



MAY 1, 2019
CITY COUNCIL CHAMBERS
3:30 P.M. Closed Session; 4:30 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Paul McNamara
DEPUTY MAYOR	Consuelo Martinez
COUNCIL MEMBERS	Olga Diaz John Masson Michael Morasco
CITY MANAGER	Jeffrey Epp
CITY CLERK	Zack Beck
CITY ATTORNEY	Michael McGuinness
DIRECTOR OF COMMUNITY DEVELOPMENT	Bill Martin
DIRECTOR OF ENGINEERING SERVICES	Julie Procopio

ELECTRONIC MEDIA:

Electronic media which members of the public wish to be used during any public comment period should be submitted to the City Clerk's Office at least 24 hours prior to the Council meeting at which it is to be shown.

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

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

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



Council Meeting Agenda

**May 1, 2019
3:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Martinez, Masson, Morasco, McNamara

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

- I. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
 - a. **Case Name:** Karina Alexander v. Ryan Alderman, et al.
Case No: 37-2018-00025690-CU-PA-NC

- II. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))**
 - a. One Matter

- III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
 - a. **Property:** 3450 East Valley Parkway (APN 225-141-34)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: San Diego Humane Society
Under Negotiation: Lease Terms

ADJOURNMENT



Council Meeting Agenda

**May 1, 2019
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

FLAG SALUTE

ROLL CALL: Diaz, Martinez, Masson, Morasco, McNamara

PRESENTATIONS: National Association of Letter Carriers Food Drive
Unite North County Inland
Volunteer Appreciation and Recognition

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)

2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)

Request the City Council approve the City Council, Successor Agency, and Housing Successor Agency warrant numbers:

- 329277 – 329481 dated April 3, 2019
- 329482 – 329639 dated April 10, 2019
- 329640 – 329928 dated April 17, 2019

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

3. APPROVAL OF MINUTES: A) Regular Meeting of April 3, 2019 B) Regular Meeting of April 10, 2019

4. FINANCIAL REPORT FOR QUARTER ENDED MARCH 31, 2019 AND BUDGET ADJUSTMENT -
Request the City Council receive and file the Third Quarter Financial Report for Fiscal Year 2018/19 and approve the budget adjustment.

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

5. AUTHORIZATION OF CONTINUED ABSENCE OF COUNCILMEMBER JOHN MASSON -

Request the City Council explicitly issue its permission for the past and continued absence of Councilmember John Masson due to medical reasons through June 29, 2019.

Staff Recommendation: **Approval (City Clerk's Office: Zack Beck)**

6. EXCLUSIVE NEGOTIATING AGREEMENT WITH MERIDIAN PROPERTIES FOR POTENTIAL PURCHASE AND DEVELOPMENT OF 455 AND 525 NORTH QUINCE STREET -

Request the City Council approve authorizing the City Manager to execute the proposed exclusive negotiating agreement between the City of Escondido and Meridian Properties to explore the potential sale and development of City-owned properties located at 455 North Quince Street and 525 North Quince Street.

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

7. LEASE WITH ESCONDIDO COMMUNITY CHILD DEVELOPMENT CENTER -

Request the City Council approve a Lease Agreement with the Escondido Community Child Development Center on City-owned property located at 613 E. Lincoln Avenue and identified as Assessor Parcel Number (APN) 229-160-54 and a portion of 229-160-53.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2019-67

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

PUBLIC HEARINGS

8. **PUBLIC HEARING FOR THE CITY OF ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT ZONES 1 THROUGH 38 -**

Request the City Council receive input from the property owners in Zones 1 through 38 of the City of Escondido Landscape Maintenance Assessment District (LMD) on the proposed budget and assessments for Fiscal Year 2019/2020. No Council action is required.

Staff Recommendation: **Receive Public Input (Engineering Services Department: Julie Procopio)**

9. **AMENDMENT TO DOWNTOWN SPECIFIC PLAN - DENSITY TRANSFER PROGRAM (PHG 17-0024 and ENV 19-0004) -**

Request the City Council approve amending the Downtown Specific Plan (DSP) to allow property owners to transfer density from undeveloped or underutilized properties to developing properties in the DSP; adopt an addendum to the previously certified Environmental Impact report for the 2012 General Plan Update, Downtown Specific Plan Update, and Climate Action Plan Program EIR (Final EIR) in conformance with the California Environmental Quality Act (CEQA); and approve establishing the purpose, administration, and benefits of the Density Transfer Program.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

A) RESOLUTION NO. 2019-69 B) ORDINANCE NO. 2019-06 (First Reading and Introduction)

FUTURE AGENDA

10. **FUTURE AGENDA -**

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- [WEEKLY ACTIVITY REPORT -](#)

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
May 8	Wednesday	3:30 & 4:30 PM	Regular Meeting	Council Chambers
May 15	Wednesday	5:00 & 6:00 PM	Regular Meeting	Council Chambers
May 22	Wednesday	5:00 & 6:00 PM	Regular Meeting	Council Chambers
May 29	-	-	No Meeting	-

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications." Please complete a Speaker's form as noted above.

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

Handouts for the City Council should be given to the City Clerk. To address the Council, use the podium in the center of the Chambers, STATE YOUR NAME FOR THE RECORD and speak directly into the microphone.

AGENDA, STAFF REPORTS AND BACK-UP MATERIALS ARE AVAILABLE:

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING: Any supplemental writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

Please turn off all cellular phones and pagers while the meeting is in session.

**The City Council is scheduled to meet the first four Wednesdays
of the month at 5:00 in Closed Session and 6:00 in Open Session.
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Successor Agency to the CDC, Escondido Joint Powers
Financing Authority and the Mobilehome Rent Review Board.**

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.



AFFIDAVITS

OF

ITEM

POSTING



CITY COUNCIL STAFF REPORT

Consent Item No. 2

May 1, 2019

File No. 0400-40

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

Request approval for City Council, Successor Agency and Housing Successor Agency warrant numbers:

329277 – 329481 dated April 3, 2019

329482 – 329639 dated April 10, 2019

329640 – 329928 dated April 17, 2019

FISCAL ANALYSIS:

The total amount of the warrants for the following periods are as follows:

March 28 – April 3, 2019, is \$1,627,458.75

April 4 – 10, 2019, is \$1,094,855.98

April 11 – 17, 2019, is \$2,791,459.28

BACKGROUND:

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.

CITY OF ESCONDIDO
April 3, 2019
3:30 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, April 3, 2019 in the City Council Chambers at City Hall with Mayor McNamara presiding.

ATTENDANCE:

The following members were present: Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Absent: Councilmember Olga Diaz and Councilmember John Masson. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Morasco to recess to Closed Session. Ayes: Martinez, Morasco, McNamara. Noes: None. Absent: Diaz, Masson. Motion carried.

I. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))

- a. City of Escondido v. General Reinsurance Corp.; Genesis Management & Insurance Services Corp.

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 613 East Lincoln Avenue (APN 229-160-54)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Escondido Community Child Development Center
Under Negotiation: Lease Terms
- b. **Property:** 455 North Quince Street (APN 232-091-27-00)
525 North Quince Street (APN 232-091-06-00)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Meridian Properties Real Estate, Inc.
Under Negotiation: Price and Terms of Agreement

- c. **Property:** 480 North Spruce Street (APN 232-091-28-00)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: The Broken Token, LLC
Under Negotiation: Lease Price and Terms of Agreement

- d. **Property:** 3450 East Valley Parkway (APN 225-141-34)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: San Diego Humane Society
Under Negotiation: Lease Terms

ITEM II. a. WAS NOT DISCUSSED.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 4:10 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO
April 3, 2019
4:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, April 3, 2019 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk, led the Moment of Reflection.

FLAG SALUTE

Mayor McNamara led the flag salute.

ATTENDANCE:

The following members were present: Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Absent: Councilmember Olga Diaz and Councilmember John Masson. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; Zack Beck, City Clerk; and Jennifer Ekblad, Deputy City Clerk.

PROCLAMATIONS

Patricia Zeigler Lopez from Legal Aid Society of San Diego accepted the proclamation for Fair Housing Month.

Brian Head, Principal at Escondido Adult School, accepted the proclamation for Adult Education Week - April 8-12, 2019.

ORAL COMMUNICATIONS

Gillian Larson, Temecula, invited Council to participate in the Reality Rally and shared a video regarding the event.

Arthur Devine, Escondido, shared concerns regarding traffic congestion issues in Escondido.

CONSENT CALENDAR

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to approve all Consent Calendar items with the exception of item 7. Ayes: Martinez, Morasco, McNamara. Noes: None. Absent: Diaz, Masson. Motion carried.

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**

2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
Request the City Council approve the City Council, Successor Agency, and Housing Successor Agency warrant numbers: (File No. 0400-40)

- 328623 – 328732 dated March 13, 2019
- 328733 – 329019 dated March 20, 2019

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

3. **APPROVAL OF MINUTES: Special Meeting of March 13, 2019**

4. **RESOLUTION AUTHORIZING AN APPLICATION FOR CALIFORNIA IBANK FINANCING FOR THE LINDLEY RESERVOIR TANK REPLACEMENT PROJECT -**

Request the City Council approve authorizing the Director of Utilities to submit an application to the California Infrastructure and Economic Development Bank (IBank) requesting \$15 million in financing for the Lindley Reservoir Tank Replacement Project. The resolution authorizes the Director of Utilities to submit an application for a financing agreement with IBank, declares the City's intent to reimburse IBank, and approves certain related matters to the financing application. (File No. 0800-40)

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2019-47

5. **CONSULTING AGREEMENT FOR UPDATE OF THE PAVEMENT MANAGEMENT PROGRAM -**

Request the City Council approve authorizing the Mayor and City Clerk to execute a Consulting Agreement with IMS Infrastructure Management Services, LLC in the amount of \$146,370 to update the City's Pavement Management Program database. (File No. 0600-10 [A-3293])

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2019-49

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

6. **MASTER AND PRECISE DEVELOPMENT PLAN AND GRADING EXEMPTION FOR GRAND AVENUE APARTMENTS, 1316 EAST GRAND AVENUE (PHG 17-0019) -**

Approved on March 20, 2019 with a vote of 4/0/1, Masson absent (File No. 0800-10)

ORDINANCE NO. 2019-02 (Second Reading and Adoption)

7. **AMENDMENT TO CHAPTER 2 OF THE ESCONDIDO MUNICIPAL CODE TO MOVE THE CLOSED SESSION MEETING AND REGULAR CITY COUNCIL MEETING TIMES -**

Approved on March 20, 2019 with a vote of 3/1/1, Morasco voting no, Masson absent (File No. 0680-10)

ORDINANCE NO. 2019-05 (Second Reading and Adoption)

THIS ITEM WAS CONTINUED TO APRIL 10, 2019.

CURRENT BUSINESS

8. **AWARD PURCHASES AND APPROVE THE DISPOSAL OF SURPLUS VEHICLES -**

Request the City Council approve authorizing the purchase of twelve (12) vehicles with a total purchase amount of \$933,630.44 and the disposal of twelve (12) vehicles being replaced by the purchase. (File No. 0470-25, 0470-65)

Staff Recommendation: **Approval (Public Works Department: Joseph Goulart)**

RESOLUTION NO. 2019-41

Joseph Goulart, Director of Public Works, and Jeremiah Jennings, Fleet Maintenance Superintendent, presented the staff report utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to approve authorizing the purchase of twelve (12) vehicles with a total purchase amount of \$933,630.44 and the disposal of twelve (12) vehicles being replaced by the purchase and adopt Resolution No. 2019-41. Ayes: Martinez, Morasco, McNamara. Noes: None. Absent: Diaz, Masson. Motion carried.

9. **NORTH COUNTY TRANSIT DISTRICT BUS STOP MEMORANDUM OF UNDERSTANDING -**

Request the City Council approve authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with North County Transit District regarding the maintenance and cleaning of bus stops. (File No. 0600-10 [A-3291])

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio and Public Works Department: Joseph Goulart)**

RESOLUTION NO. 2019-35

Joseph Goulart, Director of Public Works, presented the staff report utilizing a PowerPoint presentation.

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to approve authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with North County Transit District regarding the maintenance and cleaning of bus stops and adopt Resolution No. 2019-35. Ayes: Martinez, Morasco, McNamara. Noes: None. Absent: Diaz, Masson. Motion carried.

10. **AWARD OF A DESIGN BUILD AGREEMENT FOR THE DESIGN AND CONSTRUCTION OF THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY AND BUDGET ADJUSTMENT -**

Request the City Council approve authorizing the award of a Design Build Agreement for the Membrane Filtration Reverse Osmosis (MFRO) Facility in an initial amount of \$2,716,068 to Filanc+BC, a joint-venture consisting of J.R. Filanc Construction Company, Inc. and Brown and Caldwell; and approve a budget adjustment in the amount of \$3,000,000. (File No. 0600-10 [A-3292])

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2019-50

Christopher W. McKinney, Director of Utilities, and Angela Morrow, Deputy Director of Utilities/Construction and Engineering, presented the staff report utilizing a PowerPoint presentation.

Arthur Devine, Escondido, commented regarding the price of water in California and shared concerns regarding costs for the proposed project.

Laura Hunter, Chair for the North County Sierra Club Conservation Committee, voiced support for the facility in the new location.

Patricia Borchmann, Escondido, thanked Council for relocating the Membrane Filtration Reverse Osmosis Facility to a new location.

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to approve authorizing the award of a Design Build Agreement for the Membrane Filtration Reverse Osmosis (MFRO) Facility in an initial amount of \$2,716,068 to Filanc+BC, a joint-venture consisting of J.R. Filanc Construction Company, Inc. and Brown and Caldwell; and approve a budget adjustment in the amount of \$3,000,000 and adopt Resolution No. 2019-50. Ayes: Martinez, Morasco, McNamara. Noes: None. Absent: Diaz, Masson. Motion carried.

FUTURE AGENDA

11. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:28 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO
April 10, 2019
4:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, April 10, 2019 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk, led the Moment of Reflection.

FLAG SALUTE

Zack Beck, City Clerk, led the flag salute.

ATTENDANCE:

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Absent: Councilmember John Masson. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; Zack Beck, City Clerk; and Jennifer Ekblad, Assistant City Clerk.

PROCLAMATIONS:

Al Owens, Gary Szytel, Richard Macaluso, Doug Clark, and Linda Courton accepted the Certificate of Recognition for Rotary of Escondido After 5 Club.

Jodi Hitchcock, Director of Operations for Bimbo Bakeries USA, accepted the Certificate of Recognition for Bimbo Bakeries USA.

Laura Robinson, Program Coordinator, accepted the proclamation for Earth Day - April 22, 2019.

PRESENTATIONS

Laura Robinson, Program Coordinator, Lisete Hurst, Department Specialist, and Lori Calvert, Program Assistant, presented the Earth Day Poster Contest Awards.

ORAL COMMUNICATIONS

CONSENT CALENDAR

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to approve all Consent Calendar items with the exception of item 6. Ayes: Diaz, Martinez, Morasco, McNamara. Noes: None. Absent: Masson. Motion carried.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)

2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)

Request the City Council approve the City Council, Successor Agency, and Housing Successor Agency warrant numbers: (File No. 0400-40)

- 329020 – 329276 dated March 27, 2019

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

3. APPROVAL OF MINUTES: A) REGULAR MEETING OF MARCH 20, 2019 B) SPECIAL MEETING OF MARCH 27, 2019

4. AUTHORIZE AGREEMENTS WITH SAN DIEGO GAS AND ELECTRIC FOR A 20C CONVERSION REPLACEMENT OF OVERHEAD WITH UNDERGROUND FACILITIES AND THE EXTENSION AND THE CONSTRUCTION OF UNDERGROUND ELECTRIC SERVICES AT THE EL NORTE PARKWAY BRIDGE BETWEEN KEY LIME WAY AND KAILE LANE -

Request the City Council approve authorizing the Mayor and City Clerk to execute two agreements, an Agreement for Replacement of Overhead with Underground Facilities and an Agreement for Extension and Construction of Underground Electric with San Diego Gas and Electric (SDG&E) in the amount of \$103,088 to replace existing overhead with underground facilities and construct underground electric at the El Norte Parkway Bridge. (File No. 0600-10 [A-3294, A-3295])

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2019-51

5. ADOPTION OF THE FISCAL YEAR 2019/20 ROAD MAINTENANCE AND REHABILITATION ACCOUNT PROJECT LIST -

Request the City Council approve the list of streets proposed to be completed with Fiscal Year 2019/20 Road Maintenance and Rehabilitation Account (RMRA) funding. (File No. 0600-95)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2019-54

6. VALIANO PROJECT SEWER FLOW AGREEMENT -

Request the City Council approve authorizing the Mayor and City Clerk execute a Sewer Flow Agreement with The Eden Hills Project Owner, LLC; The EHF Owner, LLC; the EHH Owner, LLC; and The EHA Owner, LLC (collectively the "Property Owner") for the City of Escondido's acceptance of a sewer flow from a 326 single-family residential development project (the "Valiano Project") within the City's sphere of influence. (File No. 0600-10 [A-3296])

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2019-60

Christopher W. McKinney, Director of Utilities, was available to answer questions.

David Drake, Treasurer of the Rincon del Diablo Municipal Water District, shared concerns regarding the proposed agreement.

Greg Thomas, General Manager for Rincon del Diablo Municipal Water District, shared comments and concerns regarding the proposed agreement and requested Council take no action on this item.

Jacqueline Arsivaud, representative for Elfin Forest Harmony Grove Town Council, requested Council take no action on the proposed agreement.

Douglas Dill, Chairperson of San Diego Planning Group, shared comments regarding a February 8, 2018 San Diego Planning Group meeting.

Mid Hoppenrath, Escondido, requested the proposed agreement be delayed and shared concerns regarding the project.

Janean Huston, Escondido, requested Council make no decision regarding the proposed agreement.

Gil Miltenberger, representative for Integral Communities, shared information regarding the proposed project and was available to answer questions.

Paul Tryon, representative for Integral Communities, shared information regarding the proposed project and was available to answer questions.

J.P. Theberge, Chair for Elfin Forest Harmony Grove Town Council, spoke in opposition to the proposed project and shared comments regarding ongoing litigation.

MOTION: Moved by Councilmember Morasco and seconded by Mayor McNamara to approve authorizing the Mayor and City Clerk execute a Sewer Flow Agreement with The Eden Hills Project Owner, LLC; The EHF Owner, LLC; the EHH Owner, LLC; and The EHA Owner, LLC (collectively the "Property Owner") for the City of Escondido's acceptance of a sewer flow from a 326 single-family residential development project (the "Valiano Project") within the City's sphere of influence and adopt Resolution No. 2019-60. Ayes: Morasco, McNamara. Noes: Diaz, Martinez. Absent: Masson. Motion failed.

THIS ITEM WAS CONTINUED TO A DATE UNCERTAIN.

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

7. AMENDMENT TO CHAPTER 2 OF THE ESCONDIDO MUNICIPAL CODE TO MOVE THE CLOSED SESSION MEETING AND REGULAR CITY COUNCIL MEETING TIMES -

Approved on March 20, 2019 with a vote of 3/1/1, Morasco voting no, Masson absent

THIS ITEM WAS CONTINUED FROM APRIL 3, 2019. (File No. 0680-10)

ORDINANCE NO. 2019-05 (Second Reading and Adoption)

PUBLIC HEARINGS

8. CONDITIONAL USE PERMIT, GRADING EXEMPTIONS, AND GENERAL PLAN AMENDMENT (PHG 17-0025 AND ENV 17-0007) -

Request the City Council approve a General Plan Amendment to allow non-residential structures up to three (3) stories in height within the Suburban land-designation; approve a Conditional Use Permit for a residential-care facility and Grading Exemptions for retaining walls and fill slopes over ten (10) feet in height; and adopt a Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that was prepared and issued in conformance with the California Environmental Quality Act (CEQA) for the Escondido Assisted Living project located at 1802 North Centre City Parkway. (File No. 0830-20)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2019-48

Jay Paul, Senior Planner, presented the staff report utilizing a PowerPoint presentation.

Mayor McNamara opened the public hearing and asked if anyone wished to speak on this issue in anyway.

Tigg Mitchell, Applicant, provided information regarding the project and was available to answer questions.

Mayor McNamara asked if anyone else wished to speak on this item in any way. No one asked to be heard; therefore, he closed the public hearing.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve a General Plan Amendment to allow non-residential structures up to three (3) stories in height within the Suburban land-designation; approve a Conditional Use Permit for a residential-care facility and Grading Exemptions for retaining walls and fill slopes over ten (10) feet in height; and adopt a Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that was prepared and issued in conformance with the California Environmental Quality Act (CEQA) for the Escondido Assisted Living project located at 1802 North Centre City Parkway and adopt Resolution No. 2019-48. Ayes: Diaz, Martinez, Morasco, McNamara. Noes: None. Absent: Masson. Motion carried.

CURRENT BUSINESS

9. LIBRARY SECURITY IMPROVEMENTS -

Request the City Council receive and file a presentation regarding the security improvements made at the Escondido Public Library in partnership with the Escondido Library Foundation. (File No. 0135-10)

Staff Recommendation: **Receive and File (Communications & Community Services Department: Joanna Axelrod)**

Joanna Axelrod, Director of Communications & Community Services, and William L. Wolfe, Deputy City Manager, presented the staff report utilizing a PowerPoint presentation.

NO ACTION NECESSARY ON THIS ITEM.

10. ANNUAL APPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES -

Request the City Council ratify the Mayor's recommendation to fill two regular vacancies on the Library Board of Trustees, each for a three-year term, terms to expire March 31, 2022. (File No. 0120-10)

Staff Recommendation: **Ratify the Mayor's Appointments (City Clerk's Office: Zack Beck)**

MOTION: Moved by Mayor McNamara and seconded by Deputy Mayor Martinez to ratify the Mayor's appointment of Carolyn Clemens and John Schwab to the Library Board of Trustees, each for a three-year term, terms to expire March 31, 2022. Ayes: Diaz, Martinez, Morasco, McNamara. Noes: None. Absent: Masson. Motion carried.

FUTURE AGENDA

11. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

COUNCILMEMBER DIAZ REQUESTED TO PRESENT REGARDING HER TRIP TO MEXICO CITY WITH THE SAN DIEGO REGIONAL CHAMBER OF COMMERCE AND REQUESTED A REVIEW OF THE CITY COUNCIL POLICIES BY AN AD HOC COMMITTEE.

COUNCILMEMBER MORASCO REQUESTED A PRESENTATION FROM SAN DIEGO FOOD SYSTEM ALLIANCE REGARDING FOOD RECOVERY FOR ESCONDIDO; SUPPORTED BY MAYOR MCNAMARA.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Morasco attended the Regional Solid Waste Association meeting and reported regarding a presentation from San Diego Food System Alliance.

Councilmember Diaz attended League of California Cities meeting and reported the League is opposed to Senate Bill 50 without modification.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor McNamara adjourned the meeting at 6:43 p.m.

MAYOR

CITY CLERK

ASSISTANT CITY CLERK

CITY COUNCIL STAFF REPORT

Consent Item No. 4

May 1, 2019

File No. 0430-30

SUBJECT: Financial Report for the Quarter Ended March 31, 2019, and Budget Adjustment

DEPARTMENT: Finance Department

RECOMMENDATION:

It is requested that the City Council receive and file the Third Quarter Financial Report for Fiscal Year 2018/19 (Attachment 1) and approve the attached budget adjustment.

FISCAL ANALYSIS:

This report provides the City Council with the financial status of selected funds of the City of Escondido (City) for Fiscal Year 2018/19. The report provides an analysis of unaudited revenue and expenditure for Fiscal Year 2018/19 in comparison to Fiscal Year 2017/18 for the General Fund, the Reidy Creek Municipal Golf Course Fund and the Water and Wastewater Funds. The financial highlights for each of these funds are summarized below.

The City Council adopted a balanced annual operating budget for the General Fund in Fiscal Year 2018/19 without the use of reserves. General Fund revenues through March are projected to be over budget by about \$635,000, mainly from increases in property taxes, engineering fees and paramedic revenue. Expenditures are projected to be under budget through March by approximately \$2 million. Based on this analysis, the General Fund should end the year with a surplus. The proposed amendments to the City's annual operating budget have no effect on General Fund Reserves, as all the adjustments have identified funding sources for their proposed budget increases.

Proposed Budget Adjustments

- Approve an increase to the Fire Department operating budget of \$157,215 to cover overtime costs. This increase is completely covered by Fire Assistance and will be used to cover Fire Department strike team costs associated with responding to wildfires.
- Approve adjustments to General Fund revenue projections between revenue accounts. This adjustment has no effect on the total General Fund revenue projected for the year. It is just an adjustment between revenue accounts to better reflect current revenue receipts for each revenue type for the current year.

Financial highlights for the other funds are listed below:

The Water Funds net operating income through third quarter 2018/19 is \$8.4 million or a decrease of \$475,000 over the prior year. This decrease is the result of decreased water consumption due to a wet winter.

The Wastewater Funds net operating income through second quarter 2018/19 is \$9.3 million or an increase of \$1 million compared to prior year. This increase is mainly due to the rate increases in March 2018.

The Reidy Creek Golf Course Fund is projected to end the year with a loss greater than anticipated. The impact of the greater-than-normal winter rains have resulted in reduced revenue from golf rounds and tunnel closure. The Fiscal Year 2018/19 operating budget for the golf course was balanced with a transfer from the General Fund of \$24,590. Based on revenue and expenditure projections through year end, additional funding of approximately \$100,000 is projected. The course will be implementing disc golf this spring and will be moving forward with improvements to the clubhouse and signage. Funds for these improvements were previously budgeted in a capital project for Reidy Creek Clubhouse Improvements.

PREVIOUS ACTION:

On February 6, 2019, the City Council received the Fiscal Year 2018/19 Second Quarter Financial Report. The City Council approved amendments to the General Fund operating budget. These increases had no effect on Reserves, as all the increase had funding sources.

BACKGROUND:

Quarterly financial reports present written financial updates to the City Council concerning certain funds of the City based on the most recent financial information available. These quarterly financial reports include budgetary information for certain funds, along with the actual resources received to date, in addition to the use of these resources in fulfilling each fund's financial plan. The reports provide year-to-date information for the General Fund, Water and Wastewater Funds, and the Reidy Creek Golf Course Fund. The quarterly financial report is for internal use only.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Sheryl Bennett, Deputy City Manager/Admin. Svs.
4/24/2019 2:27 p.m.

