would be consistent with the LOS objectives identified in the City’s General Plan Quality of Life Standards, Mobility and Infrastructure Element policies, as well as the Downtown Specific Planning Area (SPA 9) criteria which promotes LOS C, but acknowledges LOS D may be appropriate in limited circumstances, and allows an LOS E in the City’s downtown commercial core.

#### Proposed Language:

*After mitigation, the project does not exceed SANTEC thresholds for intersection/segments on a circulation element street with a service level of LOS E or F within certain specified areas of the Downtown Specific Planning Area, or LOS D, E or F elsewhere in the community.*

#### Deleted Language:

- A. ~~After mitigation, a project or combination of projects do not cause the level of service of a circulation element street to fall below the mid-range of level-of-service “D.”~~*
- B. ~~The project does not add more than two hundred (200) trips to a circulation element street with a service level below the mid-range of L.O.S. “D” yet above L.O.S. “F.”~~*

### **Air Quality {Sec. 33-924.(a) (6)}**

The City of Escondido has adopted quantitative air quality thresholds for determining if a project is required to prepare an EIR based on standards from the South Coast Air Quality Management District (SCAQMD). As proposed, modifications to the thresholds would incorporate the San Diego Air Pollution Control District (APCD) standards, which are more appropriate for the San Diego Air Basin and consistent with thresholds adopted by the County of San Diego and the City of San Diego. However, APCD does not include thresholds for emissions of Volatile Organic Compounds (VOCs), which constitutes an air pollutant of concern. As a result, VOC thresholds from the South Coast Air Quality Management District (SCAQMD) will be incorporated into the city’s thresholds, which is consistent with regional practice.

In addition, ordinance language regarding cumulative air quality impacts is proposed for deletion because the text does not constitute a threshold and the ordinance simply references compliance with CEQA, which is standard procedure.

Proposed Language:

The project does not individually generate air-quality impacts for fixed, mobile or construction sources within the general plan area by more than any of the following screening level thresholds per day after mitigation:

**Pounds per Day-Screening Level Thresholds**

<u>Respiratory Particulate Matter (PM10)</u>	<u>Fine Particulate Matter (PM2.5)</u>	<u>Oxides of Nitrogen (NOx)</u>	<u>Oxides of Sulfur (SOx)</u>	<u>Carbon Monoxide (CO)</u>	<u>Lead and Lead Compounds</u>	<u>Volatile Organic Compounds (VOCs)</u>
<b>100</b>	<b>55</b>	<b>250</b>	<b>250</b>	<b>550</b>	<b>3.2*</b>	<b>75** 55***</b>

\* Not applicable to construction

\*\* Threshold for construction per SCAQMD CEQA Air Quality Handbook

\*\*\* Threshold for operational per SCAQMD CEQA Air Quality Handbook

Deleted Language:

~~The project does not individually generate air quality impacts for fixed or mobile sources within the general plan area by more than any of the following amount per day:~~

<del>Carbon monoxide</del>	<del>550 lbs.</del>
<del>Reactive organic gases</del>	<del>55 lbs.</del>
<del>Oxides of nitrogen</del>	<del>55 lbs.</del>
<del>Fine particulate matter</del>	<del>150 lbs.</del>
<del>SOx</del>	<del>250 lbs.</del>
<del>Lead</del>	<del>3.2 lbs.</del>

~~If cumulative impacts are greater than the above thresholds, a technical study may be necessary to review the impacts on a case-by-case basis pursuant to 15130 of CEQA. Although the above standards constitute the threshold for preparing an environmental impact report, findings regarding the significance shall be based on the results of the EIR.~~

### **GHG Emissions {Sec. 33-924.(a) (7)}**

Modifications to Article 47 include adding thresholds for GHG emissions to implement the provisions and standards of the Climate Action Plan (as described previously in the staff report).