Joan Ryan, Assistant Director of Finance
4/25/2019 9:23 a.m.

ATTACHMENTS:

1. Attachment 1: Third Quarter Financial Report for March 31, 2019
2. Budget Adjustment



CITY OF ESCONDIDO

ATTACHMENT 1: THIRD QUARTER FINANCIAL REPORT March 31, 2019

OVERVIEW

This report summarizes the City's overall financial position for the period of July 1, 2018 through March 31, 2019. While the focus of this report is the General Fund, the financial status of the Water and Wastewater Funds and the Reidy Creek Municipal Golf Course are included. This report is for internal use only. The figures presented here are unaudited and have not been prepared in accordance with Generally Accepted Accounting principles (GAAP).

The revenue projections and budget include adjustments for encumbrances, carryovers, and any other supplemental appropriations approved by the City Council as of March 31, 2019.

GENERAL FUND

At the end of the third quarter, General Fund revenues are at 61% of the amended budget, while expenditures are at 71%. Based on past history of revenue receipts and payment of expenditures, it appears that actual General Fund revenues through March are projected to be over budget by about \$635,000, mainly from increased property taxes, engineering fees and paramedic revenue. Actual expenditures through March are projected to be under budget by about \$2 million. The General Fund is projected to end the current fiscal year with a surplus.

**General Fund
Comparison of Projected Budget to Actuals
As of March 31, 2019**

	ANNUAL AMENDED BUDGET	PROJECTED BUDGET as of 3/31/19	ACTUAL as of 3/31/19
Total Revenue	\$102,715,250	\$61,738,285	\$62,373,596
Total Expenditures	\$104,197,770	\$75,940,070	\$73,915,660
Other Sources (Uses) – Note 1	(\$1,714,620)	(\$1,714,620)	(\$1,714,620)
Total Sources over (Uses) – Note 2	(\$3,197,140)		
Reserve Balance			\$17,392,319

Note 1: Total Sources (Uses) include transfers in and advances from other funds less transfers out and advance repayments.

Note 2: Council approved the use of General Fund surplus during the year-end report on October 24, 2018. Council also approved the transfer of \$1,000,000 to fund the Pension Trust.

General Fund Revenue: General Fund total revenue was up 2% compared to the prior year or up about \$1 million, if one-time revenue is excluded. This increase was due to increases in property taxes, engineering fees and paramedic revenue. In addition, the City received one-time revenue from fire mutual aid of about \$1.2 million and \$178,000 from prior year sales tax revenue. Details of the General Fund revenue sources are outlined below.

General Fund Revenue	Amended Budget	FY 2018/19 Actual	FY 2017/18 Actual
Sales Tax	\$ 38,683,750	\$ 22,794,126	\$ 22,134,641
Property Tax	27,208,000	14,932,598	15,053,797
Other Taxes	14,097,000	8,156,317	9,204,488
Intergovernmental	3,119,000	2,204,581	2,100,321
Permits & Fees	1,319,000	663,344	855,048
Fines & Forfeitures	1,156,000	873,065	742,001
Charges for Services	10,864,500	8,211,622	7,335,150
Investment & Property	4,019,000	2,423,390	2,313,626
Other Revenue	533,000	770,569	278,455
One-Time Revenue	1,716,000	1,343,984	1,596,728
Total with One-Time Revenue	102,715,250	62,373,596	61,614,255
Total excluding One Time Revenue	\$ 100,999,250	\$ 61,029,612	\$ 60,017,527

Sales Tax: For the first nine months of the fiscal year, sales tax revenues are up \$659,000 or 3% higher than the prior year if you adjust for the timing differences created by the California Department of Tax and Fee Administration (CDTFA). We were projecting sales tax growth of 3% so we are on target to reach this projection.

The CDTFA implemented a new sales tax reporting software system and modified the schedule of sales tax distribution to cities. Complications with the software update impeded the CDTFA's ability to process a significant amount of sales tax returns in Fiscal Year 2017/18. These delayed payments were received by the City in Fiscal year 2018/19. In addition, the CDTFA changed the timing of the second quarter sales tax cleanup payment from September to August which changed the fiscal year this revenue is recognized. The net effect of these changes is \$178,000 of additional sales tax revenue, which will be classified as one-time revenue from sales tax in Fiscal Year 2018/19.

Property Tax: Property Tax revenues received through March, 2019, are down about 1% or about \$122,000 compared to the prior year. The reason for this decline is

the result of property tax payment timing differences, as property tax payments received through April, 2019 are actually up 5% or \$454,000 compared to the prior year. This is because assessed value growth for Escondido in fiscal year 2018/19 was up 5% compared to the prior year. We were projecting growth of 3%, so we are above our projections by about \$172,000.

Other Taxes: Other Taxes are down about \$1 million compared to the prior year. The majority of this decrease is from the Redevelopment Property Tax Trust Fund (RPTTF) residual payment, franchise fees and the property transfer tax. The reason for the decrease in the RPTTF residual payment is the result of the former Redevelopment Agency's increase in outstanding debt service payments, which results in a smaller ending residual balance. The smaller ending residual balance is shared amount all the taxing entities, and the City of Escondido receives a share. This decrease to the City was about \$400,000 compared to the prior year. In addition, the franchise fee in lieu payment received from SDG&E is down 28% or \$276,000 over the prior year due to less natural gas being used at the power plant. The property transfer tax is also down about \$260,000 compared to the prior year due to the lower number of property sales in Escondido.

We were projecting growth in other taxes in Fiscal Year 2018/19 of 6%, but due to the above mentioned decreases, other taxes actually decreased by 3%, so we are under our projections by about \$1 million.

Intergovernmental: Intergovernmental revenue includes the Rincon fire services agreement, state mandated cost claims, and various grant and was up about \$104,000 compared to the prior year. This increase was primarily from Rincon fire services

Charges for Services: Charges for Services have increased over the prior year by about \$876,000. This increase is due to an increase in Engineering fees collected and paramedic revenue. We were projecting growth in charges for services in Fiscal Year 2018/19 of 3%, actual growth is 11% so we are above our projections by about \$868,000.

General Fund Expenditures: General Fund total expenditures are up 2.5% compared to the prior fiscal year or about \$1.8 million. General Fund expenditures were projected to increase by 4% compared to the prior year, so we are on track to meet this target. The significant reasons for this change include increases to salaries, CalPERS contributions, and new software.

General Fund Expenditures	Amended Budget	FY 2018/19 Actual	FY 2017/18 Actual
General Government	\$ 6,181,615	\$ 3,712,517	\$ 3,821,859
Community Services	7,826,000	5,344,929	4,802,159
Community Development	4,660,685	2,848,722	2,932,365
Public Works	13,310,435	9,257,353	9,174,034
Public Safety	68,605,790	50,427,357	49,184,117
Other Expenditures	3,613,245	2,324,782	2,193,363
Total	\$ 104,197,770	\$ 73,915,660	\$ 72,107,897

REIDY CREEK GOLF COURSE FUND

The Reidy Creek Golf Course Fund FY 18/19 budget was balanced using a transfer from the general fund of \$24,590 and \$20,000 was transferred mid-year for the replacement of golf cart batteries. Other Sources and Uses reflect these transfers and a transfer to cover the prior year's additional loss of \$36,000. Compared to the prior year, revenues are 10% less and expenditures are down 6%. This is due to the reduction in maintenance staff and maintained areas at the course. Staff met with JC Resorts to discuss a new revenue opportunity at the course. The course will be implementing disc golf this spring and will be moving forward with doing some improvements to their clubhouse and signage. Funds for these improvements were previously budgeted in a capital project for Reidy Creek Clubhouse Improvements. Despite decreased maintenance costs, the fund is projected to end the year with a loss of \$100,000 more than budgeted.

Reidy Creek Golf Course	Annual Budget	FY 18/19 Actual	FY 17/18 Actual
Revenues	557,650	345,978	387,691
Expenditures	(602,240)	(485,409)	(514,912)
Other Sources (Uses)	80,590	80,590	247,150
Total Sources Over (Under) Use	36,000	(58,841)	119,929

ENTERPRISE FUNDS

Water Fund: The Water Fund operating revenue decreased by \$475,000 or 1% from the prior year. The decrease is due to decrease in water consumption due to a wet winter. Operating expenses increased by \$1 million or 3% compared to the prior year; these increased costs were primarily from negotiated staff contracts and purchased water.

Water Fund	Annual Budget	FY 2018/19 Actual	FY 2017/18 Actual
Operating Revenues	60,275,000	44,662,741	45,138,314
Operating Expenses	(52,365,920)	(36,290,480)	(35,149,662)
Operating Income	7,909,080	8,372,261	9,988,652
Nonoperating Rev (Exp)	(985,160)	1,553,252	821,738
Transfer to Capital			
Projects and Debt Srvc	(3,862,630)	(1,305,940)	(1,257,680)
Total Sources over Uses	3,061,290	8,619,573	9,552,710

Wastewater Fund: Net operating revenue increased \$1 million from the prior year due to rate increases in March 2018. Operating expenditures decreased \$89,000 from prior year 3rd quarter.

Wastewater Fund	Annual Budget	FY 2018/19 Actual	FY 2017/18 Actual
Operating Revenues	35,900,000	25,575,394	24,445,066
Operating Expenses	(25,872,840)	(16,300,122)	(16,210,975)
Operating Income	10,027,160	9,275,272	8,234,091
Nonoperating Rev (Exp)	16,923,490	3,887,396	4,088,518
Transfer to Capital Projects and Debt Srvc	(19,846,895)	(1,750,573)	(1,688,665)
Total Sources over Uses	7,103,755	11,412,095	10,633,944

FOR MORE INFORMATION

This summary report is based on detailed information generated by the City's finance department. If you have any questions or would like additional information on this report, please contact the Finance department at (760) 839-4676 or visit www.escondido.org.

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Property Transfer Tax	4030-001-000		260,000

Explanation of Request:

Budget adjustment requested with 3rd quarter financial report ended March 31, 2019.

APPROVALS

[Signature]
 Department Head
[Signature]
 Finance

4-23-19
 Date
4/23/19
 Date

 City Manager Date

 City Clerk Date

Distribution (after approval): Original: Financ



CITY COUNCIL STAFF REPORT

Consent Item No. 5

May 1, 2019

File No. 0610-90

SUBJECT: Authorization of Continued Absence of Councilmember John Masson

DEPARTMENT: City Clerk's Office

RECOMMENDATION:

It is requested that the City Council explicitly issue its permission for the past and continued absence of Councilmember John Masson due to medical reasons through June 29, 2019.

BACKGROUND:

Due to illness, Councilmember John Masson was last able to attend a regular City Council meeting on February 13, 2019. The Council has acknowledged Councilmember Masson's absence at past council meetings due to this illness.

In accordance with California Government Code § 36513(a), if a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office may be deemed vacant and shall be filled as any other vacancy.

Because it has not been known with any certainty whether Councilmember Masson would be able to attend upcoming regularly scheduled meetings due to his physical condition, this matter has not been brought forward seeking a formal recognition of permission for past and future absences. The Council has inferred its permission of Councilmember's absence through its acknowledgement of his absence due to illness and through its well wishes for his recovery. However, in an abundance of caution to avoid issues of determining a vacancy and the requirements for filling that vacancy, this present item is brought to you for your formal recognition of your permission for absences since February 13 and through June 29, 2019, a date approximately 60 days from today.

Therefore, it is requested that the City Council give its permission for Councilmember John Masson's medical leave through June 29, 2019.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Zack Beck, City Clerk
4/24/2019 3:11 p.m.



CITY COUNCIL STAFF REPORT

Consent Item No. 6

May 1, 2019

File No. 0600-10, A-3298

SUBJECT: Exclusive Negotiating Agreement with Meridian Properties for Potential Purchase and Development of 455 and 525 North Quince Street

DEPARTMENT: City Manager's Office, Economic Development Division

RECOMMENDATION:

It is requested that the City Council authorize the City Manager to execute the proposed exclusive negotiating agreement between the City of Escondido (City) and Meridian Properties provided as "Attachment A" to this staff report to explore the potential sale and development of City owned properties located at 455 North Quince Street and 525 North Quince Street.

PREVIOUS ACTION:

On March 25, 2019, the City received an unsolicited proposal from Meridian Properties requesting to enter into a 60-day exclusive negotiating agreement so the company can conduct a due diligence process to determine if purchase and redevelopment of the Quince Street properties is economically feasible. This item was discussed by the City Council in closed session on April 3, 2019, where direction was provided to proceed with the exclusive negotiating agreement.

BACKGROUND:

In 2010, a minor league ballpark was proposed in the area where the two properties are located. The City purchased the properties (plus the property located at 480 N. Spruce) to provide a portion of the land needed for the ballpark project. At the time of acquisition, it was noted that if the ballpark project did not proceed, the properties would be beneficial for completion of other projects that the City Council desired for this targeted area.

Property Address	Purchase Date	Purchase Price
525 N. Quince	06/23/2011	\$1,717,244
455 N. Quince	06/30/2011	\$5,128,044

By late 2011, the California Legislature had adopted and the Governor had signed legislation which effectively abolished redevelopment agencies and eliminated this mechanism for funding local projects including the proposed ballpark. Since the City had planned to use redevelopment funds for the ballpark project, the negotiations ended. Shortly thereafter, the City entered into lease agreements with tenants to occupy the properties until a decision could be made to determine permanent uses. To date, the City has collected approximately \$1.7M in rent on these properties.

Exclusive Negotiating Agreement with Meridian Properties for Potential Purchase and Development
of 455 and 525 North Quince Street

May 1, 2019

Page 2

GENERAL PLAN:

According to the City's General Plan, the properties are zoned General Industrial and sit within the Downtown Transit Station Target Area. The guiding principles of this target area include "opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the City's median income and improve the jobs/housing balance." The proposal from Meridian Properties aligns with the General Plan designation for this area. Additional standards for the disposition of city-owned properties in this target development area were approved by the City Council on June 20, 2018, and are provided as "Attachment B" to this staff report. In alignment with the General Plan, the additional standards call for high employment densities and wages that raise the City's median income.

DISCUSSION:

During the term of the proposed agreement, the City and Meridian Properties would evaluate the financial and economic feasibility of Meridian Properties' purchase and development plans for the properties and alignment with the guiding principles of the area. If applicable, a specific purchase and sale agreement would be presented to the City Council at a later date for final approval.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Jay Petrek, Assistant City Manager

4/24/2019 2:00 p.m.

ATTACHMENTS:

1. Attachment "A"
2. Attachment "B"



NEGOTIATION AGREEMENT

This Negotiation Agreement (“Agreement”) is made solely between the City of Escondido, a municipal corporation (“City”), and Meridian Properties Real Estate, Inc., a California corporation, (“Meridian”), at times collectively referred to herein as the “Parties,” and singularly as “Party.”

RECITALS

WHEREAS, Meridian wishes to evaluate whether or not to purchase and develop certain City properties which are shown on Exhibit A, with Assessor Parcel Numbers 232-091-27 and 232-091-06 (collectively the “Property”); and

WHEREAS, both the City and Meridian wish to evaluate the financial and economic feasibility of Meridian’s purchase and development plans as provided for in this Agreement.

AGREEMENT

Section 1 Negotiation.

1.1 Good Faith: The City and Meridian agree that during the term of this Agreement, the Parties shall negotiate diligently and in good faith to evaluate the purchase and development of the Property.

1.2 City Commitment: During the term of this Agreement, the City agrees it will not negotiate with any person or entity, other than Meridian, including but not limited to affirmatively expending money, holding meetings, or negotiating any other proposals from any other source or entity to purchase and develop the Property with persons or entities other than Meridian.

The City also agrees that to the extent permissible under the California Public Records Act, it shall maintain the confidentiality of any proposals or financial information provided by Meridian directly to the City which is prominently marked as “Confidential” by Meridian. If the City receives a request under the Public Records Act for such materials, the City’s sole obligation under this Agreement shall be to promptly notify Meridian of such a request.

1.3 Meridian Commitment: During the Term of this Agreement, Meridian agrees that it shall maintain the confidentiality of any proposals or financial

information provided by the City directly to Meridian which is prominently marked as “Confidential” by City.

Section 2 Term.

2.1 Negotiation Period. The term of this Agreement shall commence on the date the Agreement is executed by the Mayor and continue for a period of sixty (60) days unless otherwise extended as provided in Section 2.

2.2 Extension. Upon mutual written agreement executed prior to expiration of this Agreement, the Negotiation Period may be extended for an additional ninety (90) days.

2.3 Document Preparation and Processing. In the event that the Parties reach an agreement concerning the purchase or development of the properties, the Negotiation Period will automatically extend for such time as is necessary to prepare the documents memorializing the purchase or development agreement and for such time as may be necessary for the City to hold any public hearings required for the consideration and adoption of the agreement. In such event, however, either Party may terminate this agreement by giving a 30-calendar day written notice to the other Party.

Section 3 Preservation of Authority, Indemnification and Assumption of Risk.

3.1 Entitlements. Meridian acknowledges that the City is under no obligation to sell or transfer any interest in the Property. Meridian further understands that any Entitlements which may be sought for projects proposed for any of the properties require staff and the City Council to act in the public interest and according to applicable legal requirements, including the California Environmental Quality Act, without regard for this Agreement. Nothing in this Agreement shall in any manner affect the City Council or its staff or any of its Boards and Planning Commission’s sole and absolute discretion to disapprove, modify, or otherwise take any action regarding an application or request for any of the entitlement to the extent such entitlement is considered by the City.

3.2 Indemnification. Meridian shall defend, indemnify, and hold harmless the City, its officers, agents, and employees from and against any and all claims, demands, and liabilities for loss of any kind or nature which the City, its officers, agents, or employees may sustain or incur or which may be imposed upon them or any of them as a result of, arising out of, this Agreement, or Meridian’s agents’ use of or entry onto the Property. Meridian further agrees to defend the City against any claim made for which this indemnity applies, with council reasonably acceptable to the City, and to pay any and all costs and expenses, including, but not limited to, court costs and reasonable attorney’s fees related to such defense. However, the

provisions of this Agreement shall not be construed to require any such indemnity or defense of the City for claims or acts arising from the sole negligence of the City, its employees, agents, contractors or invitees.

3.3 Assumption of Risk. Meridian and the City each assume the risk of entering into this Agreement. In no event will the City be responsible for Meridian's loss of profits or for any special, indirect, consequential or incidental damages, however caused, even if the City has been advised of the possibility of such damages due to the failure to renew this Agreement or enter into any subsequent agreement.

Section 4 Law to Govern; Venue.

This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the North County Branch of the San Diego County Superior Court.

Section 5 Drafting.

Each Party has cooperated in the drafting and preparation of this Agreement and any construction to be made of this Agreement shall not be construed against any Party.

Section 6 Costs and Expenses.

Except as otherwise specified herein, each Party shall be responsible for its own costs and expenses in connection with any activities and negotiations undertaken as required by this Agreement and the performance of each Party's obligations under this Agreement.

Section 7 Consultation with Counsel.

Each of the Parties to this Agreement hereby acknowledges that it has executed this Agreement with the consent, and upon the advice, of its own attorney.

Section 8 Amendment.

This Agreement may not be amended, modified, or supplemented except by a writing executed both Parties.

Section 9 Waiver.

No waiver by a Party of any provision of this Agreement shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision. The exercise by a Party of any right or remedy provided in this Agreement or provided by law shall not prevent the exercise by that Party of any other remedy provided in this Agreement or under the law.

Section 10 Entire Agreement.

This Agreement contains the entire agreement between the Parties hereto, and supersedes all prior and contemporaneous agreements, representations, and understandings of the Parties. The terms of this Agreement are contractual in nature and not a mere recital. This Agreement is executed without reliance upon any representation by any person concerning the nature or extent of damages or legal liability therefore, and each signer of this Agreement has carefully read and understood the contents of this Agreement and signs the same as his or her own free act.

Section 11 Notice.

All notices or other documents required or permitted under this Agreement shall be delivered to a party and the recipient of a copy under this Agreement, and shall be delivered at the addresses set forth herein. Any such notices or documents shall, unless otherwise provided herein, be delivered (a) by overnight delivery using a nationally recognized overnight courier, (b) by personal delivery, or (c) by facsimile transmission during normal business hours with a confirmation copy delivered by another method permitted under this Section. Delivery in accordance herewith shall be effective upon the earlier to occur of actual delivery by one of the foregoing methods to the address of the addressee or refusal of receipt by the addressee. Delivery shall be effective if sent by electronic means. An address may be changed by written notice to the other party delivered in accordance with this Section. The following shall serve as the recipients' addresses for all delivery purposes under this Agreement:

If to Meridian, to: Meridian Properties Real Estate, Inc.
Mr. Mike Kalschur, President
3405 Highland Drive, Suite 100
Carlsbad, CA 92008
Telephone: 760-525-8834
Email: mkalschur@mpre-inc.com

If to the City, to: City of Escondido
City Clerk
201 N. Broadway
Escondido, CA 92025
Telephone: 760-839-4617
Facsimile: 760-735-5782

Section 12 Execution in Counterparts.

This Agreement may be executed in any number of counterparts or by facsimile transmission, each of which shall be deemed an original with the same effect as if all signatures were on the same instrument.

Section 13 Administrative Decisions

Where this Agreement may require approvals, interpretations, or other decisions, the City Manager or designee may make said decisions in accordance with the terms and conditions of this Agreement and City policies and procedures.

IN WITNESS WHEREOF, the Parties below have executed this Agreement as of the date set forth below and are authorized to act on behalf of their respective organizations.

MERIDIAN PROPERTIES REAL ESTATE INC.

Date: _____

Mike Kalschur, President

CITY OF ESCONDIDO

Date: _____

Jeffrey R. Epp, City Manager

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

EXHIBIT A

Assessor's Parcel No: 232-091-27

PARCEL 2 OF PARCEL MAP NO. 12141, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 24, 1982, AS FILE NO. 82-156242 OF OFFICIAL RECORDS.

Assessor's Parcel No: 232-091-06

PARCEL A OF PARCEL MAP NO. [258](#), IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, [MAY 21, 1970 AS INSTRUMENT NO. 88378 OF OFFICIAL RECORDS.](#)

ATTACHMENT B

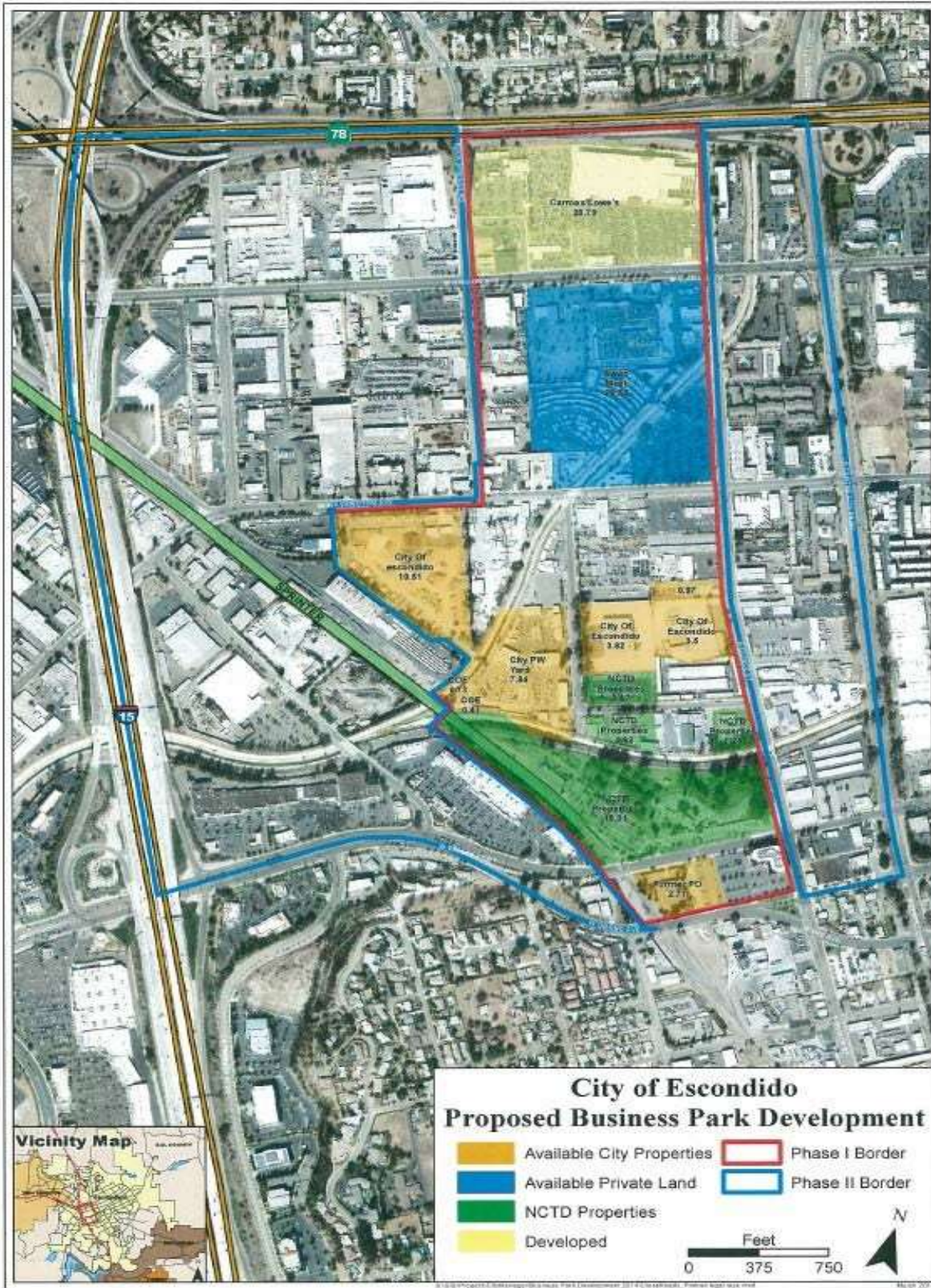
Disposition of City-Owned Property within the Business Park Area

The City's General Plan, with its reference to "increasing employment densities and attracting businesses with salaries that raise the city's median income" in the Downtown Transit Station Target Area is the only specific policy direction on record for the area in which the Business Park Area is located (see attached General Plan excerpt).

For City-owned property within the Business Park Area, buyers should expect the City to specify occupancy through the terms of sale, thereby allowing the City Council to ensure that ultimate projects align with the build-out vision for the area. Buyers should expect the City to take the following position on any prospective sales:

1. The City shall optimize the sale price or lease rent from City-owned real estate based on relevant factors, including 1) an appraisal reflecting current market value when either a transaction or authorization to sell or lease is presented to the City Council, 2) prevailing economic conditions and market trends, and 3) any special benefits to accrue from the sale or lease.
2. The City shall either retain or acquire approval authority on the future building design, including square footage and parking ratios. If the authority does not currently exist through normal regulatory channels (such as the zoning code), the purchase and sale transaction shall be structured to provide such approval authority. City support of concept plans is required prior to close of escrow (see attached zoning map and descriptions).
3. For new development or projects that involve significant rehab, buyers should expect to provide a thorough discussion of employment opportunities to be made available following development of the site. Employment opportunities shall include not only the number of jobs, but the wages or salary which are average or typical for such jobs, and a comparison of how those conditions compare with existing employment conditions in the City. Items such as employee densities, salary ranges, reference to the City's median income, and sales tax generation (if applicable) shall be provided.
4. For projects in which existing improvements will be retained and occupied, buyers should expect to provide a thorough discussion of how the use and as-built status of the property will contribute to overall local well-being from an economic standpoint. This includes either the attraction of new businesses or the retention and expansion of existing businesses in the City.
5. Buyers should expect to demonstrate how the intended use of any City properties will facilitate the future development of surrounding private property.

ATTACHMENT B



ATTACHMENT B

General Plan Excerpt

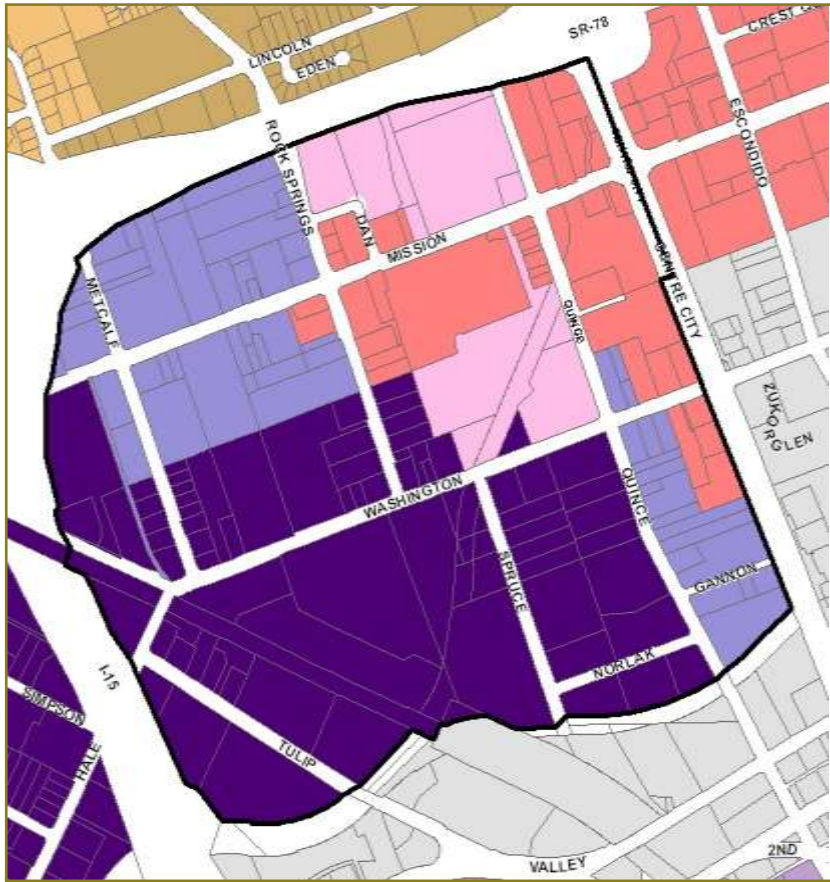


Figure II-20

a Downtown Transit Station Target Area

Location Southeast of Interstate 15 and Highway 78

Size: 296 acres (Figure II-20).

General Plan Designation General Commercial (68 acres) Planned Commercial (14 acres) General Industrial (148 acres); Light Industrial (66 acres)

Current Status Developed with low intensity general and auto-related and home improvement retail, restaurants, manufacturing, commercial / industrial services, building / landscaping / irrigation supply, concrete / asphalt production.

Target Area 1 Guiding Principles:

- 1) Establish the area north of the transit station and east of Reidy Creek and Rock Springs Road for locating a regional attraction involving entertainment, employment, commercial and residential uses incorporating unified development standards and design guidelines that also provide strong pedestrian connections to downtown.
- 2) Consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance.



ATTACHMENT B

- 3) Allow existing construction material manufacturing, trash transfer, and agricultural supply land uses west of Reidy Creek to continue operating and prohibit similar new uses.

Guiding Principles for Mission Avenue / Quince Street (Planned Commercial #12):

Land use shall include mid- to big-box retailers or other uses that could anchor revitalization efforts in the area. Design standards shall maintain a common architectural theme with colors, materials and landscaping that unifies the development.

Guiding Principles for Washington Avenue / Quince Street (Planned Commercial #15):

The site may continue to operate as an outdoor swap meet in accordance with the previously approved Conditional Use Permits for the use until such time the site is redeveloped, and also may be used or developed in ways consistent with existing zoning designations. Development of any parcel that requires a zone change or requests city participation in the nature of fee reductions, offsite improvements, or tax sharing shall require a Planned Development approval.

The site may be developed with a mix of commercial, office, retail, restaurant, and light industrial uses that support revitalization efforts throughout the area and take advantage of the Escondido Transit Center and SPINTER Light Rail located two blocks to the south along Quince Street. New development should encourage consolidation of properties and incorporate “smart growth” design principles. The development also may include crossing or covering of the existing flood control channel. Enhancement along the channel (such as decorative fencing, landscaping, pedestrian-oriented features/ amenities, etc.) also should be incorporated into future projects where appropriate. Traffic circulation and pedestrian patterns shall be coordinated when future development of the site is proposed to provide integrated access points and to ensure appropriate vehicular and pedestrian access between the individual parcels and adjacent streets.

In order to maintain appropriate levels-of-service on the surrounding street system and minimize potential air-quality impacts, the scale of development and nature of the uses shall be limited as necessary in order to generate no more than a cumulative total of 12,160 vehicle trips per day. Specific site and technical studies may be required, to address and/or mitigate any project specific impacts related to traffic/circulation, utilities, air quality, noise and hazardous materials associated with future development of the site, and as identified in the Mitigated Negative Declaration.



ATTACHMENT B

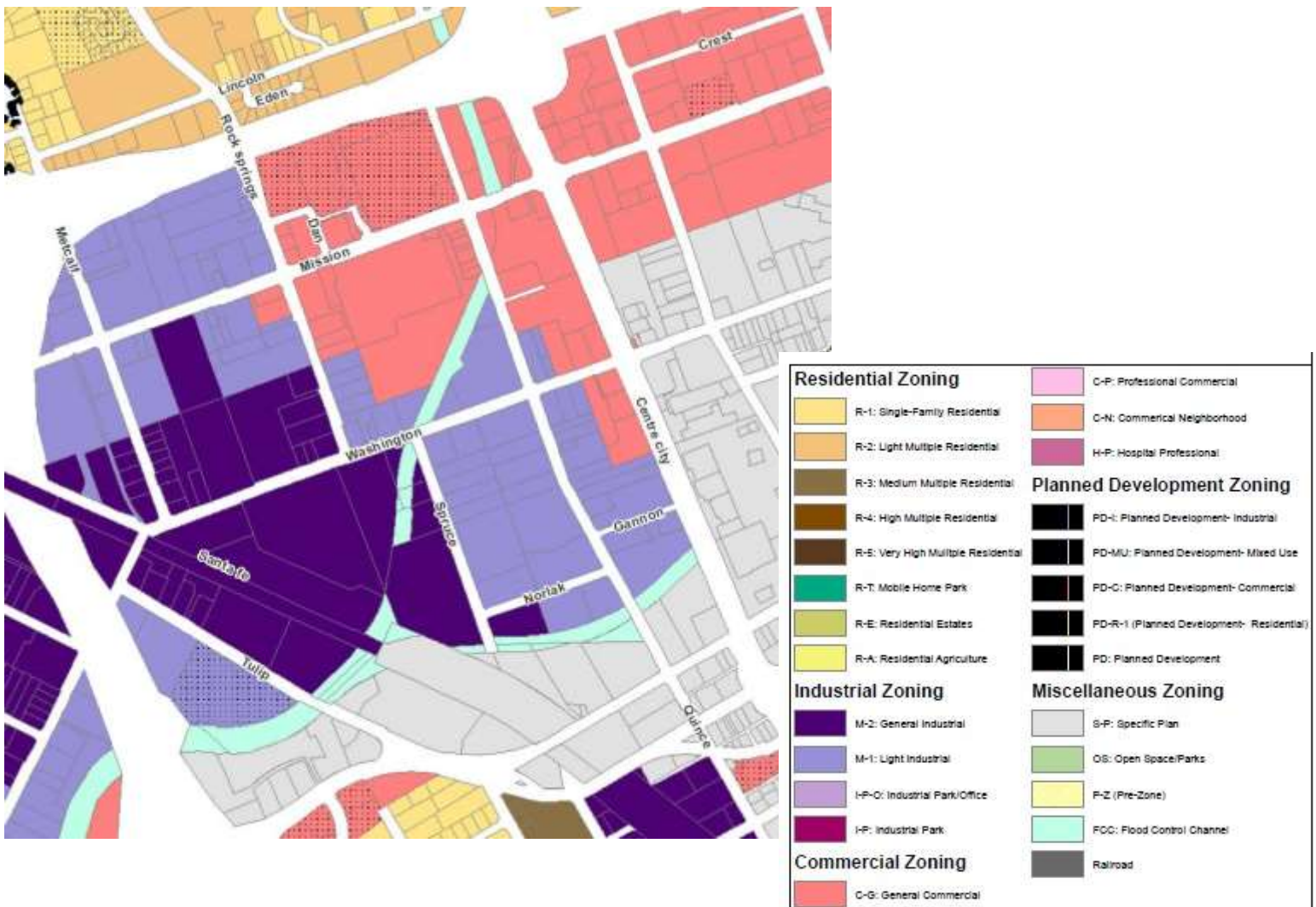
ESCONDIDO BUSINESS PARK AREA (City Zoning Descriptions)

Zoning for the Business Park Area is varied (also see attached map):

CG – General Commercial; intended to implement development and operation of commercial areas for retail and service establishments, neighborhood convenience, and office uses.

M1 – Light Industrial; intended to provide for a variety of light industrial firms engaged in processing, assembling, manufacturing, storage warehousing and distribution, research and development and other light industrial uses.

M2 – General Industrial; intended to allow the widest range of manufacturing, warehousing / distributing, assembling, and wholesaling, activities including those considered to be “heavy” or “intense” by virtue of increased outside storage needs, heavier equipment, and operational characteristics that require the least restrictive design standards.



CITY COUNCIL STAFF REPORT

Consent Item No. 7

May 1, 2019

File No. 0600-10, A-3258

SUBJECT: Lease with Escondido Community Child Development Center

DEPARTMENT: Engineering Services Department; Real Property

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2019-67 approving a Lease Agreement with Escondido Community Child Development Center (ECCDC) on City of Escondido (City)-owned property located at 613 E. Lincoln Avenue and identified as Assessor Parcel Number (APN) 229-160-54 and a portion of 229-160-53.

FISCAL ANALYSIS:

Rent proceeds in the amount of \$30,000 per year will be allocated into the Successor Agency Housing Fund and CDBG Program Income.

PREVIOUS ACTION:

On September 17, 2008, by Resolution No. 2008-181, the City Council authorized a First Amendment to the Lease Agreement with ECCDC authorizing the use of APN 229-160-53 for a term of ten (10) years. This matter was discussed by the City Council in closed session on March 20, 2019, and direction was provided.

BACKGROUND:

ECCDC occupied a portion of City-owned property identified as APN 229-160-54 under a lease agreement dated April 23, 2001. ECCDC expanded its child care facility operations onto a portion of adjacent City-owned property identified as APN 229-160-54 under a lease agreement on April 8, 2008, at an annual rate of \$10 per year. On September 17, 2008, the leased area was expanded to include APN 229-160-53 for a term of ten (10) years.

A portion of the facility is operating within the future right-of-way for the widening of Lincoln Avenue. ECCDC agrees to remove any and all improvements constructed within the right-of-way required for the widening of Lincoln Avenue at no cost or expense to the City, upon receipt of a ninety-day (90) written notice.

The lease recently expired and has been extended on a month-to-month basis. At the City Council's direction, the fair market rent of the leased premises was evaluated. The proposed terms for a new three-year (3) Lease Agreement are based on negotiated terms agreeable to both parties, with

Lease with Escondido Community Child Development Center
May 1, 2019
Page 2

options for two (2) additional annual periods, at a rate of \$2,500 per month. Rent shall be increased by 3% annually.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
4/24/2019 3:22 p.m.

ATTACHMENTS:

1. Resolution No. 2019-67
2. Resolution No. 2019-67 - Exhibit A - Lease Agreement

RESOLUTION NO. 2019-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A LEASE AGREEMENT FOR CITY OWNED REAL PROPERTY LOCATED AT 613 E LINCOLN AVENUE AND IDENTIFIED AS ASSESSOR PARCEL NUMBER 229-160-54 AND A PORTION OF ASSESOR PARCEL NUMBER 229-160-53

WHEREAS, certain real property identified as Assesor Parcel Numbers 229-160-54 and 229-160-53 are owned by the City of Escondido ("City") and currently leased by the Escondido Community Child Development Center; and

WHEREAS, the City and Escondido Community Child Development Center desire to enter into a Lease Agreement ("Agreement") to allow Escondido Community Child Development Center to provide child care services; and

WHEREAS, a portion of the facility is operating within the future right of way for the widening of Lincoln Avenue. Escondido Community Child Development Center agrees to remove any and all improvements constructed within the right of way required for the widening of Lincoln Avenue at no cost or expense to the City, upon receipt of a ninety-day written notice; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the Agreement with Escondido Community Child Development Center at 613 East Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Mayor is authorized to execute a Lease Agreement, on behalf of the City, substantially in the form as attached to this Resolution as Exhibit "A" and incorporated by this reference, and subject to final approval as to form by the City Attorney.



613 East Lincoln Avenue

Lessee: Escondido Community Child
Development Center

Term: 3 Years

Address: 613 E Lincoln Ave., Escondido, CA 92025

Date: _____, 2019



TABLE OF CONTENTS

SECTION 1 DEFINITION OF TERMS 1

SECTION 2 ADMINISTRATION 1

SECTION 3 TERM..... 2

SECTION 4 TERMINATION OF LEASE 2

SECTION 5 OPTIONS TO RENEW..... 2

SECTION 6 VACATION OF PREMISES 2

SECTION 7 RENT 2

SECTION 8 SECURITY DEPOSIT 3

SECTION 9 LATE PAYMENT..... 3

SECTION 10 UTILITIES PAYMENTS..... 3

SECTION 11 TAXES, ASSESSMENTS AND FEES 3

SECTION 12 ACCEPTANCE AND MAINTENANCE 3

SECTION 13 ALTERATIONS 4

SECTION 14 USE..... 4

SECTION 15 OCCUPANCY, ASSIGNMENT AND SUBLETTING 5

SECTION 16 CONDUCT 5

SECTION 17 PETS 5

SECTION 18 NOTICES 5

SECTION 19 RIGHT OF INSPECTION 5

SECTION 20 INSURANCE 5

SECTION 21 INDEMNIFICATION 7

SECTION 22 ATTORNEY’S FEES, COSTS AND EXPENSES 7

SECTION 23 NON-DISCRIMINATION..... 7

SECTION 24 SUPERSEDURE 8

SECTION 25 HAZARDOUS AND/OR CONTAMINATED SOIL AND MATERIAL..... 8

SECTION 26 LAW TO GOVERN; VENUE..... 8

SECTION 27 SPECIAL PROVISIONS..... 8

SECTION 28 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS 9

SECTION 29 RIGHT OF FIRST OFFER..... 9

SECTION 30 AMENDMENT 10

SECTION 31 WAIVER..... 10



CITY OF ESCONDIDO LEASE AGREEMENT

This Lease is made as of _____, 2019 between the **City of Escondido (City)** and **Escondido Community Child Development Center (ECCDC)**,

Section 1 Definition of Terms

The following words in this Lease shall have the significance attached to them in this Section unless otherwise apparent from their context.

- 1.1 **City.** The City means the City of Escondido, a California general law City.
- 1.2 **Lease.** Lease means this lease agreement.
- 1.3 **Lease Administrator.** The Lease Administrator means the City of Escondido Real Property Agent or, upon written notice to Lessee, such other person as shall be designated from time to time by City.
- 1.4 **Lessee.** Lessee means Escondido Community Child Development Center (ECCDC), and does not include its heirs, assigns, or successors-in-interest.
- 1.5 **Party.** Lessee or City may be referred to individually as Party or collectively as Parties.
- 1.6 **Premises.** Premises means the real property located at 613 E Lincoln Avenue, Escondido, CA 92025 (APN 229-160-54 & 229-160-53) as depicted on **EXHIBIT A**.

Section 2 Administration

This Lease will be administered on behalf of City by the Lease Administrator, whose address is:

City of Escondido
Attn: Real Property Manager
201 North Broadway
Escondido, CA 92025

And on behalf of Lessee by its Secretary, whose address is:

Escondido Community Child
Development Center
819 W. 9th Avenue
Escondido, CA 92025

Section 3 Term

- 3.1 The term of this Lease shall be three years, commencing on _____, 2019.
- 3.2 Hold Over. The occupancy of the Premises by Lessee, after the expiration of the Term shall be construed as a month to month tenancy, and all other terms and conditions of this Lease shall continue in full force and effect, on a month to month basis. The City shall have the right to terminate the month to month tenancy without cause and for any reason by giving 30 days prior notice to Lessee.

Section 4 Termination of Lease

- 4.1 City may terminate this Lease at any time, at its sole discretion, by providing the other Party with 180 days written notice.
- 4.2 Default. If the City discovers at any time that the Lessee has violated any provision of this Lease, City may notify Lessee of the violation and immediately terminate the Lease upon written notice.

Section 5 Options to Renew

At the end of the Term, this Lease may be renewed for two additional annual periods, upon mutual written agreement by the City and Lessee.

Section 6 Vacation of Premises

- 6.1 Upon termination of this Lease for any reason, Lessee shall peaceably vacate and deliver the Premises to City in the same condition as Lessee found them upon its acceptance of the Premises hereunder, excepting ordinary wear and tear and conditions caused by acts of God.
- 6.2 Upon such termination, Lessee shall immediately:
- A. Provide a written statement to the Lease Administrator of Lessee's new address for purpose of refunding monies, if any, due Lessee under this Lease; and
 - B. Deliver any keys for the Premises to the Administrator or send said keys by certified mail to the City.

Section 7 Rent

- 7.1 Rental Rate. In consideration of the possession and use of the Premises, Lessee shall deliver and pay rent to City \$2,500.00 per month on or prior to the first day of each month. Rent shall be increased by 3% annually on each

anniversary of the Rent Commencement Date thereafter.

- 7.2 Hold Over Rental Rate. The rent payments for any hold over will be equal to the previous year's Rental Rate plus ten percent (10%).

Section 8 Security Deposit

Lessee shall pay a security deposit in the amount of \$2,500 prior to execution of the Lease.

Section 9 Late Payment

Rent payments received after the fifth day of any month will be charged an additional 20% late payment fee.

Section 10 Utilities Payments

Lessee agrees to provide and pay for all utilities and services necessary for the occupancy and use of the Premises, including, but not limited to: gas, water, electricity, sewage charges or septic service, trash and any telecommunications services.

Section 11 Taxes, Assessments and Fees

- 11.1 The terms of this Lease may result in the creation of a possessory interest. If such a possessory interest is vested in Lessee, Lessee may be subjected to the payment of personal property taxes levied on such interest. Lessee shall be responsible for the payment of, and shall pay before delinquent, all taxes, assessments, and fees assessed or levied upon Lessee, on said Premises or any interest therein, on any buildings, structures, machines, appliances, or other improvements of any nature whatsoever, or on any interest therein.
- 11.2 Lessee further agrees not to allow such taxes, assessments, or fees to become a lien against said premises or any improvement thereon. Nothing herein contained shall be deemed to prevent or prohibit Lessee from contesting the validity of amount of any such tax, assessment, or fee in any manner authorized by law.

Section 12 Acceptance and Maintenance

- 12.1 Lessee hereby acknowledges that Lessee has inspected the Premises and Lessee accepts said Premises "as is" and "where is." Lessee acknowledges that the City makes no representations as to the condition or suitability of the Premises or any improvements on the Premises.
- 12.2 Pursuant to the noticing requirements of California Civil Code Section 1938, Lessee acknowledges that the Premises being leased has not undergone inspection by a certified access specialist. A certified access specialist can

inspect the subject premises and determine whether the subject premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require an inspection of the subject premises, the commercial property owner or lessor may not prohibit the lessee or tenant from obtaining an inspection of the subject premises for the occupancy or potential occupancy of the lessee or tenant, if requested by the lessee or tenant. The parties shall mutually agree on the arrangements for the time and manner of the inspection, the payment of the fee for the inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the premises. **The Lessee hereby expressly agrees that the cost for any such inspection and any repairs or modifications necessary to correct violations of construction-related accessibility standards that are noted in a certified access specialist's inspection report are the sole responsibility of the Lessee.**

- 12.3 Lessee agrees to maintain the Premises in good condition and in compliance with all applicable property maintenance and related laws. Lessee releases the City from the obligation to maintain any portion of the Premises. Said release is part of the consideration for the rental of the Premises, and Lessee therefore waives all rights it may otherwise have under Sections 1941 and 1942 of the Civil Code.
- 12.4 In the event Lessee fails to properly maintain the premises as required by City, City may notify Lessee in writing of said failure. In the event Lessee fails to perform said maintenance within 30 days after such notice by City, City may perform such maintenance, and any costs including, but not limited to, the cost of labor, material, and equipment, shall be paid by Lessee to City within 10 days from receipt by Lessee of an invoice from City.

Section 13 Alterations

Lessee shall not paint, alter, cut, add to, or otherwise change the appearance, structure, or condition of the Premises without the prior written consent of the Lease Administrator and only after obtaining applicable permits. Any tenant improvements and additional improvements made with the consent of the Lease Administrator shall become a fixture to the realty and shall remain on and be surrendered with the Premises upon termination of this Lease.

Section 14 Use

Lessee agrees to use the Premises for the purpose of operating a childcare facility, consistent with this Lease. Additionally, Lessee agrees to use the Premises in accordance with the provisions and requirements contained in any permits required by the City of

Escondido. Lessee shall not use, nor permit the use of, the Premises other than as described. In any case where Lessee is, or should reasonably be, in doubt as to the propriety of any particular use, Lessee may request, and will not be in breach or default if Lessee abides by, the written determination of the Lease Administrator that such use is or is not permitted.

Section 15 Occupancy, Assignment and Subletting

The Premises shall only be occupied by Lessee except with prior written consent of the Lease Administrator. Lessee may not assign or sublease any interest in this Lease to any other Party, at any time, including a transferee of a controlling interest in Lessee without written consent from the Lease Administrator.

Section 16 Conduct

Lessee shall not violate, or permit the violation of, any City or County ordinance, or state or federal law, in or about the Premises.

Section 17 Pets

No pets or livestock of any kind may be kept on the Premises without the prior written consent of the Lease Administrator.

Section 18 Notices

Any notice required or permitted to be given by this Lease must either be personally served on the other Party or served by certified mail, return receipt requested, to the addressee. Notices served by mail shall be sent to the address listed above. A change of either Party's address must also be immediately served in the manner described above.

Section 19 Right of Inspection

City reserves the right for its agents or employees to enter upon and inspect the Premises at any reasonable time to ascertain if Lessee is complying with the provisions of this Lease.

Section 20 Insurance

- 20.1 Lessee must have insurance in the following amounts at all times during this Lease:
- A. General liability insurance with at least \$2 Million combined single-limit coverage per occurrence for bodily injury and property damage.
 - B. Automobile liability insurance of \$1 Million combined single-limit per accident for bodily injury and property damage for any and all vehicles that are owned by the Lessee (if applicable).

- C. Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship.
 - D. Commercial property insurance in an amount commensurate with the value of the improvements on the Premises.
- 20.2 Each insurance policy required above must be acceptable to the City Attorney:
- A. Each policy must name the City specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation policy.
 - B. Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A-rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - C. All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
- 20.3 Lessee agrees to deposit with City, on or before the effective date of this Lease, one certificate of insurance for each of the policy or policies necessary to satisfy the insurance provisions of this Lease and to keep such insurance in effect during the entire term of this Lease. This certificate must be reviewed by, and acceptable to, the City Attorney, prior to commencement of the Lease Term. Lessee will also deposit with the City within 60 days of the Effective Date of this Lease, an additional insured endorsement naming City specifically and separately as an "additional insured", with the exception of the worker's compensation policy. The appropriate endorsements described above shall follow within 60 days.
- 20.4 City shall retain the right at any time to review the coverage, form and amount of the insurance required hereby. If, in the opinion of the Lease Administrator, the insurance provisions in this Lease do not provide adequate protection for City and for members of the public using the Premises, City may require Lessee to obtain insurance sufficient in coverage, form and amount to provide adequate protection from and against the kind and extent of risks which exist or are foreseeable at the time a change in insurance is required. City's requirements shall be reasonable, but shall be designed to assure adequate protection of the

City's interests. The Lease Administrator shall notify Lessee in writing of changes in the insurance requirements and, if Lessee does not deposit with City within 60 days of receipt of such notice a new Certificate of Insurance for each policy or policies of insurance incorporating such changes, this Lease shall be deemed in default without further notice to Lessee and may be forthwith terminated by the Lease Administrator.