#### *Proposed Language:*

*Greenhouse Gas (GHG) emissions – In situations where a negative declaration is otherwise appropriate, the following incremental GHG emissions are generally not considered significant:*

- A. Projects that do not generate more than 2,500 metric tons (MT) of Carbon Dioxide equivalent (CO<sub>2</sub>e) greenhouse gas (GHG) emissions: or*
- B. Projects generating more than 2,500 MT CO<sub>2</sub>e that have achieved 100 points implementing reduction measures outlined in the Escondido Climate Action Plan (E-CAP) screening tables, adopted by separate Resolution; or*
- C. Projects generating more than 2,500 MT CO<sub>2</sub>e that demonstrate through a project specific analysis quantifying GHG emission can, through mitigation and design features, reduce GHG emissions consistent with the E-CAP.*

### **Exemption Procedures. {Sec. 33-922.(e)}**

Sections pertaining to exceptions from exempting a project from CEQA have been consolidated and reorganized in order to establish consistency with other portions of the ordinance. No substantive changes are proposed.

#### **OTHER AMENDMENTS PROPOSED:**

It its review of the ordinance, staff has made several minor edits and refinements to various sections of the document to incorporate current standards; maintain conformance with the General Plan; provide consistency throughout the document; and to simplify the text.



Jay Petrek  
Principal Planner

Jay Paul  
Associate Planner

# **Exhibit “A”**

## **FACTORS TO BE CONSIDERED PHG 09-0020 and AZ 13-0003**

### **E-CAP**

1. The proposed Plan complies with state law and includes appropriate measures for reducing GHG emissions that will improve the health and safety of the community, consistent General Plan goals and policies. Reducing GHG emissions will be accomplished in coordination with the city’s land use decisions including, but not limited to, ‘smart growth’ concepts, walkability, expanded transportation options, and energy efficient construction.
2. The proposed GHG thresholds are consistent with adopted County of San Diego standards. The screening tables’ implementing measures and allows for maximum flexibility for projects to meet their reduction allocation, balancing the need to reduce emissions while maintaining a business-friendly environment that keeps Escondido competitive for development.

### **EQR**

1. The California Environmental Quality Act (CEQA) establishes environmental review requirements that are binding on cities. However, CEQA affords some latitude in its implementation. The amendment to the City’s Environmental Quality Regulations (EQR) will clearly specify how the city implements these requirements/options.
2. The amendments to the Environmental Quality Regulations (EQR) will implement the California Environmental Quality Act (CEQA) and state CEQA Guideline for the City of Escondido by applying the provisions and procedures contained in CEQA to development projects proposed within the City of Escondido.
3. The amendment to the Environmental Quality Regulations will ensure consistency between the City’s thresholds of environmental significance and the Public Facilities Master Plans, which implements the Growth Management Element of the General Plan. The proposed amendments would update thresholds requirements in conformance with regionally adopted standards. The standards also would achieve consistency between the City’s Environmental Quality Standards and General Plan Quality of Life, and environmental protection policies and programs.

**Attachment A**  
**PROPOSED MODIFICATIONS**  
**Article 47**  
**Environmental Quality Regulations**  
(Draft 10-22-13)

Prior history: Zoning Code, Ch. 109, §§ 1090.00—1090.40 as amended by Ord. Nos. 89-3, 90-69 and 92-38.

**DIVISION 1. REGULATIONS**

**Sec. 33-920. Purpose.**

These environmental quality regulations (EQR) implement the California Environmental Quality Act (CEQA) and state CEQA Guidelines (guidelines) by applying the provisions and procedures contained in CEQA to development projects proposed within the City of Escondido. (Ord. No. 95-2, § 1, 2-15-95)

**Sec. 33-921. Incorporation of the California Environmental Quality Act and the CEQA Guidelines.**

The City of Escondido hereby adopts the California Environmental Quality (CEQA) Guidelines (Division 13 of the Public Resources Code of the State of California, Sec. 21000 et seq.) and the CEQA Guidelines (Sec. 15000 et seq.) as amended, by reference. Whenever any provisions of CEQA or the guidelines conflict with any provision of this chapter, CEQA and the guidelines shall supersede this chapter. (Ord. No. 95-2, § 1, 2-15-95)