- 20.5 The procuring of such required policy or policies of insurance shall not be construed to limit Lessee's liability hereunder nor to fulfill the indemnification provisions and requirements of this Lease. Notwithstanding said policy or policies of insurance, Lessee shall be obligated for the full and total amount of any damage, injury or loss attributable to any act or omission of it or its agents, customers or guests in connection with this Lease or with use or occupancy of the Premises.

Section 21 Indemnification

Lessee shall defend, indemnify, and hold harmless City, its officers, agents, and employees from and against any and all claims, demands, and liabilities for loss of any kind or nature which City, its officers, agents, or employees may sustain or incur or which may be imposed upon them or any of them for injury to or death of persons or damage to property as a result of, arising out of, or in any manner connected with this Lease or with the occupancy and use of the Premises by Lessee, its invitees, visitors, or any other persons whatsoever. Lessee further agrees to pay any and all costs and expenses, including, but not limited to, court costs and reasonable attorney's fees incurred by City on account of any such claims, demands, or liabilities. However, the provisions of this Lease shall not be construed to indemnify City for claims or acts arising from City's sole negligence.

Section 22 Attorney's Fees, Costs and Expenses

In the event legal action is brought to enforce the terms of or to declare a termination of this Lease for reason of breach thereof, the unsuccessful Party shall pay all of the successful Party's costs of such action, together with reasonable attorney's fees, in an amount to be fixed by the court.

Section 23 Non-Discrimination

Lessee covenants that this Lease is made and accepted upon and subject to the condition that there shall be no discrimination against or segregation of any person or group of persons on account of physical or mental disabilities, race, color, creed, religion, sex, marital status, national origin or ancestry in the use, occupancy, tenure or enjoyment of the leased premises. Lessee shall not establish or permit any such practice of

discrimination or segregation with reference to the selection, location, number, or use of occupancy by customers, tenants or vendees in the leased premises.

Section 24 Supersedure

This Lease, upon becoming effective, shall supersede any leases or rental agreements heretofore made or issued for the Premises between the City and Lessee.

Section 25 Hazardous and/or Contaminated Soil and Material

Lessee will not place or permit to be placed materials and/or contaminated soils on the premises which under federal, state, or local law, statute, ordinance, or regulations require special handling in collection, storage, treatment, and/or disposal. Lessee also hereby covenants and agrees that, if at any time it is determined there are materials and/or contaminated soils located on the premises which under any environmental requirement require special handling in collection, storage, treatment, or disposal, Lessee shall notify City. Within thirty (30) days after written notice to City or from City, Lessee shall commence to take and thereafter diligently complete, at Lessee's sole expense, such actions as may be necessary to comply with environmental requirements.

Section 26 Law to Govern; Venue

This Lease is governed by the laws of the State of California. Venue for all actions arising from this Lease must be exclusively in the North County Division of the San Diego County Superior Court or federal courts located in San Diego County, California.

Section 27 Special Provisions

- 27.1 Lessee hereby acknowledges that Lessee waives all rights to any form of relocation assistance provided for by local, state, or federal law to which Lessee may be entitled by reason of this Lease.
- 27.2 Lessee agrees to maintain the landscaped area within the City-owned parcel located at the south-west corner of Lincoln Avenue and North Fig Street. This will include maintenance of irrigation facilities.
- 27.3 City and Lessee acknowledge that a portion of the Premises lies within an area required for construction of improvements to Lincoln Avenue. Lessee agrees to remove any and all improvements constructed within the right of way required for the widening of Lincoln Avenue at no cost or expense to the City. City shall provide Lessee (90) ninety-days prior written notice to remove said improvements. The area subject to this provision is identified on Exhibit "A" attached. Lessee further agrees to comply with all applicable regulations & requirements, in place at that time, for its continued use of the remaining Premises. If Lessee is unable to meet State requirements to continue operations, due to the widening of Lincoln Avenue, Lessee may

terminate this Lease by providing the City with 180 days written notice.

Section 28 Compliance with Federal, State, and Local Laws

It is the duty of the Lessee while operating under this Lease to comply with all local, state, and federal laws, and to indemnify City from any violation of any such law. Failure to comply with a provision of local, state, or federal law is grounds for the Lease Administrator's immediate termination of this Lease.

Section 29 Right of First Offer

- 29.1 In the event the City, in its sole discretion, should decide to sell the Premises during the Lease Term, City hereby grants to Lessee a right of first refusal to purchase the Premises as set forth in this Paragraph. The term of this right of first refusal commences on the date of this Lease and terminates on June 1, 2023. This right of first refusal is conditioned upon Lessee not being in default under this Lease.
- 29.2 Upon City's decision to sell the Premises, the City will notify Lessee of its desire to sell the property. If Lessee intends to exercise its right of first refusal, it must deliver the City written notice of its intention to purchase the Premises within thirty (30) days after the receipt of the notice from the City of its decision to sell. If the Lessee does not notify City within the thirty (30) days, Lessee is deemed to have waived its right of first refusal and the right of first refusal will terminate immediately. City may then proceed to sell the property free and clear of this right of first refusal.
- 29.3 If the Lessee delivers the written notice of its intent to purchase the property, then Lessee may purchase the Premises on the same terms and conditions of a bona fide offer to purchase the property from a party who is not affiliated with Lessee ("Third Party"), which the City is willing to accept and the value of which is supported by an independent appraiser ("Offer"). Upon receipt of an Offer, the City will send notice to the Lessee. If Lessee elects to exercise its right of first refusal, it shall do so by delivering to City written notice of its election to purchase the property on terms and conditions identical to those set forth in the Offer, within thirty (30) days after receipt of notice from the City. If the Lessee does not notify City within the thirty (30) days, Lessee is deemed to have rejected the Offer and City may proceed to sell the property free and clear of this right of refusal to the Third Party on the terms and conditions set forth in the Offer, or on terms which are better for City, but not worse for City.



Section 30 Amendment

This Lease may not be amended, modified, or supplemented except by a writing executed both Parties.

Section 31 Waiver

No waiver by a Party of any provision of this Lease shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision. The exercise by a Party of any right or remedy provided in this Lease or provided by law shall not prevent the exercise by that Party of any other remedy provided in this Lease or under the law.

IN WITNESS WHEREOF, the Parties below are authorized to act on behalf of their organizations, and have executed this Lease as of the date set forth below.

ENTITY

Date: _____

Signature

Name, Title

CITY OF ESCONDIDO

Date: _____

Paul McNamara, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

EXHIBIT A



CITY COUNCIL STAFF REPORT

Public Hearing Item No. 8

May 1, 2019

File No. 0685-10

SUBJECT: Public Hearing for City of Escondido Landscape Maintenance Assessment District Zones 1 through 38

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council receive input from the property owners in Zones 1 through 38 of the City of Escondido Landscape Maintenance Assessment District (LMD) (Attachment 1 – LMD Map) on the proposed budget and assessments for FY 2019/2020. No Council action is required.

FISCAL ANALYSIS:

The LMD reimburses all costs incurred by the City of Escondido (City) in all zones except Zones 12 and 13. The City of Escondido purchased property adjacent to the Reidy Creek environmental channel that lies within Zone 12 and therefore assumed the assessment assigned to this property. Zone 13 was formed to pay for the maintenance of the median landscaping in Centre City Parkway south of Felicita Avenue and north of Montview Drive. The City shares the cost of the maintenance in Zone 13 with the two shopping centers on either side of the parkway.

A Consumer Price Index (CPI) increase of 3.36912% per Bureau of Labor Statistics: San Diego-Carlsbad, California, is included for Zones 1, 4, 6, 9, 10, 11, 15, 16, 17, 18, 20, and 24. Annual CPI adjustments were previously approved by property owners within these zones. Each assessment remains at or under the maximum authorized levy.

PREVIOUS ACTION:

On March 20, 2019, the City Council approved the FY 2019/2020 preliminary LMD Engineer's Report and set a public hearing date of May 1, 2019, for LMD Zones 1 through 38.

BACKGROUND:

The LMD was established as a means to fund the ongoing maintenance of certain landscape improvements associated with the development of specific properties. These landscape improvements have special benefit to those specific properties. When properties are developed, a study is prepared to determine the cost of maintenance of the proposed landscaping and improvements. The maximum annual levy is calculated and the developer/property owner(s) vote to be assessed in that maximum amount. The maximum annual levy may or may not be established with an inflationary adjustment.

The LMD is divided into various zones. Property owners of parcels within each zone are assessed for the benefit received within their zone for the maintenance of the landscape improvements. All funds collected must be used within the zone

Each year the City Council is required to review and approve the upcoming fiscal year budget and assessment for the LMD. As part of the approval process, a public hearing is held to give property owners within Zones 1 through 38 of the LMD the opportunity to comment on the proposed budget and assessment. This is the purpose of the public hearing today. No City Council action is required.

The Final Engineer's Report for LMD Zones 1 through 38 for FY 2019/2020 will be presented to the City Council for approval on May 22, 2019. All proposed levies remain at or under the maximum authorized levy approved by the property owner(s).

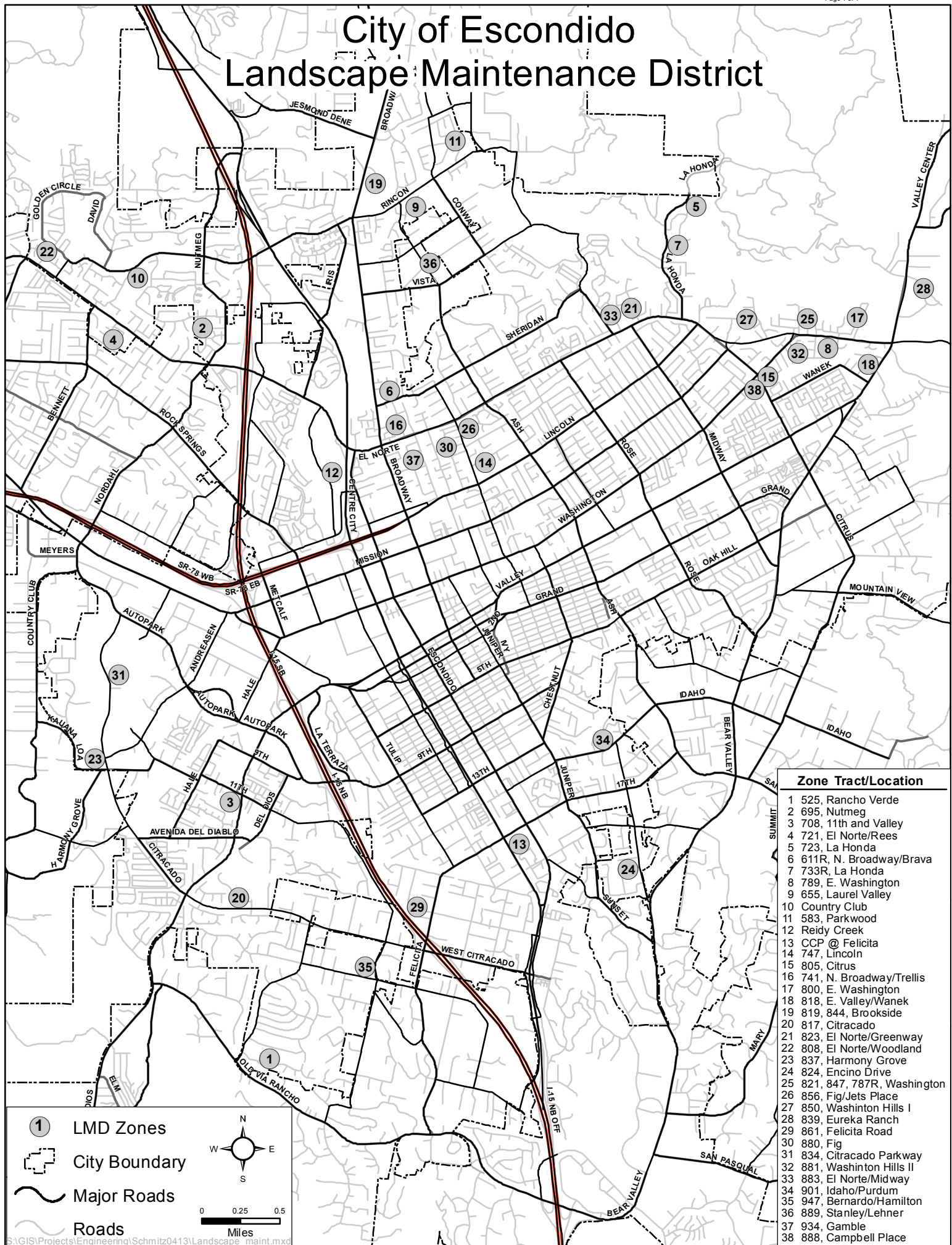
APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
4/24/2019 3:22 p.m.

ATTACHMENTS:

1. Attachment 1 – LMD Map

City of Escondido Landscape Maintenance District



Zone Tract/Location	
1	525, Rancho Verde
2	695, Nutmeg
3	708, 11th and Valley
4	721, El Norte/Rees
5	723, La Honda
6	611R, N. Broadway/Brava
7	733R, La Honda
8	789, E. Washington
9	655, Laurel Valley
10	Country Club
11	583, Parkwood
12	Reidy Creek
13	CCP @ Felicitia
14	747, Lincoln
15	805, Citrus
16	741, N. Broadway/Trellis
17	800, E. Washington
18	818, E. Valley/Wanek
19	819, 844, Brookside
20	817, Citracado
21	823, El Norte/Greenway
22	808, El Norte/Woodland
23	837, Harmony Grove
24	824, Encino Drive
25	821, 847, 787R, Washington
26	856, Fig/Jets Place
27	850, Washinton Hills I
28	839, Eureka Ranch
29	861, Felicitia Road
30	880, Fig
31	834, Citracado Parkway
32	881, Washinton Hills II
33	883, El Norte/Midway
34	901, Idaho/Purdum
35	947, Bernardo/Hamilton
36	889, Stanley/Lehner
37	934, Gamble
38	888, Campbell Place

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 9

May 1, 2019

File No. 0800-70

SUBJECT: Amendment to Downtown Specific Plan – Density Transfer Program
(PHG 17-0024 and ENV 19-0004)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council conduct a public hearing and take action on the recommendations of City of Escondido (City) staff and the Planning Commission, which recommends that the City Council:

1. Adopt Ordinance No. 2019-06 to amend the Downtown Specific Plan (DSP) to allow property owners to transfer density from undeveloped or underutilized properties to developing properties in the DSP and to adopt an addendum to the previously certified Environmental Impact Report for the 2012 General Plan Update, Downtown Specific Plan Update and Climate Action Plan Program EIR (Final EIR) in conformance with the California Environmental Quality Act (CEQA); and
2. Adopt Resolution No. 2019-69 establishing the purpose, administration, and benefits of DSP Density Transfer Program.

PROJECT DESCRIPTION:

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

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

LOCATION:

The Density Transfer Program is proposed to transfer densities from and to properties in the Downtown Specific Plan. The DSP encompasses approximately 475 acres extending from I-15 and West Valley Parkway to Palomar Hospital (Downtown Campus) between Washington Avenue and Fifth Avenue.

FISCAL ANALYSIS:

There is no fiscal impact. Administering the Density Transfer Program and monitoring site-by-site density allocations would be covered by the existing Citywide operating budget allocated to the Planning Division of the Community Development Department. Future private development applications seeking to utilize density transfers would require the payment of fees, in effect, at the time permits are requested.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission conducted two (2) public hearings on March 26 and April 9, 2019 to review and consider the proposed program (See Attachment 1). At the conclusion of deliberations, the Commission voted 6-1 to recommend the City Council approve the Density Transfer Program (Chairman Spann opposed). In general, the Planning Commission supported the program because the overall maximum density of 5,275 units in the DSP planning area would be retained and future development proposals that requested additional density would be considered on a case-by-case basis with both Commission and the City Council input. Public comments received at the Planning Commission are discussed later in this report.

BACKGROUND:

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

In 2012, there were approximately 1,200 dwelling units existing in the DSP planning area. Since then, only 185 units have been constructed within the DSP. Another 126 units have been approved and are under construction. In 2013, an amendment to the DSP (Planning Case no. PHG 13-0018) increased the boundaries of the planning area by adding approximately 58 acres by rezoning adjacent properties. The amendment also updated residential densities by increasing the maximum density permitted in some areas from 45 dwelling units to 75 or 100 dwelling units per acre. Overall, the 2013 amendment maintained a buildout of 5,275 dwelling units in the downtown area for the planned horizon year of 2035 as previously analyzed in the certified 2012 General Plan Final EIR. The current remaining balance of available residential units within the DSP is 3,764 units.

ANALYSIS:

1. Program Purpose

Cities of all sizes have implemented plans to reinvest and re-grow their downtowns. Many agencies are finding that housing is an essential element in revitalizing downtown districts. A healthy residential component to a downtown area generates customers, and a constant flow of foot traffic supports nearby retailers, services, entertainment, and other businesses that are part of a desirable downtown economy. By incorporating a higher density of residents in the downtown mix, the amount of activity increases, which in turn creates even more vibrancy. Residential growth requires expanding the existing housing stock by encouraging and securing multi-family development. One of the ways to encourage multi-family development is to ensure the financial viability of the development project by increasing density where desired, but not increasing the overall planned density for the area.

The purpose of the Density Transfer Program is to enable the City to transfer densities from undeveloped or underutilized properties (“sending areas”) within the Downtown Specific Plan (DSP) to developing properties (“receiving areas”). The program would increase the probability that the anticipated number of dwelling units in the DSP area could actually be achieved by allowing a developing property to increase its density beyond what current zoning would permit when other properties have underdeveloped to less than the maximum density. The program helps accommodate the City’s share of future regional housing needs with a greater mix of housing types and choices, in smart growth locations rather than sprawl, which benefits everyone in the community. The concept of the Density Transfer Program was briefly discussed in the March 20, 2019 City Council Agenda Report on the Zoning Code and Land Use Study as an early implementation action item for the forthcoming 2021-2028 Housing Element.

2. Program Administration

The City would kick-start the Density Transfer Program with unused density from a City-owned parcel or parcels within the DSP. The City could continue to build Density Transfer Program capacity with excess unused density transferred from other undeveloped, developed, or developing properties. A deed restriction would be secured on a sending area to document the transfer of unused density into the pool. Allocation of the density bank would only occur when developing properties request additional density. The request for an increase in units would require the City Council approval of a Planned Development Permit and Development Agreement (or other agreement approved by the City). An overview of how the Density Transfer Program would be administered between sending areas and receiving areas is provided in Exhibit “B” to the City Council Resolution No. 2019-69. The program would be routinely monitored to ensure that the number of dwelling units for the DSP would not be permitted to exceed the buildout of 5,275 units. A tracking template would be utilized by Planning staff to track transfers over time. An annual report to the City Council regarding the Density Transfer Program would be presented by staff as part of the General Plan Annual Progress Report to

outline approved projects, constructed projects, balance left in the density pool and recommendations for the upcoming year.

3. General Plan / Zoning

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

Transferring density from one property to another also offers opportunities to meet the State Housing Goals more readily. The Housing Element is a component of the General Plan that assesses the housing needs of all economic segments of the City. It covers the period from January 1, 2013, through December 31, 2020, and identifies strategies and programs that focus on: 1) Conserving and improving existing affordable housing; 2) Providing adequate housing sites; 3) Assisting in the development of affordable housing; 4) Removing governmental constraints to housing development; and 5) Promoting fair housing opportunities. Properties within the DSP area that have the potential for development and/or redevelopment were identified. Adoption of the Density Transfer Program would conform to SB166 ("No-Net-Loss" for housing) and Housing Element goals, since residential units necessary to be constructed to meet these goals ultimately, could be achieved even if projects incrementally underperform on site by site density yield counts. On properties where density is planned but not utilized to its full potential, the unused density (i.e. units) could be constructed on other developing sites. Many of the units required for the Regional Housing Needs Assessment could be accomplished by encouraging and facilitating new housing development in the downtown where adequate public services and much infrastructure is available. By offering developers a tool to increase density in areas that are prime for development and supported by existing infrastructure, the City would be supporting smart growth principles and encouraging development at a much earlier pace. As mentioned earlier in this report, the concept of the Density Transfer Program and the advantages of it being an early implementation item was briefly discussed in the March 20, 2019, City Council Agenda Report on the Zoning Code and Land Use Study. The proposed program should help facilitate providing adequate sites for the 2021-2028 Housing Element update.

PUBLIC INPUT:

The proposed Density Transfer Program was presented to several community groups that have expressed interest in downtown-related issues.

- Downtown Business Association Board – January 9, 2019
- Escondido Chamber of Commerce – January 10, 2019
- Old Escondido Neighborhood Group – February 20, 2019
- Historic Preservation Commission – March 21, 2019
- Planning Commission Public Hearing – March 26, 2019
- Informational Open House at City Hall – April 8, 2019
- Planning Commission Public Hearing - April 9, 2019

Public correspondences received on the proposed Density Transfer Program are provided in Attachment 2. In addition, public testimony received at the April 9, 2019 Planning Commission hearing included:

- Alex McLaughlin, Downtown Business Association, stated the program was a great idea as it will bring people downtown.
- Todd Stephens, local business owner, expressed support.
- Dan Forester, Downtown Business Association, stated that the program would provide future growth.
- Diana Gil, local business manager, was opposed to the proposal and stated there needs to be more parking before we can consider more growth.
- Carol Rea, Historic Preservation Commission, questioned the amount of support for the proposal. She requested the Commission reconsider the program.
- Tom Stamos, Chamber of Commerce, stated that he is a 31-year resident of Escondido and is 100% in support of the program.
- Maya Rosas, Policy Director for Circulate San Diego, stated that regionally San Diego is not meeting housing goals. The Density Transfer Program is a good idea to encourage growth as there is employment nearby, and more residents, would further downtown goals. She commended staff for presenting this innovative tool for encouraging growth that would help to meet housing goals in a walkable community.
- Nicole Purvis, HPC, stated that she opposes the program as it lacks clarity and parameters. There is no expiration or caps for the amount of density that could be requested. The program could result in mid-rise development being constructed in downtown areas where it is not compatible.
- Patricia Borchmann thanked staff for the extra outreach in the community. She suggested that the City consider design criteria for community character, visual quality, and shading in order to mitigate impacts.

- Lisa Walker, Old Escondido Neighborhood, recommended including a cap on overall density and that the City hold to the height restrictions in the Downtown Specific Plan.

ENVIRONMENTAL REVIEW:

The 2012 General Plan Update, DSP Update, and Final EIR was certified on May 23, 2012, by the City Council. An Addendum to the previously certified Environmental Impact Report was prepared by Harris & Associates (March 1, 2019) to assess the potential impacts of the proposed Density Transfer Program amendment to the DSP. The proposed Addendum concluded that there are no substantial changes to the circumstances under which the proposed Density Transfer Program would be undertaken that would require major revisions to the Final EIR. The proposed project would not meet any other standards for requiring further environmental review under State CEQA Guidelines Sections 15162 and 15163. No further analysis is required.

CONCLUSION:

The Planning Commission conducted two public hearings on the proposed Amendment to the Downtown Specific Plan to establish a Density Transfer Program and ultimately voted 6-1 to recommend approval. The proposed program has been developed to support a vibrant downtown through sustainable growth principles that will assist the City in meeting its share of regional housing needs. The proposed program is consistent with the General Plan and will not increase the overall amount of downtown housing units evaluated in the General Plan EIR. Any future development requesting an increase in density based on the approval of the proposed Amendment will be evaluated on a case by case basis through the public hearing process.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
4/25/2019 10:30 a.m.

Mike Strong, Assistant Director of Planning
4/25/2019 10:01 a.m.

ATTACHMENTS:

1. Attachment 1 –
April 9, 2019 Planning Commission Staff Report
March 26, 2019 Planning Commission Staff Report
March 26, 2019 Planning Commission Meeting Minutes
April 9, 2019 Planning Commission Meeting Minutes
2. Attachment 2 – Written Public Correspondences
3. Ordinance No. 2019-06
4. Ordinance No. 2019-06 Exhibits A, B, and C
5. Resolution No. 2019-69
6. Resolution No. 2019-69 Exhibits A and B



PLANNING COMMISSION

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

TO: Planning Commission

FROM: Planning Division Staff

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

Background

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

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

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

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

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

Continued Hearing for Proposed Density Transfer Program

April 9, 2019

Page 2

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

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

Discussion

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

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

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

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

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

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

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

Downtown Escondido Density Transfer Program




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

So what can be done?

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

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

KEY PROGRAM HIGHLIGHTS:

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

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

YOUR VOICE COUNTS!

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

1. Open house presentation:

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

2. City Planning Commission meeting:

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

3. Mobile community conversations:

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

4. Online:

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

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

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



PLANNING COMMISSION

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

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

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

LOCATION: Properties in the DSP

APPLICANT: City of Escondido

APN / APNS: N/A

PRIMARY

REPRESENTATIVE: Planning Division

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

DISCRETIONARY ACTIONS REQUESTED: Specific Plan Amendment

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

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

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

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

CITY COUNCIL HEARING REQUIRED: YES NO

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

PHG 17-0024
March 26, 2019

A. BACKGROUND:

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

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

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

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

PHG 17-0024
March 26, 2019

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

B. PROJECT ANALYSIS:

1. Program Purpose

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

2. TDR Program Basics and Proposed Approach

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

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

PHG 17-0024
March 26, 2019

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

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

3. Program Administration

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

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

PHG 17-0024
March 26, 2019

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

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

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

4. General Plan / Zoning

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

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

PHG 17-0024
March 26, 2019

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

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

5. Supplemental Details of Request

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

PHG 17-0024
March 26, 2019

6. Public Input

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

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

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

C. ENVIRONMENTAL STATUS:

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

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

PHG 17-0024
March 26, 2019

D. CONCLUSIONS:

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

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

ATTACHMENTS:

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

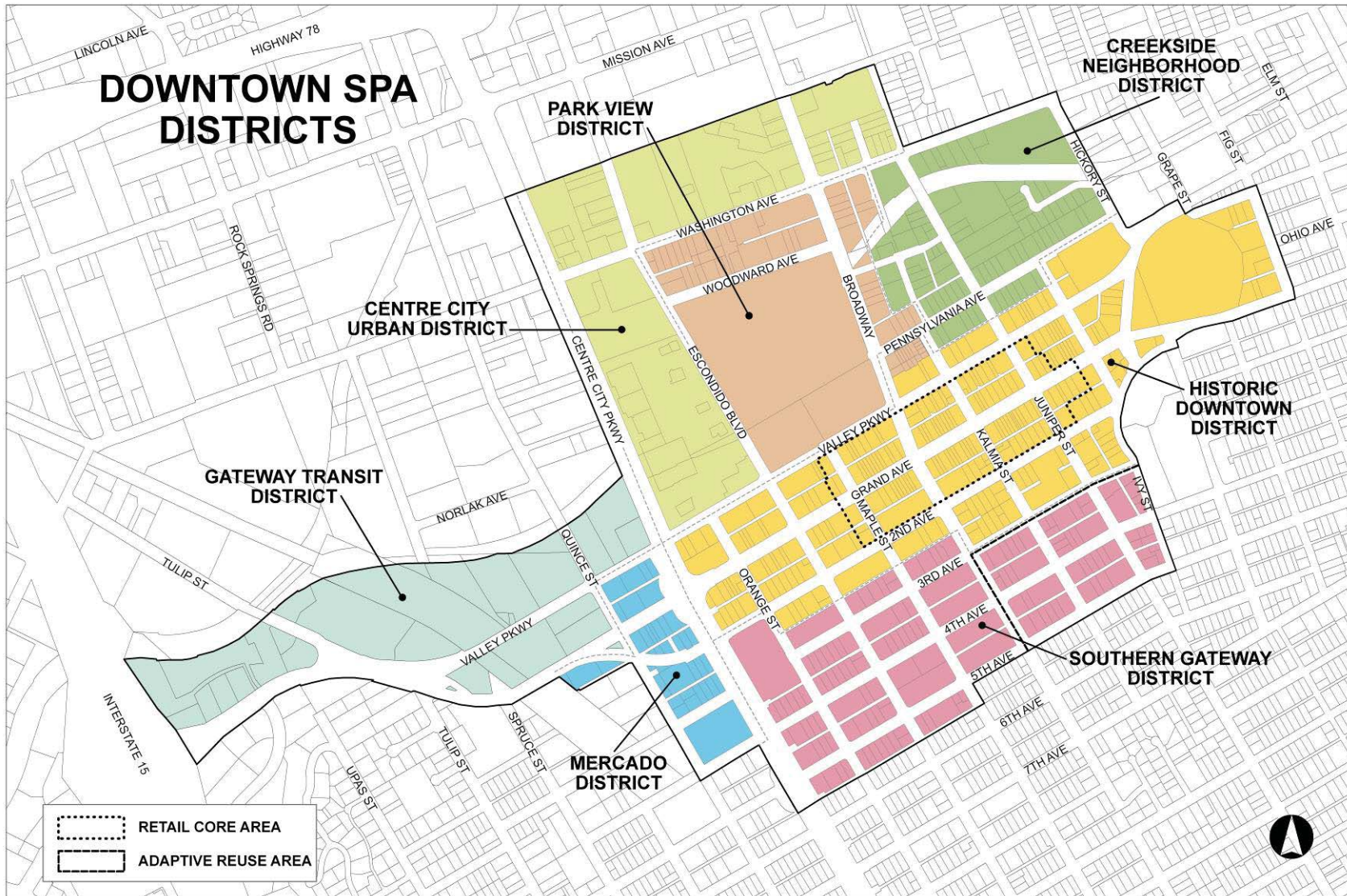


FIGURE II-1

Downtown Specific Plan

LAND USES

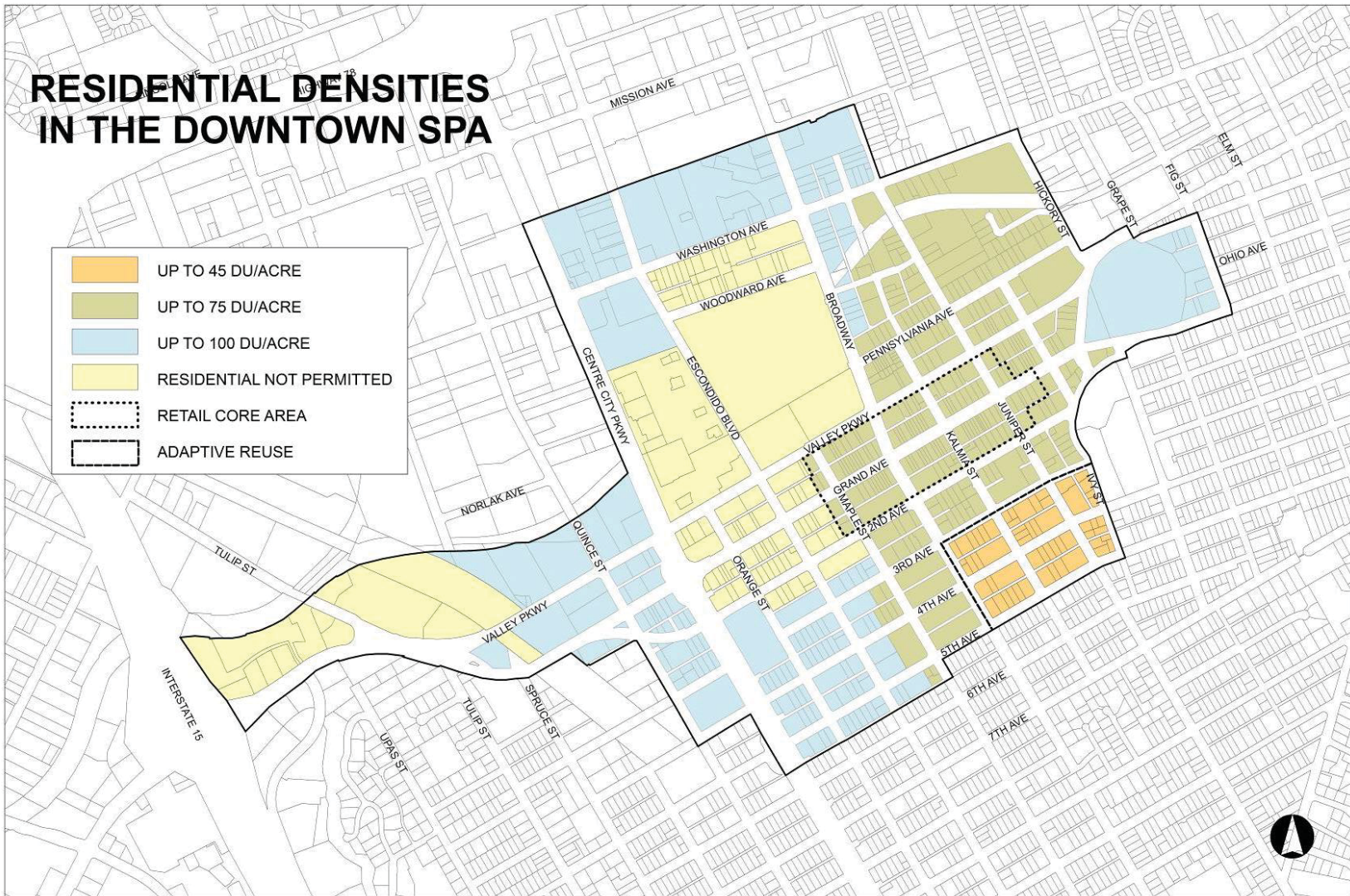


FIGURE II-5

ATTACHMENT 2

Planning Commission
Hearing Date: March 26, 2019
Effective Date: March 27, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-06

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

APPLICANT: CITY OF ESCONDIDO

CASE NO: PHG 17-0024

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 26th day of March 26, 2019, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

BILL MARTIN, Secretary of the
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

EXHIBIT “A”

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

Environmental Determinations:

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

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

Amendment to the Downtown Specific Plan:

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

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

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

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

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

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

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

EXHIBIT “B”

Amendment to the Downtown Specific Plan PHG17-0024

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

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

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

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

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

EXHIBIT “C” Density Transfer Program

Program Purpose

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

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

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

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

Program Administration

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

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

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

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

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

Density Transfer Program Benefits

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

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

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

March 1, 2019

Prepared for:



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

Prepared by:



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

Table of Contents

Section 1	Introduction	1-1
Section 2	Background	2-1
	2.1 Regional Housing Needs.....	2-1
Section 3	Basis of Decision to Prepare an EIR Addendum.....	3-1
Section 4	Project Description	4-1
	4.1 Project Location.....	4-1
	4.2 Project Characteristics.....	4-1
	4.3 Density Transfer Program Administration.....	4-2
Section 5	Environmental Analysis.....	5-1
	5.1 Aesthetics	5-1
	5.1.1 Previously Identified Impacts in the Final EIR	5-1
	5.1.2 Density Transfer Program Impacts	5-2
	5.2 Agricultural Resources	5-3
	5.2.1 Previously Identified Impacts in the Final EIR	5-3
	5.2.2 Density Transfer Program Impacts	5-4
	5.3 Air Quality	5-5
	5.3.1 Previously Identified Impacts in the Final EIR	5-5
	5.3.2 Density Transfer Program Impacts	5-7
	5.4 Biological Resources	5-8
	5.4.1 Previously Identified Impacts in the Final EIR	5-8
	5.4.2 Density Transfer Program Impacts	5-9
	5.5 Cultural and Paleontological Resources.....	5-11
	5.5.1 Previously Identified Impacts in the Final EIR	5-11
	5.5.2 Density Transfer Program Impacts	5-12
	5.6 Geology and Soils	5-13
	5.6.1 Previously Identified Impacts in the Final EIR	5-13
	5.6.2 Density Transfer Program Impacts	5-14
	5.7 Greenhouse Gas Emissions.....	5-15
	5.7.1 Previously Identified Impacts in the Final EIR	5-15
	5.7.2 Density Transfer Program Impacts	5-16
	5.8 Hazards and Hazardous Materials	5-17
	5.8.1 Previously Identified Impacts in the Final EIR	5-17
	5.8.2 Density Transfer Program Impacts	5-19
	5.9 Hydrology and Water Quality.....	5-20
	5.9.1 Previously Identified Impacts in the Final EIR	5-20
	5.9.2 Density Transfer Program Impacts	5-21

5.10	Land Use	5-22
5.10.1	Previously Identified Impacts in the Final EIR	5-22
5.10.2	Density Transfer Program Impacts	5-23
5.11	Mineral Resources.....	5-24
5.11.1	Previously Identified Impacts in the Final EIR	5-24
5.11.2	Density Transfer Program Impacts	5-25
5.12	Noise	5-26
5.12.1	Previously Identified Impacts in the Final EIR	5-26
5.12.2	Density Transfer Program Impacts	5-27
5.13	Population and Housing	5-29
5.13.1	Previously Identified Impacts in the Final EIR	5-29
5.13.2	Density Transfer Program Impacts	5-29
5.14	Public Services	5-31
5.14.1	Previously Identified Impacts in the Final EIR	5-31
5.14.2	Density Transfer Program Impacts	5-31
5.15	Recreation	5-33
5.15.1	Previously Identified Impacts in the Final EIR	5-33
5.15.2	Density Transfer Program Impacts	5-33
5.16	Transportation and Traffic	5-34
5.16.1	Previously Identified Impacts in the Final EIR	5-34
5.16.2	Density Transfer Program Impacts	5-35
5.17	Utilities and Service Systems	5-37
5.17.1	Previously Identified Impacts in the Final EIR	5-37
5.17.2	Density Transfer Program Impacts	5-39
Section 6	Conclusion.....	6-1
Section 7	References	7-1

Figures

Figure 1. Regional Location Map

Figure 2. Downtown SPA Districts

Figure 3. Downtown SPA Residential Densities

Figure 4. Downtown SPA Building Height Limits

Figure 5. Downtown SPA Land Uses

Table

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

Section 1 Introduction

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

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

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

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

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

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

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

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

Section 2 **Background**

2.1 **Regional Housing Needs**

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

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

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

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

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

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

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

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

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

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

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

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

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

This page intentionally left blank.

Section 3 Basis of Decision to Prepare an EIR Addendum

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

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

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

Section 15162 Subsequent EIRS and Negative Declarations

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

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

Section 15163 Supplement to an EIR

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

Section 15164 Addendum to an EIR or Negative Declaration

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

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

This page intentionally left blank.

Section 4 Project Description

4.1 Project Location

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

4.2 Project Characteristics

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

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

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

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

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

4.3 Density Transfer Program Administration

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

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

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

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

Section 5 Environmental Analysis

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

5.1 Aesthetics

5.1.1 Previously Identified Impacts in the Final EIR

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

Issue 4.1-1 Scenic Vistas (Less than Significant)

Issue 4.1-2 Scenic Resources (Less than Significant)

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

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

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

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

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

5.1.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.2 Agricultural Resources

5.2.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

5.2.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.3 Air Quality

5.3.1 Previously Identified Impacts in the Final EIR

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

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

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

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

Issue 4.3-4 Objectionable Odors (Less than Significant)

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

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

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

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

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

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

5.3.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.4 Biological Resources

5.4.1 Previously Identified Impacts in the Final EIR

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

Issue 4.4-1 Special Status Species – Cumulative (Significant and Unavoidable)

Issue 4.4-2 Riparian Habitat and Other Sensitive Natural Communities – Cumulative (Significant and Unavoidable)

Issue 4.4-3 Federally Protected Wetlands (Less than Significant)

Issue 4.4-4 Wildlife Movement Corridors – Cumulative (Significant and Unavoidable)

Issue 4.4-5 Local Policies and Ordinances (Less than Significant)

Issue 4.4-6 Habitat Conservation Plans and Natural Community Conservation Plans (Less than Significant)

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

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

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

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

5.4.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

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

5.5 Cultural and Paleontological Resources

5.5.1 Previously Identified Impacts in the Final EIR

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

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

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

Issue 4.5-3 Paleontological Resources (Less than Significant)

Issue 4.5-4 Human Remains (Less than Significant)

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

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

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

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

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

5.5.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.6 Geology and Soils

5.6.1 Previously Identified Impacts in the Final EIR

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

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

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

Issue 4.6-3 Soil Stability (Less than Significant)

Issue 4.6-4 Expansive Soils (Less than Significant)

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

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

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

5.6.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.7 Greenhouse Gas Emissions

5.7.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

5.7.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.8 Hazards and Hazardous Materials

5.8.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

Issue 4.8-5 Public Airports (Less than Significant)

Issue 4.8-6 Private Airports (Less than Significant)

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

Issue 4.8-8 Wildland Fires (Less than Significant)

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

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

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

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

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

5.8.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.9 Hydrology and Water Quality

5.9.1 Previously Identified Impacts in the Final EIR

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

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

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

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

Issue 4.9-4 Flooding (Less than Significant)

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

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

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

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

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

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

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

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

5.9.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.10 Land Use

5.10.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

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

5.10.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.11 Mineral Resources

5.11.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

5.11.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.12 Noise

5.12.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

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

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

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

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

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

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

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

5.12.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.13 Population and Housing

5.13.1 Previously Identified Impacts in the Final EIR

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

Issue 4.13-1 Population Growth (Less than Significant)

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

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

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

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

5.13.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.14 Public Services

5.14.1 Previously Identified Impacts in the Final EIR

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

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

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

Issue 4.14-3 School Services (Less than Significant)

Issue 4.14-4 Library Services (Less than Significant)

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

5.14.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.15 Recreation

5.15.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

5.15.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.16 Transportation and Traffic

5.16.1 Previously Identified Impacts in the Final EIR

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

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

Issue 4.16-2 Air Traffic (Less than Significant)

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

Issue 4.16-4 Emergency Access (Less than Significant)

Issue 4.16-5 Alternative Transportation (Less than Significant)

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

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

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

5.16.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.17 Utilities and Service Systems

5.17.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

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

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

Issue 4.17-8 Energy (Less than Significant)

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

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

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

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

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

5.17.2 Density Transfer Program Impacts

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

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

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

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

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

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

Section 6 Conclusion

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

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

This page intentionally left blank.

Section 7 **References**

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

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

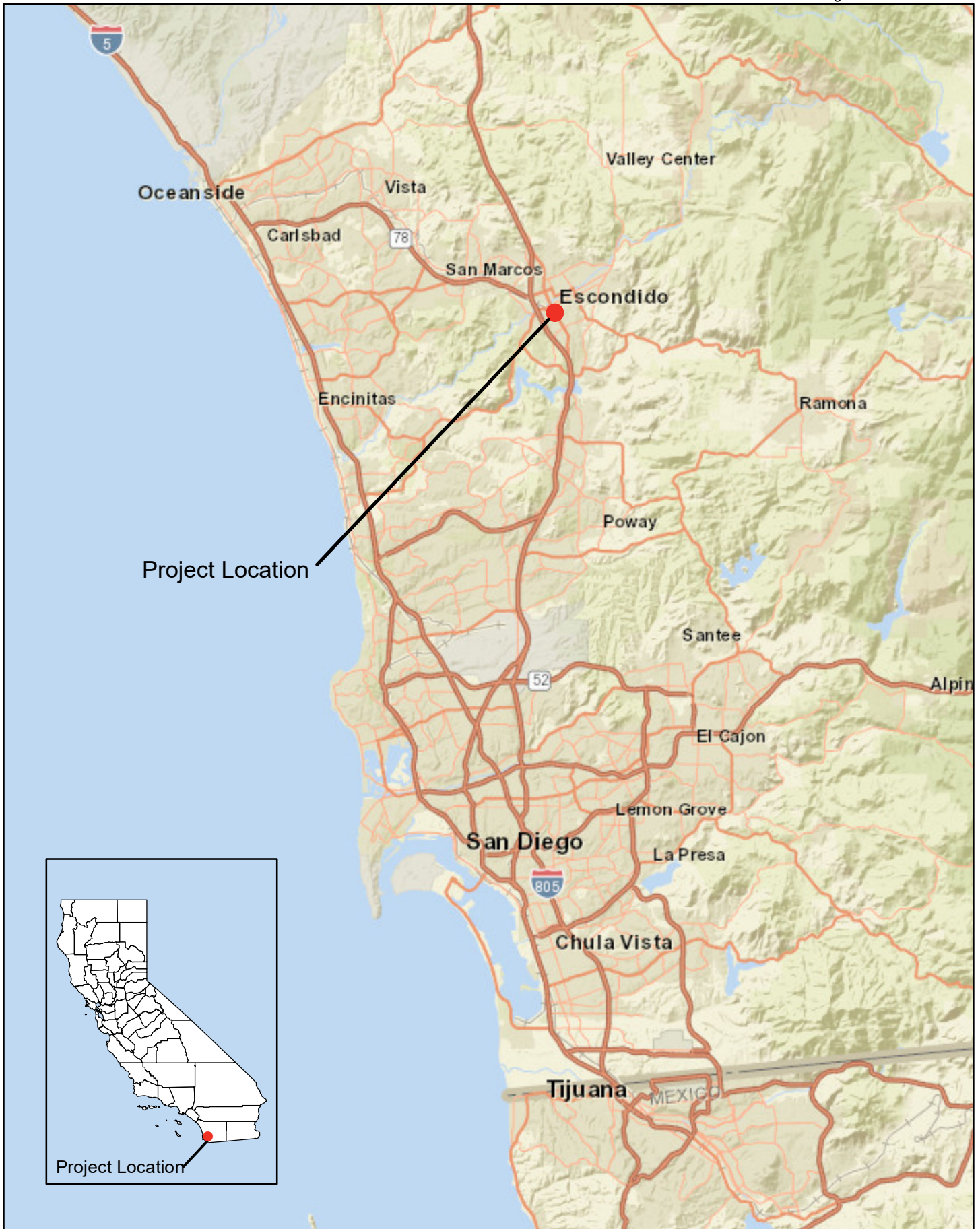
City of Escondido. 2012. *Downtown Specific Plan*. August 6.

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

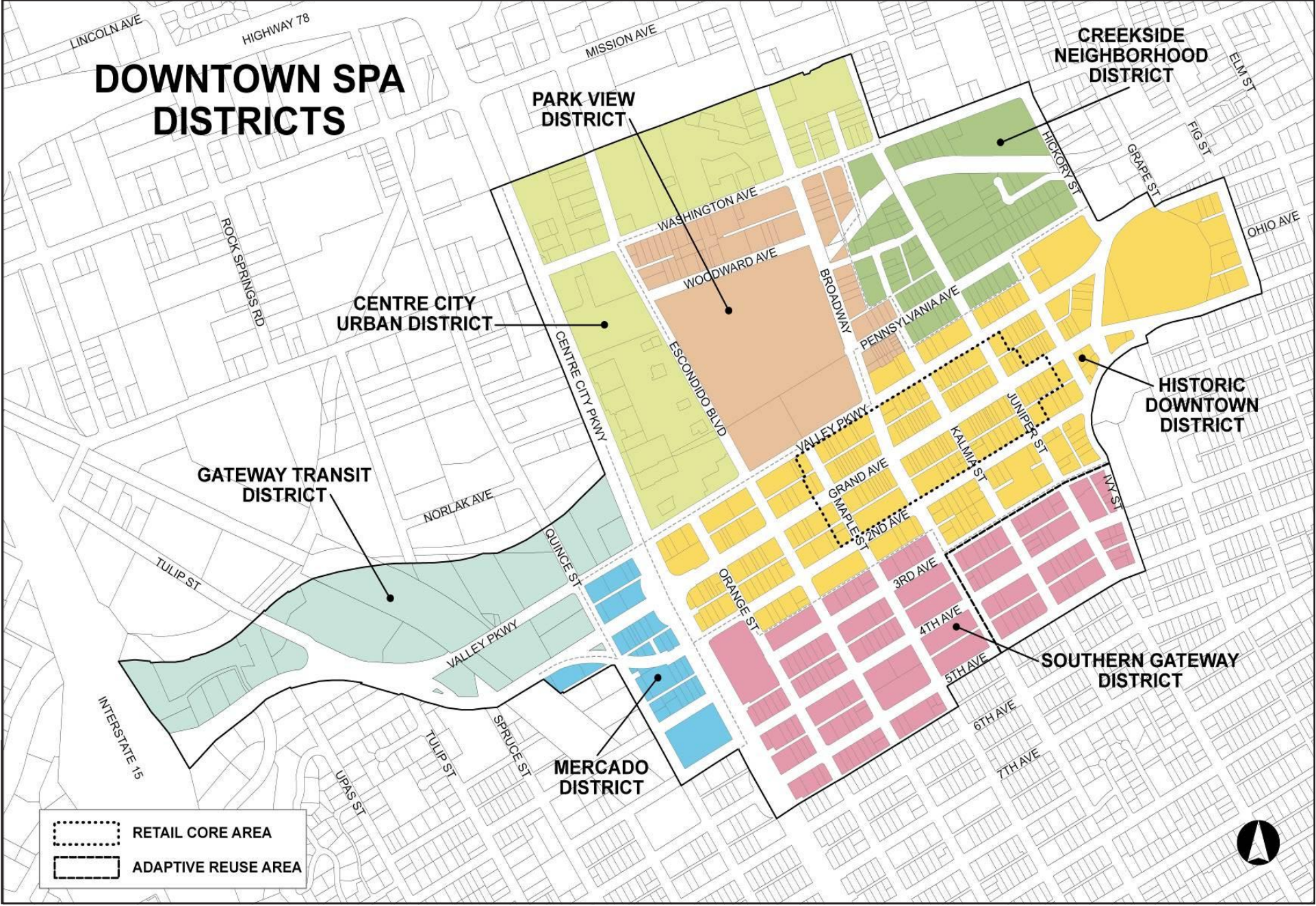
City of Escondido. 2013. *Downtown Specific Plan Update*. August 7.

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

This page intentionally left blank.