**Sec. 33-922. Exemption procedures.**

The following sections implement Section 15300.4 of the CEQA Guidelines which requires the city to list those specific activities which fall within each of the following exempt classes:

(a) Ministerial projects. Pursuant to Section 15369 of the CEQA Guidelines, "ministerial projects" are those that involve little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. They involve the use of fixed standards or objective measurements. Projects in the city specifically deemed to be ministerial include all post-approval submittals in substantial conformance with the approval. Post-approval submittals include certified tentative subdivision maps, final maps, grading, landscape and improvement plans, CC and R's, and building plans. Other ministerial projects include final inspections, issuance of licenses, utility service connections and disconnections, city-ordered brush clearance of nonsensitive areas in accordance with City of Escondido procedures, and other similar actions for which no discretion exists that could create or avoid environmental impacts.

(b) Categorical exemptions. Pursuant to Section 15300 of the CEQA Guidelines, Categorical Exemptions are classes of projects determined not to have a significant effect on the environment and are therefore exempt. No clarifications or additions are necessary to Sections 15300 to ~~15329~~15333 other than to specify that Administrative Adjustments, within prescribed parameters, fall within Class 5, Section 15305 of the Guidelines.

(c) "General rule" exemptions. Section 15061(b)3 of the CEQA Guidelines provides that "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The following are specific actions considered not to have a significant effect pursuant to this provision:

- (1) Minor zone or Municipal Code amendments that do not involve physical modifications, or lead to physical improvements beyond those typically exempt, or which refine or clarify existing land use standards;
- (2) Projects that are not specifically listed as categorical or statutory exemptions but exhibit characteristics similar to one or more specific exemptions.

(d) Determination procedures. Initial determinations as to whether a statutory, categorical or general rule exemption is warranted are made by the staff planner before an application is deemed complete. Prior to project approval, the director or his/her designee shall prepare a notice of exemption form, which shall be placed in the appropriate case file and be available for public review. Prior to any final action, the notice of exemption shall be reviewed and certified by the appropriate decision makers as part of the approval action. Written findings supporting the determination on the environmental status and shall be considered prior to approval of the project and be included on the notice of exemption.

(e) Exceptions. Even though a project may otherwise be eligible for an exemption, no exemption shall apply ~~in the following circumstances:~~ **for grading and clearing activities, parcel maps, plot plans and all discretionary development projects otherwise exempt that would have a potential for significant effect on all or a portion of the site involving:**

- (1) Plant or animal species, which disturb, fragment or remove such areas defined by either the California Endangered Species Act (Fish and Game Code Sections 2050 et seq.), or the Federal Endangered Species Act (16 U.S.C. Section 15131 et seq.) as sensitive, rare, candidate, species of special concern, endangered, or threatened biological species or their habitat (specifically including coastal sage scrub habitat for the California Gnatcatcher),**
- (2) Archaeological or cultural resources from either historic or prehistoric periods,**
- (3) Stream courses designated on U.S. Geological Survey maps,**
- (4) Hazardous materials, unstable soils or other factors requiring special review.**

- ~~(1) Grading and clearing activities affecting sensitive plant or animal habitats, which disturb, fragment or remove such areas as defined by either the California Endangered Species Act (Fish and Game Code Sections 2050 et seq.), or the Federal Endangered Species Act (16 U.S.C. Section 15131 et seq.) sensitive, rare, candidate, species of special concern, endangered, or threatened biological species or their habitat (specifically including sage scrub habitat for the California Gnatcatcher) or archaeological or cultural resources from either historic or prehistoric periods;~~
- ~~(2) Parcel maps, plot plans and all discretionary development projects otherwise exempt but which affect sensitive, threatened or endangered biological species or their habitat (as defined above), archaeological or cultural resources from either historic or prehistoric periods, wetlands, streamcourses designated on U.S. Geological Survey maps, hazardous materials, unstable soils, or other factors requiring special review, on all or a portion of the site. (Ord. No. 95-2, § 1, 2-15-95)~~

**Sec. 33-923. Mitigation and reporting requirements.**

It is the intent of the city to ensure that all required mitigation measures to avoid potentially significant effects are effectively implemented and monitored throughout the project approval, permitting, construction process, as well as the lifespan of the project. In conjunction with the approval of each project, an individual program shall be developed and adopted, to ensure that each feature related to the mitigation measures to avoid a significant effect is specifically included in the conditions of approval, incorporated into the subsequent stages of development review and permitting process, monitored during construction, final inspection, as well as on an ongoing basis. The program may contain remedies to ensure compliance with the ongoing mitigation measures beyond final inspection. (Ord. No. 95-2, § 1, 2-15-95)

**Sec. 33-924. Coordination of CEQA, quality of life standards, and growth management provisions.**

The purpose of this section is to ensure consistency between the city's thresholds of environmental significance and the Citywide Public Facilities Master Plans which implements the growth management element of the General Plan. The city's General Plan contains quality of life standards that are to be considered in comprehensive planning efforts as well as individual project review. The degree to which a project, and the area in which it is located, conforms with the quality of life standards, is an issue in determining thresholds of significance. Notwithstanding the city's goal of providing adequate infrastructure concurrent with development, the Citywide Public Facilities Master Plans acknowledges that the concurrent provision of infrastructure cannot be provided in all cases, particularly in the short term. Instead, only critical infrastructure deficiencies affect the timing of development. The following criteria are intended to clarify how facility deficiencies should affect the following CEQA determinations.

(a) Negative and mitigated negative declarations. In situations where the preparation of a negative declaration is otherwise appropriate, yet quality of life standard deficiencies are found to exist, a negative declaration may still be prepared under the following circumstances, as applicable:

- (1) Facility deficiencies are of an interim nature in that a master plan has been adopted for the provision of the facilities, appropriate fees are charged to offset project impacts, or other measures are in place to address long-run impacts;
- (2) The project does not in itself, or in conjunction with other pending and approved projects, cause the number of units outside specified fire and emergency response times to exceed ten (10) percent of the total number of city units;
- (3) A project proposes less than two hundred (200) units, and the cumulative total of reasonably anticipated projects does not exceed a total of one thousand (1,000) units where such police service beat is experiencing, or is likely to experience, unacceptable service times;
- ~~(D) After mitigation, a project or combination of projects do not cause the level of service of a circulation element street to fall below the mid-range of level of service "D".~~
- ~~(E) The project does not add more than two hundred (200) trips to a circulation element street with a service level below the mid-range of L.O.S. "D" yet above L.O.S. "F."~~
- (4) After mitigation, the project does not exceed SANTEC thresholds for intersections/segments with a service level of LOS E or F within certain specified areas of the Downtown Specific Planning Area, or LOS D, E or F elsewhere in the community.**
- (F5) Adequate sewer, water and drainage facilities for the area can be provided to the satisfaction of the city engineer in accordance with adopted master plans;**
- ~~(G)(i) The project does not individually generate air quality impacts for fixed or mobile sources within the general plan area by more than any of the following amount per day:~~

Carbon monoxide	550 lbs.
Reactive organic gases	55 lbs
Oxides of nitrogen	55 lbs
Fine particulate matter	150 lbs
SOx	250 lbs
Lead	3.2 lbs
- (6) After mitigation, the project does not individually generate air-quality impacts for fixed, mobile or construction sources within the general plan area by more than any of the following thresholds per day:**