Source: ESRI 2018



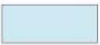

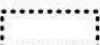
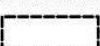


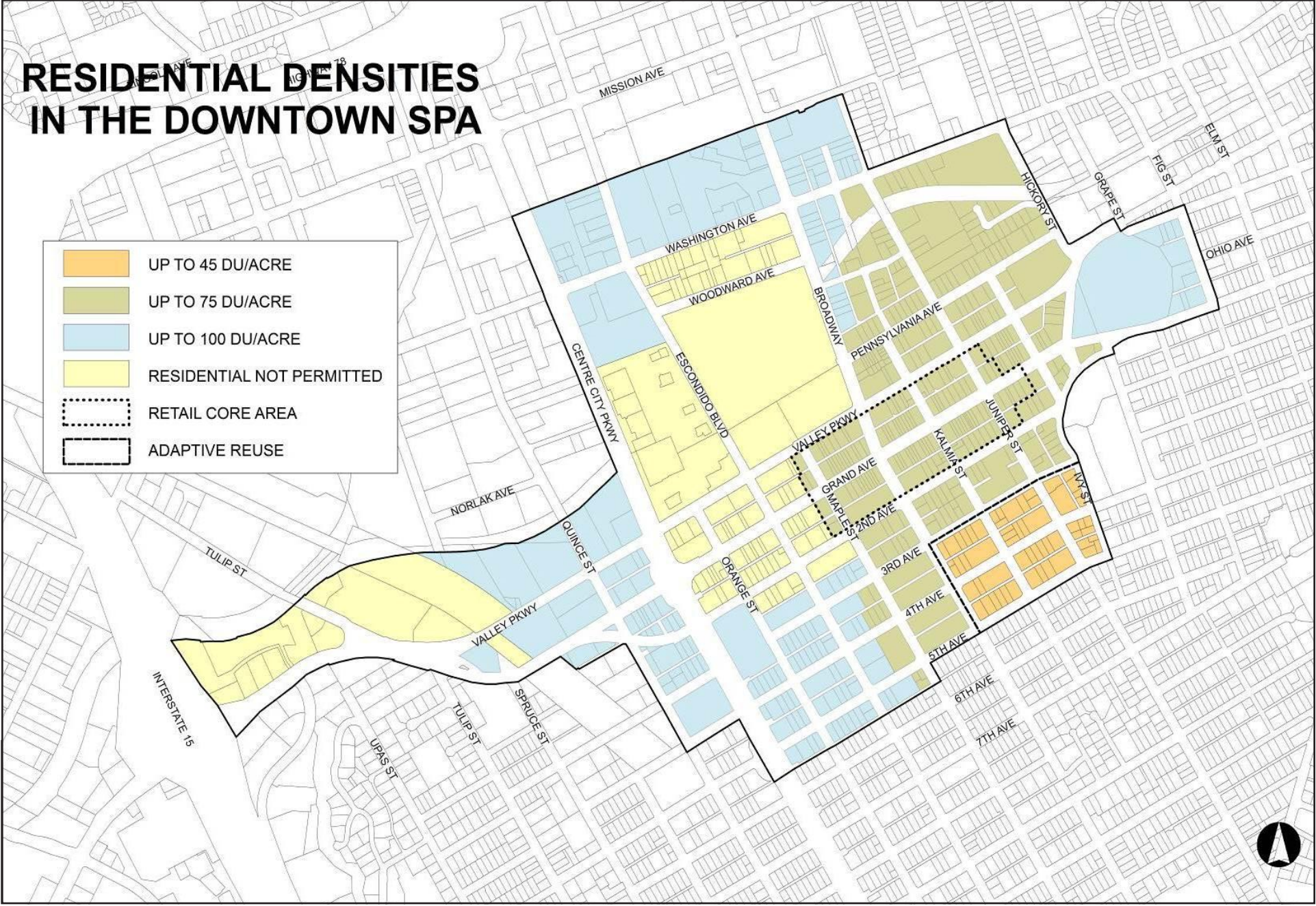
Source: City of Escondido



Figure 2
 Downtown SPA Districts

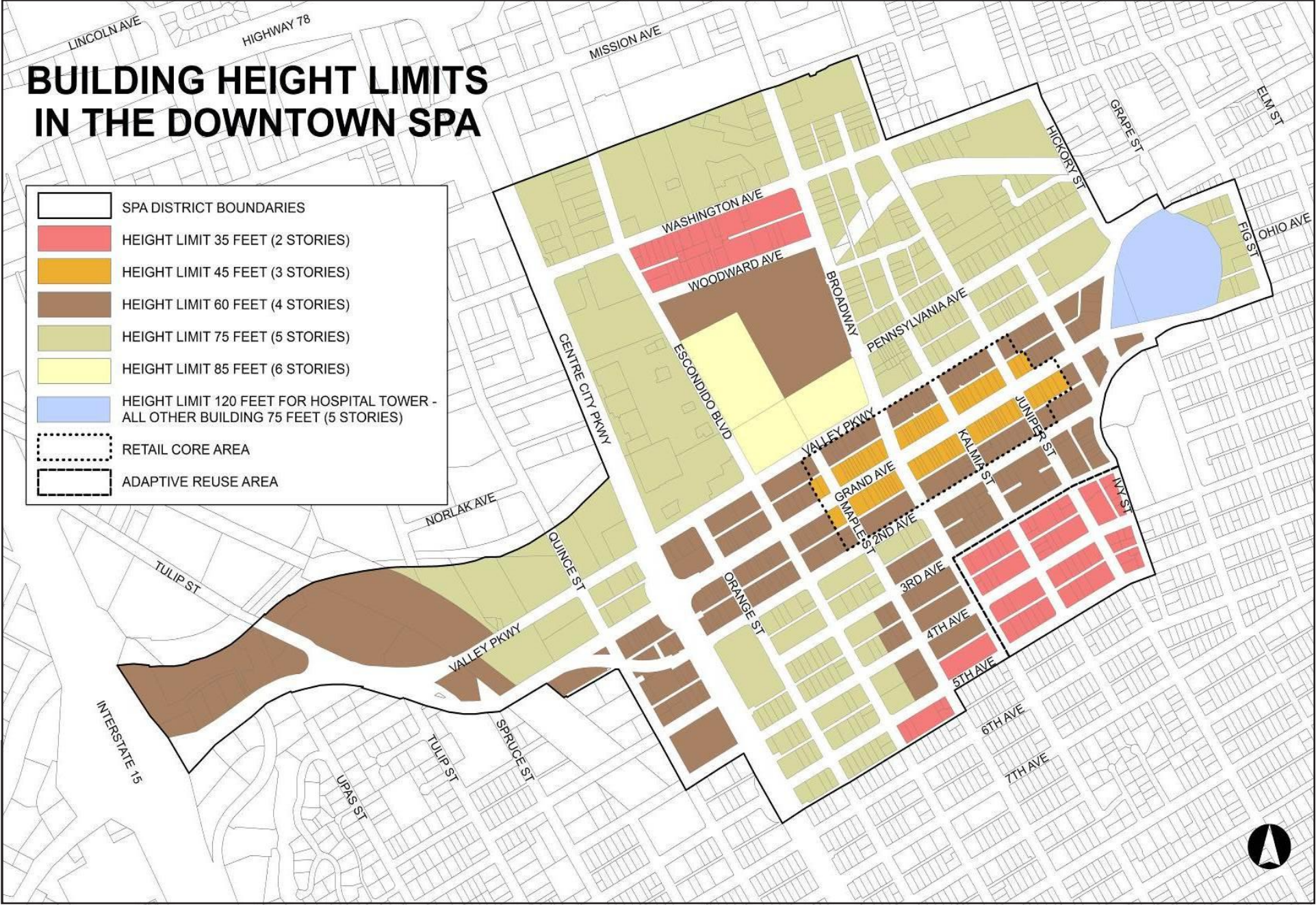
RESIDENTIAL DENSITIES IN THE DOWNTOWN SPA

	UP TO 45 DU/ACRE
	UP TO 75 DU/ACRE
	UP TO 100 DU/ACRE
	RESIDENTIAL NOT PERMITTED
	RETAIL CORE AREA
	ADAPTIVE REUSE



Source: City of Escondido

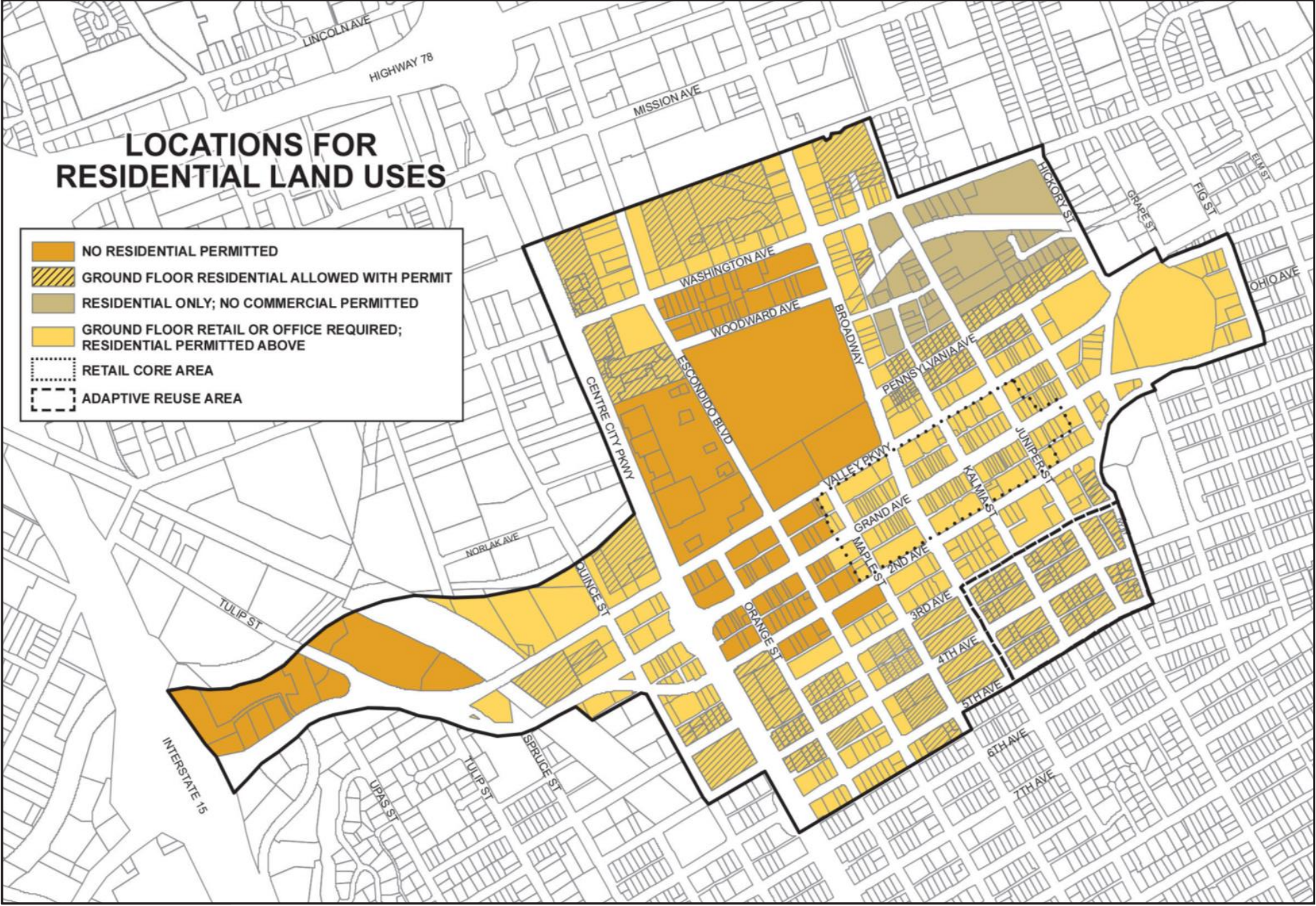




Source: City of Escondido



Figure 4
 Downtown SPA Building Height Limits



Source: City of Escondido



Figure 5
 Downtown SPA Land Uses

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

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

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

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

PUBLIC SPEAKERS:

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

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

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

STAFF RECOMMENDATION: Approval

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed the various aspects of the project.

Planning Commission 03/26/19


COMMISSION ACTION:

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

ADJOURNMENT:

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



Adam Finestone, Acting Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

PUBLIC HEARINGS:

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

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

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

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

COMMISSIONER DISCLOSURE: Commissioner Romo shared that he is a board member of the Chamber of Commerce. Commissioner Romo stated that he did not participate in recent conversations by the Chamber of Commerce regarding the Density Transfer Program, and that the Board's discussion of the Density Transfer Program did not influence his decision as a Commissioner.

Director of Community Development Bill Martin shared staff's recent public outreach efforts regarding the Density Transfer Program including a flyer, posted on the City of Escondido website, and a presentation at an "open house" workshop on April 8, 2019. Bill Martin also apologized for mischaracterizing the Old Escondido Neighborhood comments and explained why comments from the Historic Preservation Commission meeting were not included in the original staff report.

PUBLIC SPEAKERS:

Alex McLachlan, Downtown Business Association (DBA), spoke in support of project.

Todd Stevens, Grand Avenue business owner spoke in support of project.

Dan Forester, Downtown Business Association (DBA) and Grand Avenue business owner spoke in support of project.

Diana Gil, Filippi's Pizza Grotto, spoke in opposition to the project voicing concerns about downtown parking.

Carol Rea, Historic Preservation Committee (HPC), spoke in opposition to the project stating it will destroy the character of downtown.

Tom Stamos, Chamber of Commerce board member, expressed support for the project.

Maya Rosas, Circulate San Diego Policy Director, spoke in favor of project.

Nicole Purvis, Historic Preservation Commission (HPC), voiced her opposition to the project.

Patricia Borchmann, spoke in opposition to the project but appreciated staff and Commission's efforts to increase public participation.

Lisa Walker, voiced concern about the project and asked Commissioners to ask for conditions if approved.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed the various aspects of the project.

COMMISSION ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Romo to approve the staff's recommendation. Motion carried (6-1-0) Ayes: Cohen, Garcia, McNair, Romo, Watson and Weiler. Noes: Spann.

Mike Strong

Written Communications

From: Louisa Magoon <LouisaM@THEGRANDTEAROOM.COM>
Sent: Friday, April 05, 2019 2:44 PM
To: Louisa Magoon
Subject: Downtown Escondido Density Transfer Program - Planning Commission Meeting / Tuesday, April 9th
Attachments: City of Escondido DTP Flyer April 2, 2019.pdf

**Agenda Item No. G.1
04/09/19 PC Meeting
PHG 17-0024**

Hello everyone,

The City is considering a Density Transfer Program for the downtown area. The item will be discussed at the Planning Commission Meeting scheduled for next Tuesday, April 9th. They would like to increase project awareness and get more public participation.

We encourage you to attend for representation from the downtown merchants, some of the very people and businesses this will affect.

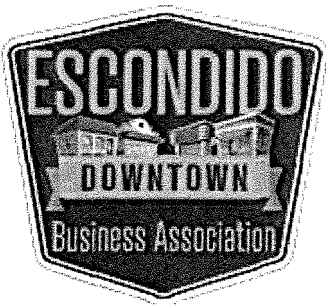
Attached is a document prepared by the City of Escondido that explains the program and its effect on the future planning of our downtown; please review.

PLEASE ATTEND! The DBA Board members will be there to voice our opinion of the program for the benefit of our downtown. Hope to see you there!

**Downtown Escondido Density Transfer Program
City Planning Commission Meeting**

Tuesday, April 9th
7:00 PM
Council Chambers
Escondido City Hall

Sincerely,



Louisa Magoon
Downtown Business Association
Board of Directors
760-233-9500

Mike Strong

From: notonlyruss@aol.com
Sent: Saturday, April 06, 2019 11:37 AM
To: Mike Strong
Subject: New Downtown Development?

I have only lived in Escondido for five years but I hope my thoughts are just as valuable as those of long time residents.

I understand that the quaint America of the past is undergoing Major changes. Grand Avenue, Center City Parkway, and Escondido Boulevard are no longer the hubs of a vibrant retail business district. Many, perhaps Most local business are rapidly falling prey to a rapidly growing internet. Not just here in Escondido, but all across the Country, perhaps the World.

Although I understand the need for more housing, I worry that the existing businesses will suffer with the conversion of the current parking area. Perhaps plans can be altered to Include sufficient parking for the planned residents AND the customers of Grand Avenue.

I Hope to see a vibrant business community to support the needs of our residents in the future.

Thanks for listening,
Charles E. Russell, Jr.

Mike Strong

From: Traci Bass <traci@tracibasshomes.com>
Sent: Monday, April 08, 2019 8:11 PM
To: Mike Strong
Subject: Planning Density Transfer

Mike

I am against this proposal. Please share my views with the counsel.

Traci Bass
Coldwell Banker
760-519-7355
Tracibass homes.com

Mike Strong

From: Victoria Cabot <victoria_cabot@yahoo.com>
Sent: Monday, April 08, 2019 8:40 PM
To: Mike Strong
Cc: Victoria C
Subject: Density Initiative

Dear Mr. Strong,

I'm a long-time resident of Old Escondido. I've seen much change since I moved here in 2001. Much of it for the better.

And with growth comes - more traffic - more cars - more crime.

People knock on my door once a month to see if my house is for sale. I get letters weekly, people wanting to buy my home.

In other words, this is a very desirable neighborhood.

I'm greatly concerned that the Density housing program will have a 'spillover' effect in eroding what is not only a gem for those of us who live here, but for all of Escondido.

It is one of the many charming aspects that puts our historic town on the map.

I implore you and the board to reconsider your intentions to add so much density into a very small area.

The housing on Centre City- old and recent - can already be felt in the traffic areas.

I DO believe some type of housing would be beneficial to bring foot traffic to Grand.

I simply can't understand why it has to be "all or nothing."

I am against the current proposition.

Thank you for considering my point of view.

Respectfully,

Victoria Cabot
Home owner - 607 East 5th Avenue
Property owner - 604 East 7th Avenue

Mike Strong

From: Douglas Collier <afghandoug@yahoo.com>
Sent: Monday, April 08, 2019 9:44 PM
To: Mike Strong
Subject: Density Transfer Program

Good evening,

I just learned of the proposed changes in and around Downtown Escondido. I have a few questions and concerns. My wife and I live at 7th and Juniper and purchased our home 25 years ago. My main concern is going to be the heavy traffic that will be brought on by the development in the yellow areas. Juniper will be the main thoroughfare. We already experience heavy traffic because of the lack of traffic signals and the speed limit being 35 mph. It is still a residential area. Parking is already at a premium and I'm afraid the new buildings will not have adequate off street parking for all the new residents. One parking spot per unit is wholly inadequate. My experience is that each adult that lives in a unit owns a car. Our neighborhood streets will become a parking lot. My property is located on the corner and I do not have alley access. I can't even get a variance to put in a 2 car garage.

With the high density areas also comes a great demand on the City's Police and Fire services. I don't think I have to go into that topic much. If your Police and Fire Chiefs are honest with themselves, they have already expressed those issues.

What about water? Are my rates going to go up again to cover for all those High Density Units? My understanding is the single family home pays a higher rate than multi-family units. I think each unit should have its own meter and the water rate should be the same. In my experience the homeowner is more likely to fix or repair a leak because it ultimately costs more money not to. Those that rent in multi-unit buildings tend to let them go.....they're not paying the bill so they don't see the waste. The building management / owner may not notice it because of the discounted rate.

And lastly, how much of the property would be earmarked as subsidized. The reason I ask is that the housing is made available to those on a regional list, not just for the needs of the residents of Escondido.

I like development, just not at the expense of historic neighborhoods. Isn't this neighborhood a draw to this district of downtown?

Douglas Collier
Old Historic Escondido
(619)804-8007
afghandoug@yahoo.com

Sent from my iPad

Mike Strong

From: Cara Lacey <cara.lacey@TNC.ORG>
Sent: Tuesday, April 09, 2019 8:12 AM
To: Mike Strong
Subject: Density Transfer Program!

Dear Mr. Strong,

My name is Cara Lacey and I work with The Nature Conservancy. I am an urban planner but lead our Connected Lands and land use program. I have been involved in studying and discussing and working with TDRs or density transfers as a mechanism to not only preserve open space and natural lands but to also decrease fire risk to people and neighborhoods. I am extremely interested in your program and would love to offer our TNC support once I learn more. Also, I would very much like to speak with you if you have any time today, to discuss our work and what we are doing with State Legislators in Sacramento around density transfers, risk reduction and community resilience.

I apologize I only now realized that Escondido was doing this type of program. I have been moving an effort along in the County of San Diego to try to push for a TDR program. Ultimately I would love to see interjurisdictional transfers like they have in King County Washington.

Some questions:

- In regards to receiving area sites, is there a map you could send me of potential areas for receiving?
- Also, are you streamlining any processes for developers so that they do not have to pay for the process and the units?
- I was not sure if the units were for sale or if they were just free transfers from the outline you provided. Could you please let me know? If not for sale, how are property owners compensated?
- Are you just shifting unused density from areas already developed that could not meet their max density?

I unfortunately cannot attend tonight, but would love to speak with you about the program if you have any time today and I would very much like to send a letter of support. Also, I again extend my help and expertise in TDRs to you as it is something I have been studying and working on for 20 years, but have just again introduced TNC to the mechanism and would love to see it move forward. Additionally, we are working with legislators in Sacramento to try to find ways to fund programs such as yours, so that it is easier for jurisdictions to take on these programs, use them to protect land and people from disasters and build housing that is much needed.

If you have time I would very much like to share our work with you and to support yours.

Cara

Please consider the environment before printing this email.

Cara Lacey, AICP, LEED AP
Associate Program Director
Land Networks, California
cara.lacey@tnc.org
(619) 684-7029 (Phone)

The Nature Conservancy
San Diego
One Columbia Building
401 West A Street, Suite 1650
San Diego, CA 92101

nature.org

Mike Strong

From: Stiles, Jane <JStiles@palomar.edu>
Sent: Wednesday, April 03, 2019 1:08 PM
To: Mike Strong
Subject: Do not build ASPIRE

Hello. I'm writing to ask that you NOT build up the downtown Escondido area. It is a place of beauty and it's thriving. I've lived in Escondido since 1990 and I love my little town. I know it's not perfect, but it's home to me and my family. We do not need more apartments especially in that location. If you build that complex in the Filippis parking lot, they may have to close up shop because there will be nowhere for their customers to park. That would be a tragedy.

Please, please don't build anymore apartments.

Thank you,
Jane

Jane Stiles
Financial Aid and Enrollment Services
PALOMAR COLLEGE
35090 Horse Ranch Creek Rd
Fallbrook, CA 92028
760-744-1150 ext. 2731

Joanne Tasher

From: Mike Strong
Sent: Tuesday, April 9, 2019 1:34 PM
To: Joanne Tasher
Cc: Bill Martin; Adam Finestone
Subject: Fwd: DTP

Sent from my iPhone

Begin forwarded message:

From: we2shillings <we2shillings@cox.net>
Date: April 9, 2019 at 12:43:49 PM PDT
To: <mstrong@escondido.org>
Subject: DTP

We are old escondido residents who have lived in Escondido since 1960. We have seen many changes.

We are not keen on the DTP.

Escondido is not equipped to handle the increased crime, emergencies and traffic that so much greater density brings in.

As it is roads are clogged at increasing time frames during the day and it can take awhile to have

a police officer arrive at your door.

I understand that you believe the increase in positives balances this, but what we see is a decrease in quality of life components in our city. Safety, traffic concerns and increasing numbers of street people(not the truly homeless. But those who are scammers and vagrants). I have twice encountered people in my neighborhood that were aggressive and on drugs. Higher density will add to these issues.

Unfortunately, we don't believe that voicing these opinions will change anything. But if it can, please put us down as opposing the density plan.

Thank you,

William and Beverly Shilling

Powered by Cricket Wireless

Joanne Tasher

From: Mike Strong
Sent: Tuesday, April 9, 2019 3:17 PM
To: Joanne Tasher
Cc: Bill Martin; Adam Finestone
Subject: Fwd: Comment - Escondido Planning Commission, Draft 1, PHG 17-0004 Density Transfer Program
Attachments: Escondido Planning Commission, Draft 1, 04 09 19 PHG 17-0004 Density Transfer Program.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: patricia <pborchmann9@gmail.com>
Date: April 9, 2019 at 3:15:56 PM PDT
To: bill martin <bmartin@escondido.org>, mike strong <mstrong@escondido.org>, "afinestone@escondido.org" <afinestone@escondido.org>, owen tunnel <otunnell@escondido.org>, "jprocopio@escondido.org" <jprocopio@escondido.org>, "mmguinness@escondido.org" <mmguinness@escondido.org>
Cc: patricia <pborchmann9@gmail.com>, "lisaarc@gmail.com" <lisaarc@gmail.com>, Laura Hunter <earthlover@sbcglobal.net>, christine nava <christinenava@hotmail.com>
Subject: Comment - Escondido Planning Commission, Draft 1, PHG 17-0004 Density Transfer Program

Mike Strong -

digital file attached -
contains personal comments for Planning Commission meeting tonight at 7 pm.

At the Open House mtg last night, you indicated copies could be circulated to Planning Commissioners in advance.

If possible, I would like to do that.

Sent from Mail for Windows 10

Comment to Escondido Planning Commission 04 09 19 – PHG 17-0004 Density Transfer Program

1. I appreciate Planning staff's effort to maximize public outreach after prior Planning Commission meeting on March 26, 2019, including the Open House held last night where questions from public were welcomed, and interactions prompted productive discussion.
2. Generally, many stakeholders (including myself) strongly support INFILL development, instead of sprawl development patterns into more remote areas with high fire hazard risks, or encroachment to locations with substandard rural roadways that fail to provide safe secondary emergency access for emergency response, or projects that propose encroachment impacts in Pre-Approved Mitigation Areas (PAMA), already approved by County of San Diego for MHSCP Plans to protect high value habitat and open space. (Multiple Habitat Species Conservation Plan).
3. During the Open House meeting last night, Planning staff indicated Planning Commission and City Council have authority to apply conditions of approval to proposed Density Transfer Program. Therefore Escondido Planning Commission is requested to consider application of specific Conditions, for recommendation to City Council, including:
 - a. Apply specific language to preclude future expenditure of Escondido public funds, or any direct public subsidy of future projects under Density Transfer Program (this would not apply to Applications seeking state or federal funds for affordable housing).
 - b. Apply specific cap of 5,275 total dwellings for Density Transfer Program within boundaries of Escondido Downtown Specific Plan.
4. A primary concern shared by stakeholders is concern about provisions under proposed Amendment to Downtown Specific Plan is how new proposed height limits to allow high-rise buildings could impact community character, and introduce land use compatibility impacts with adjacent uses that may cause shading by high-rise buildings, overlooking and loss of privacy, or extreme setback reductions that cause loss of open space, and abrupt changes in streetscape appearance that will make proposed development incohesive with existing uses, and mitigation may be required by design criteria for staggered roofline, to apply offsets by lowrise features on portion of new buildings, or minimize setback reductions.
5. During the Open House meeting, Planning staff indicated other land use mechanisms for affordable housing (besides Density Transfer Program) are available such as Density Bonus applications which have been historically applied in Escondido, or Inclusionary Zoning which has not been applied in Escondido. Many stakeholders (including myself) would prefer to see Escondido explore options to apply Inclusionary Zoning in Escondido, as opposed to Density Bonus, because most projects built under Density Bonus regulations resulted in projects with poor design, and poor results with unattractive units that are not desirable. Examples of coastal communities in north SD county that applied inclusionary zoning that produced

attractive affordable housing complexes include Carlsbad, and Encinitas, where multi family units for low to moderate income are highly desirable, functional, with minimal vacancy rates.

6. Many stakeholders (including myself) share concern about extreme public infrastructure deficiencies that exist in Escondido Downtown Specific Plan Area, and potential impacts that the proposed Density Transfer Program may have on Quality of Life Standards identified in General Plan. Questions from stakeholders at Open House meeting last night were raised about known public infrastructure deficiencies in Escondido DTSPA area, some which are extreme including aging underground waterlines and sewer lines downtown. These issues infrastructure deficiency issues should require additional response by Engineering / Public Works to respond how incremental development in Downtown Escondido is managed to provide service based on current demand for increased waterflow, water supply, emergency response capability for fire hazards, sewer capacity. Overall system upgrades to public infrastructure is costly, so public requests response from Engineering to confirm how comprehensive infrastructure upgrades to serve Downtown Escondido will be accomplished, and indicate when formal Reports on Escondido Infrastructure and Utilities will be presented in future public meeting.