**Pounds per Day Thresholds**

<u>Respiratory Particulate Matter (PM10)</u>	<u>Fine Particulate Matter (PM2.5)</u>	<u>Oxides of Nitrogen (NOx)</u>	<u>Oxides of Sulfur (Sox)</u>	<u>Carbon Monoxide (CO)</u>	<u>Lead and Lead Compounds</u>	<u>Volatile Organic Compounds (VOCs)</u>
<u>100</u>	<u>55</u>	<u>250</u>	<u>250</u>	<u>550</u>	<u>3.2*</u>	<u>75**</u> <u>55***</u>

\* Not applicable to Construction

\*\* Threshold for construction per SCAQMD CEQA Air Quality Handbook

\*\*\* Threshold for operational per SCAQMD CEQA Air Quality Handbook

~~(A) If cumulative impacts are greater than the above thresholds, a technical study may be necessary to review the impacts on a case by case basis pursuant to Section 15130 of CEQA. Although the above standards constitute the threshold for preparing an environmental impact report, findings regarding the significance shall be based on the results of the EIR.~~

(A) Standby, diesel generators in conformance with Zoning Code Section 33-1122 are exempt from the above requirement for daily emissions of oxides of nitrogen.

**(7) Greenhouse Gas (GHG) emissions. In situations where a negative declaration is otherwise appropriate, the following incremental GHG emissions are generally not considered significant:**

**(A) Projects that do not generate more than 2,500 metric tons (MT) of Carbon Dioxide equivalent (CO<sub>2</sub>e) greenhouse gas (GHG) emissions; or,**

**(B) Projects generating more than 2,500 MT CO<sub>2</sub>e that have achieved 100 points implementing reduction measures outlined in the Escondido Climate Action Plan (E-CAP) screening tables, adopted by separate Resolution; or,**

**(C) Projects generating more than 2,500 MT CO<sub>2</sub>e that demonstrate through a project specific analysis quantifying GHG emissions that through mitigation and design features, the project reduces GHG emissions consistent with the E-CAP.**

**(28) Noise impacts of circulation element street widenings. In situations where a negative declaration is otherwise appropriate, the following incremental noise increases are generally not considered significant:**

(A) Short- or long-term increases, regardless of the extent, that do not result in noise increases in excess of General Plan standards;

(B) Short- or long-term increases that result in a three (3) DbA or less incremental increase in noise beyond the General Plan's noise standards.

**(39) Demolition or Removal of Historic Resources. Demolition of an historic resource would be considered significant if:**

~~(A) Demolition of an historic resource would be considered significant if:~~

- ~~(iA) Structures are determined to be a unique or rare example of an architectural design, detail, historical type or method of construction in the community representing an example of a master (a figure of generally recognized greatness in a field, or a known craftsman of consummate skill), possessing high artistic value, embodying the distinctive characteristics of a types period or method of construction referring to the way in which a property was conceived, designed or fabricated in past periods of history in Escondido, and containing enough of those characteristics to be considered a true representative of a particular type, period, or method of construction;~~
- ~~(iiB) Structures located within an historic district and the relationship with other structures in the vicinity contributes to the unique character and quality of the streetscape and/or district;~~
- ~~(iiiC) Structures involving the site of a locally historic person (or event) whose activities were demonstrably important within the context of Escondido, and is generally restricted to those properties that illustrate (rather than commemorate) important achievements that are directly associated with the subject property and reflect the time period;~~
- ~~(ivD) Structures listed with, or eligible for listing with the State or National Register;~~
- ~~(vE) Pursuant to CEQA Section 15300.2(f) a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historic resource, since a project that is ordinarily insignificant in its impact to the environment in a particularly sensitive environment may be significant.~~

(b) Environmental Impact Reports. Where deficiencies exist relative to the city's quality of life standards, and the extent of the deficiency exceeds the levels identified in subsection (a) of this section, an environmental impact report shall be prepared. (Ord. No. 95-2, § 1, 2-15-95; Ord. No. 2001-18, § 4, 7-25-01; Ord. No. 2002-10, § 5, 4-10-02; Ord. No. 2003-36, § 4, 12-3-03)

**Sec. 33-925. City responsibility for environmental documentations and determinations.**

(a) The city shall have responsibility and control over the form, scope and content of all documents comprising the environmental assessment of a project. All reports, studies or other documents prepared by or under the direction of an applicant, intended for inclusion in the environmental documents, shall be clearly identified as proponents environmental assessment (PEA), and shall set forth in detail the assumptions and methodologies supporting any conclusions reached or upon which any recommendations may be based.

(b) The city, at its sole discretion, may decide to utilize the services of a private consulting firm to prepare or review all studies, reports and other documents required or permitted by the guidelines, including those submitted by the proponent or any other party. In all cases, the consultant shall enter into a contract with and shall be responsible directly to the city. All services shall be performed to the satisfaction of the director of planning and building, or his/her designee.

(c) All costs incurred in the preparation of the environmental documents, including the cost of services performed under subsection (b) of this section, shall be borne by the proponent. (Ord. No. 952, § 1, 2-15-95)

**Sec. 33-926. Enhanced CEQA review for projects subject to congestion management program requirements.**

Unless otherwise exempt from state law, development proposals or other discretionary planning actions which are expected to generate either an equivalent of two thousand four hundred (2,400) or more average daily trips (ADT) or two hundred (200) or more peak hour vehicle trips shall include as part of the enhanced CEQA review the following information:

(a) A traffic analysis to determine the project's impact on the regional transportation system. The regional transportation system includes all the state highway system (freeways and conventional state highways) and the regional arterial system identified in SANDAG's (San Diego Association of Governments) most recent regional transportation plan (RTP). The regional transportation system includes all of the designated congestion management program (CMP) system.

(b) The traffic analysis shall be made using the ~~TRANPLAN~~ computer traffic model approved by SANDAG for congestion management program traffic analysis purposes. The traffic analysis shall also use SANDAG's most recent regional growth forecasts as the basic population and land use database.

(c) The traffic analysis should acknowledge that standard trip generation estimates may be overstated when a project is designated using transit-oriented development design principles. Trip generation reductions should be considered for factors such as focused development intensity within walking distance to a transit station, introduction of residential units into employment centers, aggressive transportation demand management programs, and site design and street layouts which promote pedestrian activities.

(d) The project analysis shall include an estimate of the costs associated with mitigating the project's impacts to the regional transportation system. The estimates of any costs associated with the mitigation of interregional travel (both trips end outside the county) shall not be attributed to the project. Credit shall be provided to the project for public and private contributions to improvements to the regional transportation system. The city shall be responsible for approving any such credit to be applied to a project. The credit may be in any manner approved by the city including donated/dedicated right-of-way, interim or final construction, impact fee programs and/or money contributions. Monetary contributions may include public transit, ride sharing, trip reduction program support, and air quality transportation control measure funding support. (Ord. No. 95-2, § 1, 2-15-95)

**Sec. 33-927. Public noticing of negative declarations and mitigated negative declarations.**

In conformance with Article 6 of CEQA (Negative Declaration Process, section 15072), a notice of intent to adopt a negative declaration or mitigated negative declaration shall be mailed to the last known name of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by the following procedures to allow the public the review period provided under CEQA section 15105:

(a) Publication at least one (1) time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. If more than one (1) area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(b) Direct mailing to the owners of property within a five hundred (500) foot radius of the exterior boundaries of the project as shown on the latest equalized assessment roll, except as provided in California Government Code section 65091(a)(3), or as subsequently amended. (Ord. No. 99-15-R, § 4 Exh. C, 6-9-99)

**Secs. 33-928.1—33-929. Reserved.**

*Editor's note*—Ord. No. 2007-12, § 5, adopted May 9, 2007, repealed Ch. 33, Art. 47, Div. 2, §§ 33-928.1—33-929, pertaining to the environmental advisory board, which derived from Ord. No. 2003-25, § 1, adopted July 30, 2003; and Ord. No. 2005-05, § 11, adopted October 26, 2005.