7. It is noted that the ER Addendum (March 2019) prepared by Harris & Associates identified numerous previously identified impacts in the Final EIR did not evaluate direct or indirect , or cumulative impacts of proposed Density Transfer Program, combined together with cumulative development in Escondido, as required under CEQA Section 15130 . The issue of Cumulative Impacts under CEQA 15130 was absent from the analysis contained in Staff Report prepared for Planning Commission, and absent from the ER Addendum, so this absence issue needs to be resolved before Planning Commission takes action on PHG 17-0004 tonight.

8. Since proposed Density Transfer Program will provide mechanism to maximize affordable housing in Escondido Downtown Specific Plan boundary through INFILL development, as opposed to sprawl development, I find reasons to support this Amendment, but only if in exchange for reasonable assurances by City are extended to discontinue the current aggressive Annexation Policy that was put in place during past decade. City of Escondido previously received detailed correspondence that contained specific economic reasons to discontinue aggressive Annexation Policy from Laura Hunter, representing North County Group Sierra Club on City's 2019-20 Action Plan, so I wish to reaffirm that prior correspondence in March 2019, and ask City staff, or City Attorney to keep Planning Commissioners, and the public informed on it's status.

Joanne Tasher

From: Rorie Johnston <rorie@escondidochamber.org>
Sent: Tuesday, April 9, 2019 3:34 PM
To: Joanne Tasher
Cc: EDC Economic Development Committee
Subject: Letter of support for DTP
Attachments: LOS DTP 4.9.19 ECOC.pdf

Good afternoon, Joanne,

The Escondido Chamber of Commerce is pleased to provide a letter of support of the planning commission to approve the proposed DTP being heard tonight.
Attached is a copy of the letter of the commission.

Tom Stamos from our board of directors will be in attendance as well.

Sincerely,

Rorie Johnston
CEO/President



760-745-2125

rorie@escondidochamber.org

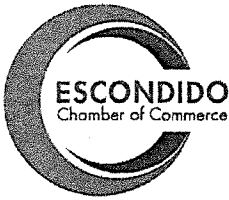
Escondidochamber.org



*Fun for all ages and stages
of life...there is something
for everyone!*

May 19th





2018-2019
BOARD OF DIRECTORS

Executive Committee:

Kristen Steinke
Chairwoman of the Board
Lounsbury Ferguson Altona & Peak, LLP

Kevin S. Svetich, CLU
Immediate Past Chair
Insurance & Investments

Matt Pound
Chair Elect
Young Professionals Chair
Escondido Materials

Christine Antoine, MPA
Government Affairs Chair
San Diego County Water Authority

Mona Durney
Finance Chair
Rancho Computer Networks

Dr. Luis Ibarra
Education Chair
Superintendent EUSD

Tom Stamos
Economic Development Chair
Escondido Realty

Board Directors:

Dr. Derry Connolly
JP Catholic University

Ernie Cowan
North San Diego County Association of Realtors

Joe Coyle
Printer Repair Depot

Constance J. Larsen
Attorney at Law

Mayra Salazar-Magos

Jhona McCormick
Arthur Murray Escondido

Mark Mendoza
Kennedy's Meat Market

Dan Meyer
Escondido Disposal, Inc.

Brian Murphy
Murphy's Fine Woodworking

Jayde Olin
Banner Bank

Don Romo
Erickson-Hall Construction Co.

Jerry Van Leeuwen
California Center for the Arts, Escondido

April 9, 2019

City of Escondido
Planning Commission
201 N Broadway
Escondido, CA 92025

RE: Density Transfer Program (DTP)

The Escondido Chamber of Commerce applauds the City of Escondido for considering a strategic tool to accomplish the already approved density as noted in the Specific Plan via the Density Transfer Program (DTP).

As we know, Downtown Escondido is the envy of North County, with its historic charm, unique shops and fine restaurants. Businesses on Grand and along the adjacent streets desire one thing; more people! People bring vibrancy to an otherwise subdued area. You will also find that more people desire a downtown lifestyle where they can walk and enjoy the amenities that Escondido has to offer.

By allowing unused and underutilized density to be transferred to a Credit Pool, developers investing in downtown will have more flexibility in creating projects that will make the most sense and accomplish the goals of the city, which is to increase housing in our urban core. The housing will support the business community and may entice property owners who are holding on to vacant store fronts to actively seek viable tenants.

We also recognize that the DTP will be favorable for developers as it reduces the costs and time line typically associated with increasing density. The added benefit of managing the DTP, which is a much simpler method than the current procedures, will save the city in staff time and revenue.

The Chamber sees the DTP as a triple win for Escondido. The city is able to stream line processes, developers are able to create suitable projects and Downtown Escondido will be a more active and vibrant community.

We trust that the Planning Commission will agree with the staff recommendation to approve the Density Transfer Program.

Sincerely,

Rorie Johnston
CEO

Tom Stamos
EDC Committee Chair

From: N. Purvis <nicole@beraglass.com>
Sent: Tuesday, April 23, 2019 11:24 AM
To: Peggy Chapin <pchapin@escondido.org>
Subject: Re: Density Transfer Program - City Council Hearing

Hi Peggy

Thank you for contacting me and I do have some questions as listed below:

Would it be possible to forward the PowerPoint presentation from the 4/9/19 Planning Commission or post it online so I could download it?

I was also wondering if the City hired the consultant, Harris & Associates, to prepare the report or if they were hired by one of the potential developers or another person/entity?

What happens to the DTP once the Density Credit Pool reaches the target amount?

Under the proposed DTP, how are the sender development rights valued?

Is there a standard formula used for each sender regardless of their real estate location?

Are there other incentives for senders?

How does the proposed DTP benefit the downtown historic district, beyond suggested economic viability via increased population?

Have the property owners within the downtown historic district been notified of the DTP?

What permits/processes are available for streamlining under the proposed DTP?

Thank you, Nicole J Purvis

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE DOWNTOWN SPECIFIC PLAN TO ALLOW DENSITY TRANSFERS IN THE DOWNTOWN AREA AND TO ADOPT AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE 2012 GENERAL PLAN UPDATE, DOWNTOWN SPECIFIC PLAN UPDATE, AND CLIMATE ACTION PLAN PROGRAM EIR

Planning Case Nos.: PHG17-0024 and ENV19-0004

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That the City of Escondido (“City”) filed an application to amend the Downtown Specific Plan (“DSP”) to create a Density Transfer Program (“DTP”) that would allow for the transfer of residential density from undeveloped and/or underutilized properties (sending properties) to developing parcels (receiving properties) within the downtown area to encourage the production of housing at all income levels. The DTP consists of a modification to the DSP language to provide for opportunities for transferring of density within the DSP on a case by case basis, subject to approval by the City Council through the approval of a Planned Development Permit and Development Agreement (or other agreement approved by City).

SECTION 2. That pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (Title 14 of the California Code of Regulations Section 15000 et. seq.), the City is the lead agency

for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

SECTION 3. That the Planning Division did study said request and does recommend approval of the Project. The Planning Division of the Community Development Department scheduled a public hearing regarding the application before the Planning Commission on March 26, 2019. The item was continued to April 9, 2019. Following the public hearing on April 9, 2019, the Planning Commission adopted Resolution No. 2019-06, which recommended that the City Council, among other things, approve the Project's proposed Specific Plan amendments.

SECTION 4. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 5. That the City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated May 1, 2019, which along with its attachments is incorporated herein by this reference as though fully set forth herein, including the Planning Commission recommendation on the request, and
- d. Additional information submitted during the Public Hearing.

SECTION 6. That the City Council has independently reviewed and considered the Addendum prepared for this Project, in conformance with the California Environmental Quality Act ("CEQA") and Article 47 of the Escondido Zoning Code, and has considered the information contained therein, prior to acting upon or approving the Project. The City

Council finds that the Addendum, attached hereto as Exhibit "C," has been completed in compliance with CEQA, consistent with state and local guidelines implementing CEQA. The City Council further finds that the Addendum represents the independent judgement and analysis of the City as lead agency for the Project and, based on the whole record before it (including any comments received), and that there is no substantial evidence that the Project will have a significant effect on the environment.

SECTION 7. That concurrently with this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described by the May 1, 2019, City Council Agenda Report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Ordinance shall become effective after final passage and publication as required by law, and operative only if City Council Resolution No. 2019-69 is approved.

SECTION 8. That upon consideration of the staff report; Planning Commission recommendation; Findings of Fact, attached as Exhibit "A" to this Ordinance and incorporated herein by this reference as though fully set forth herein, and all public testimony presented at the hearing held on this Project, the City Council does hereby adopt the Addendum and the Downtown Specific Plan Amendment for the Project. The Downtown Specific Plan is hereby amended as set forth in Exhibit "B" to this Ordinance, and incorporated by reference as though fully set forth herein. The Addendum, which is appended hereto as Exhibit "C," is made a part hereof by this reference as though fully set forth herein.

SECTION 9. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 10. That pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), all documents and other materials, which constitute the record of proceedings, are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, and which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

SECTION 11. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

EXHIBIT "A"
FACTORS TO BE CONSIDERED/FINDINGS OF FACT
PHG 17-0024 AND ENV19-0004

Environmental Determinations:

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

Council finds and determines that the evidence in the record constitutes substantial evidence to support the actions taken and the findings made in this Ordinance, that the facts stated in this Resolution are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentation, the staff report and all materials in the Project files. There is no substantial evidence, nor are there other facts, that detract from the findings made in this Ordinance herein. The City Council expressly declares that it considered all evidence presented and reached these findings after due consideration of all evidence presented to it and makes a decision to adopt the Project as set forth.

Amendment to the Downtown Specific Plan:

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

The Project proposes to establish a DTP in the DSP that anchors higher density in the downtown mix, ensuring that the vision of the downtown is achieved through increasing

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

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

3. Granting the proposed amendment would not change the existing zoning or land use as specified in the DSP and would not cause deterioration of bordering land uses or create special problems for the area because the property is zoned for and encourages multi-family development and a mix of housing in a dense urban environment. All new development would be subject to the City's development application and approval processes and the density increase would be approved on a case-by-case basis by the City Council. The General Plan Update and EIR evaluated potential impacts of development and has planned for a maximum of 5,275 dwelling units and the project would not exceed the maximum buildout as evaluated and proposed.
4. The proposed amendment to the DSP has been considered in relationship to its effect on the community, and the request would be in compliance with the goals and objectives of the Downtown Specific Plan, PP I-2, such as:
 - a. to encourage an economically viable Downtown,
 - b. encouraging higher residential densities in key locations that support Downtown non-residential uses,
 - c. pedestrian environments that provides connections, convenient access and opportunities for alternative modes of transportation, and
 - d. a vibrant and exciting environment with land uses that foster an "18-hours"

atmosphere in addition to areas that provide mixed use, office, employment and high-density residential opportunities.

5. As detailed in the City Council Agenda Report dated May 1, 2019. The impacts of the proposed project will not adversely affect the goals and objectives of the Downtown Specific Plan and all future development will be subject to the development permit application procedures, General Plan policies or the provisions of the Municipal Code.

EXHIBIT "B"
DOWNTOWN SPECIFIC PLAN AMENDMENT
PHG 17-0024 AND ENV19-0004

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

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

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

Allowable residential densities may be exceeded on a case-by-case basis through a density transfer process subject to approval of a Planned Development Permit and Development Agreement (or other agreement approved by City), filed concurrently with all other necessary land development permit requests. The Density Transfer Program consists of the sale or transfer of one parcel's development rights of dwelling units to another parcel, which allows more residential development on the second parcel while reducing or preventing development on the originating parcel. Overall density within the Downtown SPA cannot exceed the maximum buildout of 5,275 residential units. The Density Transfer Program requires a deed restriction to be recorded on the Sending Area property to demonstrate that the development rights are severed from the lot designated as a Sending Area. No "fractional" units may be severed or re-allocated. Residential density may be transferred as "whole" numbers from Sending Areas in the Downtown SPA to Receiving Areas in the Downtown SPA. The mechanism to sever dwelling units from a Sending Area and/or allocate units to a Receiving Area shall be through a Density Credit Pool, managed by the Planning Division.

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

March 1, 2019

Prepared for:



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

Prepared by:



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

Table of Contents

Section 1	Introduction	1-1
Section 2	Background	2-1
	2.1 Regional Housing Needs.....	2-1
Section 3	Basis of Decision to Prepare an EIR Addendum.....	3-1
Section 4	Project Description	4-1
	4.1 Project Location.....	4-1
	4.2 Project Characteristics.....	4-1
	4.3 Density Transfer Program Administration.....	4-2
Section 5	Environmental Analysis.....	5-1
	5.1 Aesthetics	5-1
	5.1.1 Previously Identified Impacts in the Final EIR	5-1
	5.1.2 Density Transfer Program Impacts	5-2
	5.2 Agricultural Resources	5-3
	5.2.1 Previously Identified Impacts in the Final EIR	5-3
	5.2.2 Density Transfer Program Impacts	5-4
	5.3 Air Quality	5-5
	5.3.1 Previously Identified Impacts in the Final EIR	5-5
	5.3.2 Density Transfer Program Impacts	5-7
	5.4 Biological Resources	5-8
	5.4.1 Previously Identified Impacts in the Final EIR	5-8
	5.4.2 Density Transfer Program Impacts	5-9
	5.5 Cultural and Paleontological Resources.....	5-11
	5.5.1 Previously Identified Impacts in the Final EIR	5-11
	5.5.2 Density Transfer Program Impacts	5-12
	5.6 Geology and Soils	5-13
	5.6.1 Previously Identified Impacts in the Final EIR	5-13
	5.6.2 Density Transfer Program Impacts	5-14
	5.7 Greenhouse Gas Emissions.....	5-15
	5.7.1 Previously Identified Impacts in the Final EIR	5-15
	5.7.2 Density Transfer Program Impacts	5-16
	5.8 Hazards and Hazardous Materials	5-17
	5.8.1 Previously Identified Impacts in the Final EIR	5-17
	5.8.2 Density Transfer Program Impacts	5-19
	5.9 Hydrology and Water Quality.....	5-20
	5.9.1 Previously Identified Impacts in the Final EIR	5-20
	5.9.2 Density Transfer Program Impacts	5-21

5.10 Land Use	5-22
5.10.1 Previously Identified Impacts in the Final EIR	5-22
5.10.2 Density Transfer Program Impacts	5-23
5.11 Mineral Resources.....	5-24
5.11.1 Previously Identified Impacts in the Final EIR	5-24
5.11.2 Density Transfer Program Impacts	5-25
5.12 Noise	5-26
5.12.1 Previously Identified Impacts in the Final EIR	5-26
5.12.2 Density Transfer Program Impacts	5-27
5.13 Population and Housing	5-29
5.13.1 Previously Identified Impacts in the Final EIR	5-29
5.13.2 Density Transfer Program Impacts	5-29
5.14 Public Services	5-31
5.14.1 Previously Identified Impacts in the Final EIR	5-31
5.14.2 Density Transfer Program Impacts	5-31
5.15 Recreation	5-33
5.15.1 Previously Identified Impacts in the Final EIR	5-33
5.15.2 Density Transfer Program Impacts	5-33
5.16 Transportation and Traffic	5-34
5.16.1 Previously Identified Impacts in the Final EIR	5-34
5.16.2 Density Transfer Program Impacts	5-35
5.17 Utilities and Service Systems	5-37
5.17.1 Previously Identified Impacts in the Final EIR	5-37
5.17.2 Density Transfer Program Impacts	5-39

Section 6 Conclusion.....	6-1
Section 7 References	7-1

Figures

- Figure 1. Regional Location Map
- Figure 2. Downtown SPA Districts
- Figure 3. Downtown SPA Residential Densities
- Figure 4. Downtown SPA Building Height Limits
- Figure 5. Downtown SPA Land Uses

Table

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

Section 1 Introduction

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

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

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

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

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

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

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

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

Section 2 Background

2.1 Regional Housing Needs

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

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

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

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

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

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

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

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

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

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

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

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

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

This page intentionally left blank.

Section 3 Basis of Decision to Prepare an EIR Addendum

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

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

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

Section 15162 Subsequent EIRS and Negative Declarations

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

effects or a substantial increase in the severity of previously identified significant effects; or

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

Section 15163 Supplement to an EIR

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

Section 15164 Addendum to an EIR or Negative Declaration

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

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

This page intentionally left blank.

Section 4 Project Description

4.1 Project Location

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

4.2 Project Characteristics

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

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

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

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

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

4.3 Density Transfer Program Administration

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

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

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

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

Section 5 Environmental Analysis

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

5.1 Aesthetics

5.1.1 Previously Identified Impacts in the Final EIR

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

Issue 4.1-1 Scenic Vistas (Less than Significant)

Issue 4.1-2 Scenic Resources (Less than Significant)

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

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

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

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

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

5.1.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.2 Agricultural Resources

5.2.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

5.2.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.3 Air Quality

5.3.1 Previously Identified Impacts in the Final EIR

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

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

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

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

Issue 4.3-4 Objectionable Odors (Less than Significant)

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

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

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

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

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

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

5.3.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.4 Biological Resources

5.4.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

5.4.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

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

5.5 Cultural and Paleontological Resources

5.5.1 Previously Identified Impacts in the Final EIR

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

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

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

Issue 4.5-3 Paleontological Resources (Less than Significant)

Issue 4.5-4 Human Remains (Less than Significant)

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

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

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

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

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

5.5.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.6 Geology and Soils

5.6.1 Previously Identified Impacts in the Final EIR

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

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

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

Issue 4.6-3 Soil Stability (Less than Significant)

Issue 4.6-4 Expansive Soils (Less than Significant)

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

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

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

5.6.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.7 Greenhouse Gas Emissions

5.7.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

5.7.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.8 Hazards and Hazardous Materials

5.8.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

Issue 4.8-5 Public Airports (Less than Significant)

Issue 4.8-6 Private Airports (Less than Significant)

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

Issue 4.8-8 Wildland Fires (Less than Significant)

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

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

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

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

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

5.8.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.9 Hydrology and Water Quality

5.9.1 Previously Identified Impacts in the Final EIR

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

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

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

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

Issue 4.9-4 Flooding (Less than Significant)

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

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

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

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

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

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

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

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

5.9.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.10 Land Use

5.10.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

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

5.10.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.11 Mineral Resources

5.11.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

5.11.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.12 Noise

5.12.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

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

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

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

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

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

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

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

5.12.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.13 Population and Housing

5.13.1 Previously Identified Impacts in the Final EIR

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

Issue 4.13-1 Population Growth (Less than Significant)

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

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

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

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

5.13.2 Density Transfer Program Impacts

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

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

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

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

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

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

5.14 Public Services

5.14.1 Previously Identified Impacts in the Final EIR

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

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

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

Issue 4.14-3 School Services (Less than Significant)

Issue 4.14-4 Library Services (Less than Significant)

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

5.14.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.15 Recreation

5.15.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

5.15.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.16 Transportation and Traffic

5.16.1 Previously Identified Impacts in the Final EIR

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

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

Issue 4.16-2 Air Traffic (Less than Significant)

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

Issue 4.16-4 Emergency Access (Less than Significant)

Issue 4.16-5 Alternative Transportation (Less than Significant)

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

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

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

5.16.2 Density Transfer Program Impacts

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

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

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

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

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

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

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

5.17 Utilities and Service Systems

5.17.1 Previously Identified Impacts in the Final EIR

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

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

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

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

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

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

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

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

Issue 4.17-8 Energy (Less than Significant)

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

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

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

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

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

5.17.2 Density Transfer Program Impacts

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

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

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

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

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

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

Section 6 Conclusion

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

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

This page intentionally left blank.

Section 7 **References**

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

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

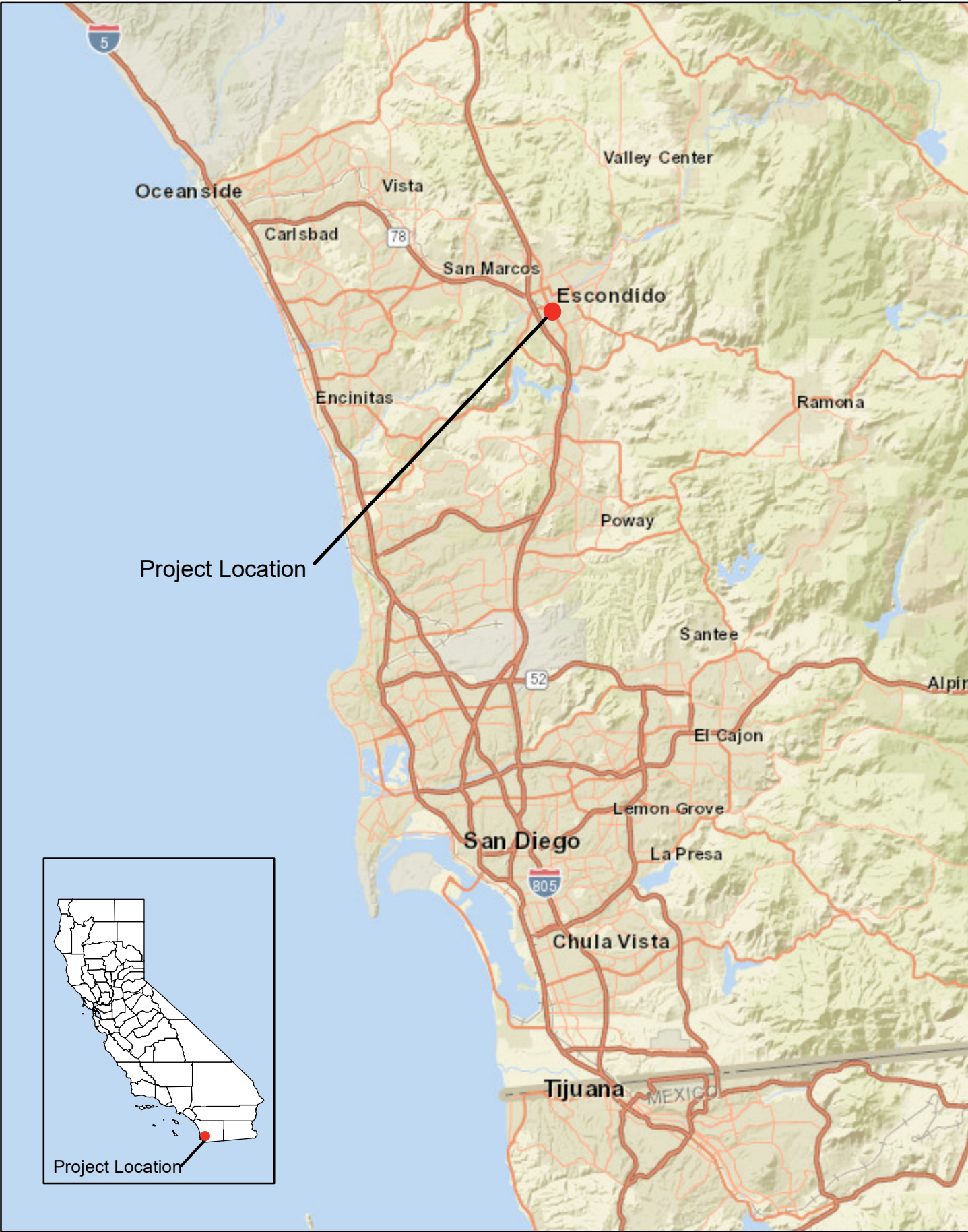
City of Escondido. 2012. *Downtown Specific Plan*. August 6.

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

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

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

This page intentionally left blank.



Source: ESRI 2018

Figure 1
Regional Location Map

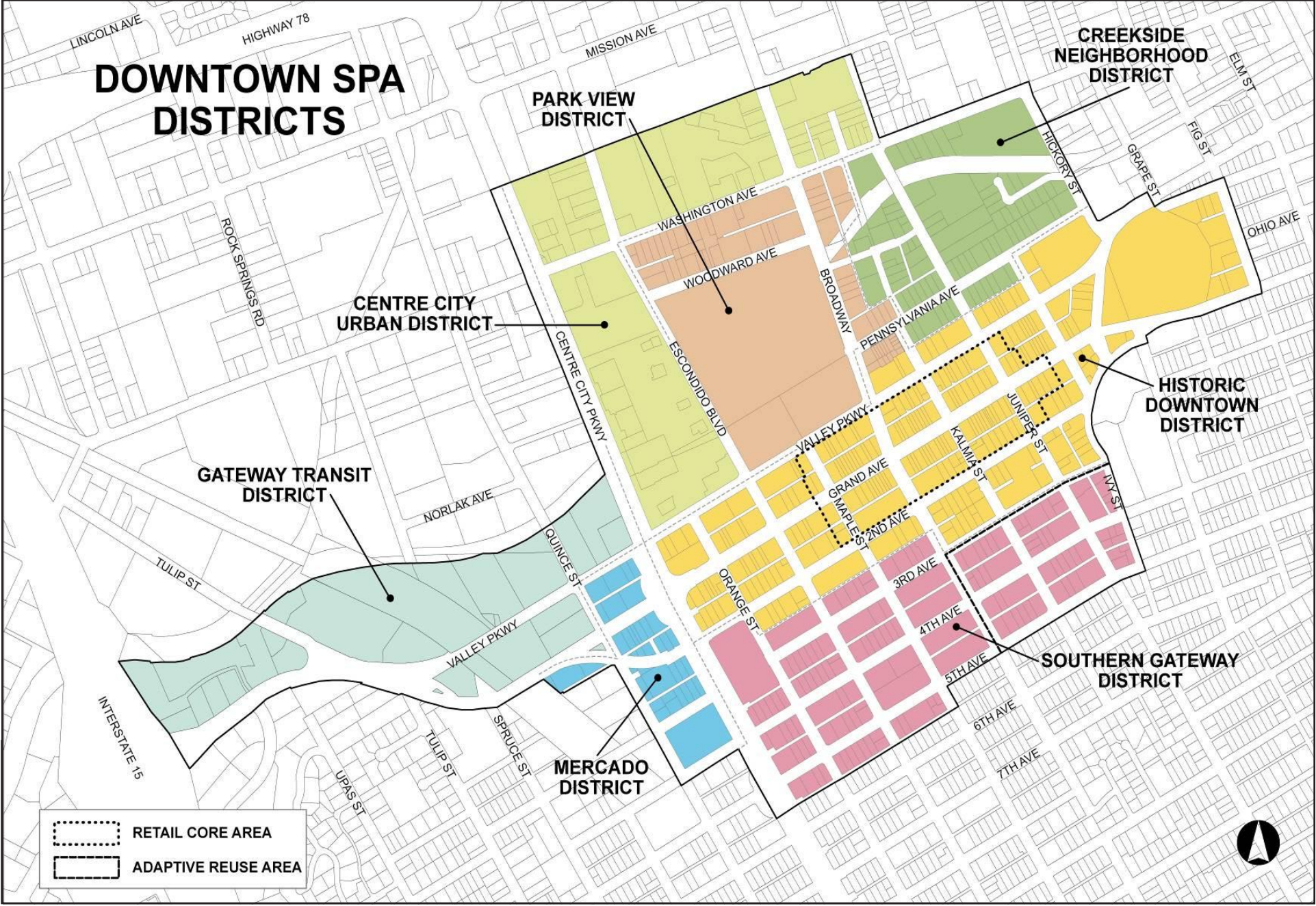
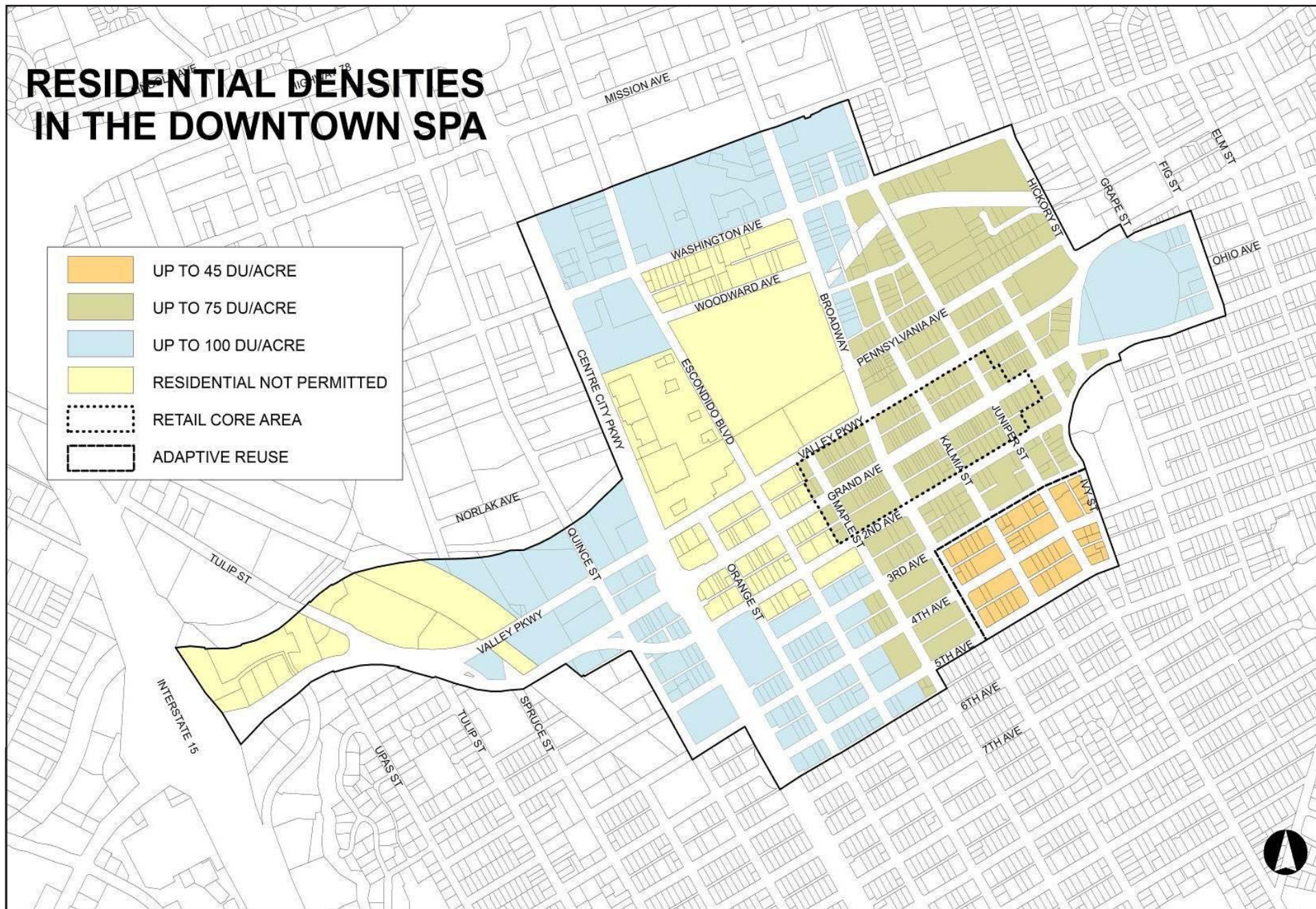


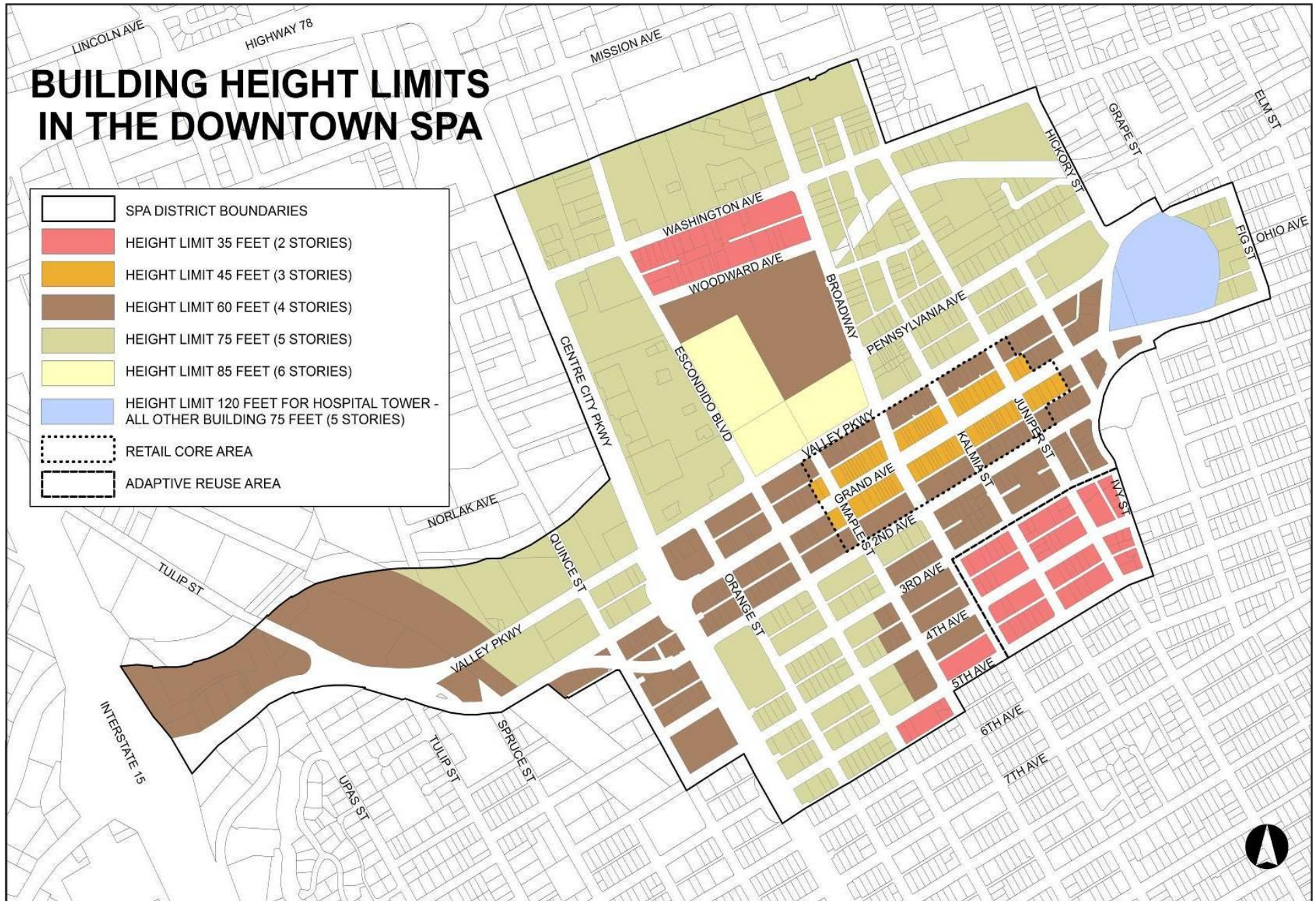
Figure 2
Downtown SPA Districts



Source: City of Escondido



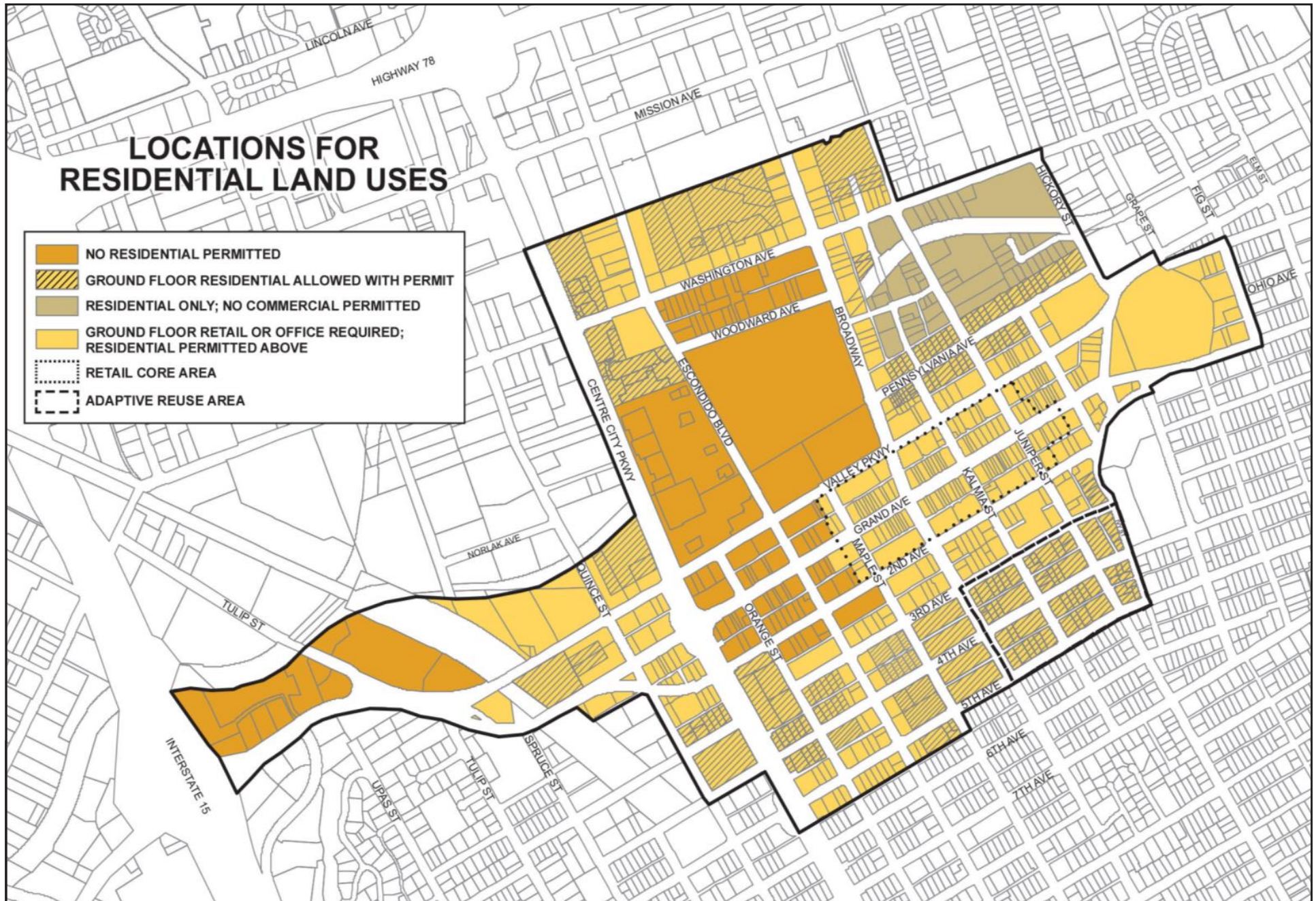
Figure 3
Downtown SPA Residential Densities



Source: City of Escondido



Figure 4
 Downtown SPA Building Height Limits



Source: City of Escondido



RESOLUTION NO. 2019-69

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A DENSITY TRANSFER
PROGRAM FOR THE DOWNTOWN AREA.

Applicant: City of Escondido
Planning Case Nos.: PHG 17-0024 and ENV19-0004

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

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (Title 14 of the California Code of Regulations Section 15000 et. seq.), the City is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, the Planning Division of the Community Development Department completed its review of the Project and scheduled a public hearing regarding the complete application (consisting of Planning Case Nos. PHG17-0024 and ENV19-0004) before the Planning Commission on March 26, 2019. The item was continued to April 9, 2019. Following the public hearing on April 9, 2019, the

Planning Commission adopted Resolution No. 2019-06, which recommended that the City Council, among other things, approve the Project's proposed DTP; and

WHEREAS, that the City Council has independently reviewed and considered the Addendum prepared for this Project, in conformance with the California Environmental Quality Act ("CEQA") and Article 47 of the Escondido Zoning Code, and adopted it per Ordinance 2019-06; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code and applicable State law, and that the City Council held a regularly scheduled public hearing on May 1, 2019, regarding the proposed Project, in its entirety, and that all persons desiring to speak did so; and

WHEREAS, on May 1, 2019, the City Council of the City of Escondido introduced City Council Ordinance No. 2019-06 to amend the DSP to enable potential adoption of the proposed DTP.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Escondido, in its independent judgement and after fully considering the totality of the record and evidence described and referenced in this Resolution, hereby declares:

1. That the above recitations are true.
2. That the Findings of Fact/Factors to be Considered, attached as Exhibit "A", and incorporated herein by this reference as though fully set forth herein, are hereby made by this City Council, and represent the City Council's careful

consideration of the record. The findings of this City Council shall be the final and determinative Findings of Fact on this matter.

3. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the May 1, 2019, City Council Agenda Report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution. Therefore, this Resolution shall become effective and operative only if City Council Ordinance No. 2019-06 is approved and is procedurally effective within its corporate limits as a statute in the manner provided by State law.

4. That upon consideration of the Findings/Factors to be Considered, all material in the May 1, 2019, City Council staff report (a copy of which is on file with the Office of the City Clerk), public testimony presented at the hearing, and all other oral and written evidence on the Project, this City Council approves the DTP as provided for Exhibit "B", and incorporated herein by this reference as though fully set forth herein. Said DTP shall be utilized exclusively by sending and receiving areas of the DSP.

EXHIBIT "A"
FACTORS TO BE CONSIDERED/FINDINGS OF FACT
PHG 17-0024 AND ENV19-0004

Downtown Specific Plan Density Transfer Program:

1. At a time when the City of Escondido needs to take every measure prudent to encourage and promote the production of housing at all income levels, there are instances in which the City allows potential new dwelling unit construction to be lost. For example, if an action, such as a development project, results in a lower-density development than was anticipated through Zoning or by the General Plan, no mechanism is in place to encourage or ensure recovery of the lost density. Establishing a Density Transfer Program (DTP) or an equivalent program could give the City of Escondido the opportunity to ensure that we're maximizing housing production to combat our current housing crisis. Such a strategy is consistent with local Housing Element goals and would help the San Diego region and the State of California take incremental steps towards addressing the acute housing affordability crisis.
2. The Project proposes to establish a DTP in the DSP that anchors higher density in the downtown mix, ensuring that the vision of the downtown is achieved through increasing supply and removing barriers to development. The DTP is based on the idea that land ownership involves a bundle of rights and that these rights can be separated or sold individually.
3. The proposed DTP program creates an incentive-based program to facilitate new development at higher densities. It would help incentivize future development - and keep it in the downtown area to support nearby retailers, services, entertainment, and attract other new businesses that are part of a desirable downtown economy. The overall amount of new development within the downtown would remain the same - however, if a new project leaves some density on the table and doesn't build-out their site fully, the program creates a flexible way to still achieve the ultimate build-out of the downtown and create a future sustainable center of activity.
4. The program helps accommodate the city's share of future regional housing needs with greater mix of housing types and choices, in smart growth locations rather than sprawl, which benefits everyone in the community.
5. City Council is the decision-maker on future DTP applications and how the DTP would be applied on a case-by-case basis.

EXHIBIT "B"

Density Transfer Program

Program Purpose

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

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

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

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

Program Administration

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

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

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

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

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

Density Transfer Program Benefits

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

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



FUTURE CITY COUNCIL AGENDA ITEMS

Updated April 24, 2019

*AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617*

May 8, 2019 4:30 p.m.
PROCLAMATIONS
Water Awareness Month and Drinking Water Week
PRESENTATIONS
Be Water Smart Poster Contest Awards
CONSENT CALENDAR
<p>Consulting Agreement for Midway Drainage Improvements (J. Procopio)</p> <p><i>After review of submitted proposals, NV5 was selected as the most qualified consultant to prepare a study of the FEMA floodplain areas along East Valley Parkway, between Ash and Citrus, and along Midway Drive between Bear Valley Parkway and Lincoln Avenue. The consultant will prepare preliminary drainage improvement design and recommendations for phasing of drainage improvements. The goal of this project is to improve the storm drain system so that the surrounding areas can be removed from the floodplain.</i></p>
<p>A Resolution of the City Council of the City of Escondido, California, Amending and Readopting Rules of Procedure for City Council Meetings and City Council Policies (M. McGuinness)</p> <p><i>Request the City Council approve revising and updating the City Council's current Resolution No. 2014-21, amending and readopting rules of procedure for City Council meetings and City Council policies.</i></p>
<p>City of Escondido's Investment Policy (D. Shultz)</p> <p><i>In accordance with California Government Code Section 53646(a)(2), the City Treasurer may prepare and submit to the legislative body a statement of Investment Policy and any changes thereto, which will be considered at a public meeting. The Investment Policy provides the City with guidelines for the investment of City funds.</i></p>
<p>First Quarter 2019 Treasurer's Report (D. Shultz)</p> <p><i>In accordance with the City's Investment Policy, the City Treasurer is required to submit an investment report to the City Council for review on a quarterly basis. The report will include the type of investment, issuer, date of maturity, par value, book value, and market value for each security held by the City.</i></p>

May 8, 2019
Continued

CONSENT CALENDAR Continued

Renew Signature Authorization for Investing Funds in the Local Agency Investment Fund
(D. Shultz)

This resolution will designate the fiscal agents who are authorized to deposit or withdraw monies from the Local Agency Investment Fund.

Approval of CalPERS Industrial Disability Retirement for Raymond Solorio
(S. Bennett)

Request the City Council approve the Industrial Disability Retirement of Police Officer Raymond Solorio.

Annual State Mandated Inspection Compliance Report
(R. Vogt)

Request the City Council approve acknowledging the receipt of the Fire Department's report regarding the performance of mandated inspections of certain building occupancies.

PUBLIC HEARINGS

CURRENT BUSINESS

Daley Ranch Conservation Credit Pricing Strategy
(J. Petrek)

The existing Daley Ranch habitat credit prices were established in 1997 and adjusted in 2005 and 2018. Other conservation banks in the region offering the same habitat credits for mitigation purposes have established flexible negotiated pricing strategies. The proposed Daley Ranch credit pricing strategy would provide more flexibility in negotiating future sales.

WORKSHOP

Fiscal Year 2019/20 Operating Budget Briefing
(S. Bennett)

The Finance Department will take direction from the City Council on preparing the 2019/20 operating budget to be considered in June 2019.

Preliminary Five-Year Capital Improvement Program and Project Budgets for Fiscal Year 2019/20
(S. Bennett)

Per the Council's direction, preliminary meeting to discuss staff recommended capital project requests for the 2019/20 Capital Improvement Program and Budget.

FUTURE AGENDA ITEMS

May 15, 2019
6:00 p.m.

PRESENTATIONS

North County Transit District Quarterly Informational Presentation

CONSENT CALENDAR

PUBLIC HEARINGS

CURRENT BUSINESS

Valiano Project Sewer Flow Agreement – *Continued from the April 10 Meeting*
(C. McKinney)

Request the City Council approve authorizing the Mayor and the City Clerk to execute a Sewer Flow Agreement with The Eden Hills Project Owner, LLC; The EHF Owner, LLC; The EHH Owner, LLC; and The EHA Owner, LLC (collectively the "Property Owner") for the City of Escondido's (City) acceptance of sewer flow from a 326 single-family residential development project (the "Valiano Project") within the City's sphere of influence.

FUTURE AGENDA ITEMS

Weekly Activity Report



April 25, 2019

City Staff to the Rescue!

This past week City staff worked with the San Diego Humane Society to rescue four coyote pups and 11 ducklings who found their way into the City's storm drain system. This brings the month's totals to: 4 confined space rescues, 31 ducklings saved, and four coyote pups freed and in the safe hands of the San Diego Humane Society.



Kit Carson Park: A View from Above

If you love Kit Carson Park, you'll love seeing it from an entirely new perspective. These aerials were taken by drone pilot "The Great Waldo Pizzeppi" and edited by Park Ambassador Jimmy Bean. Take a look here: <https://www.youtube.com/watch?v=rz0kf8152kY&feature=youtu.be>

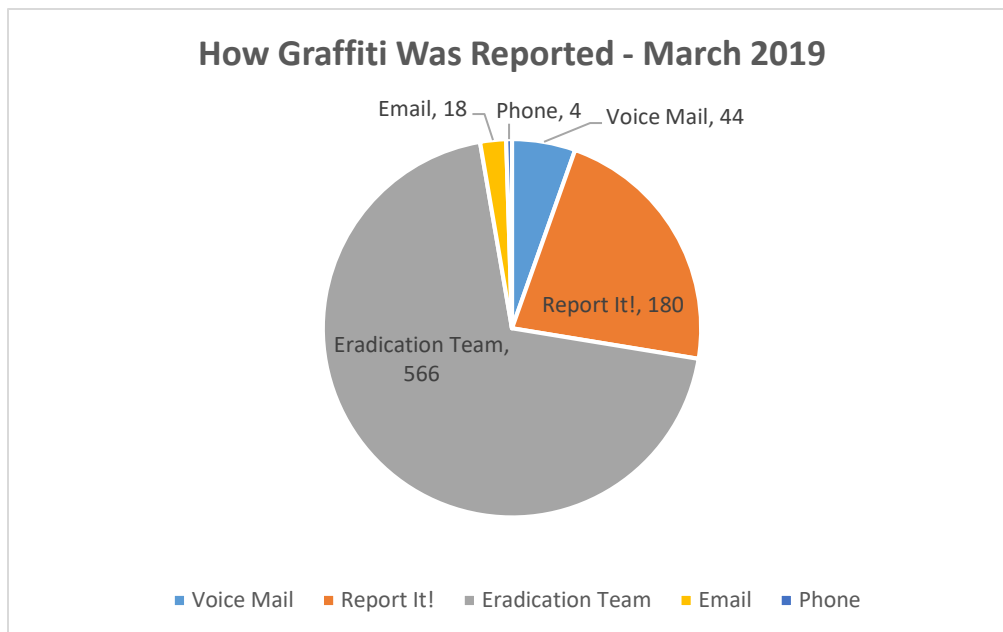
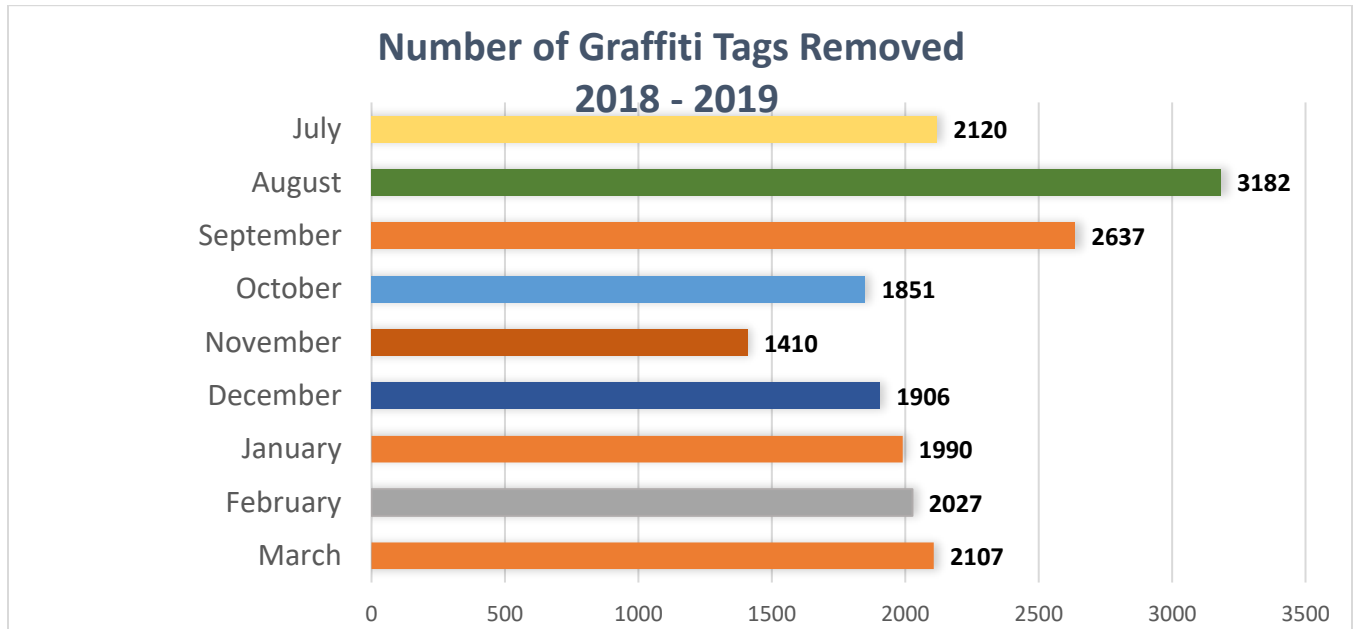
Escondido Youth Media Arts Festival Returns for its 10th Year

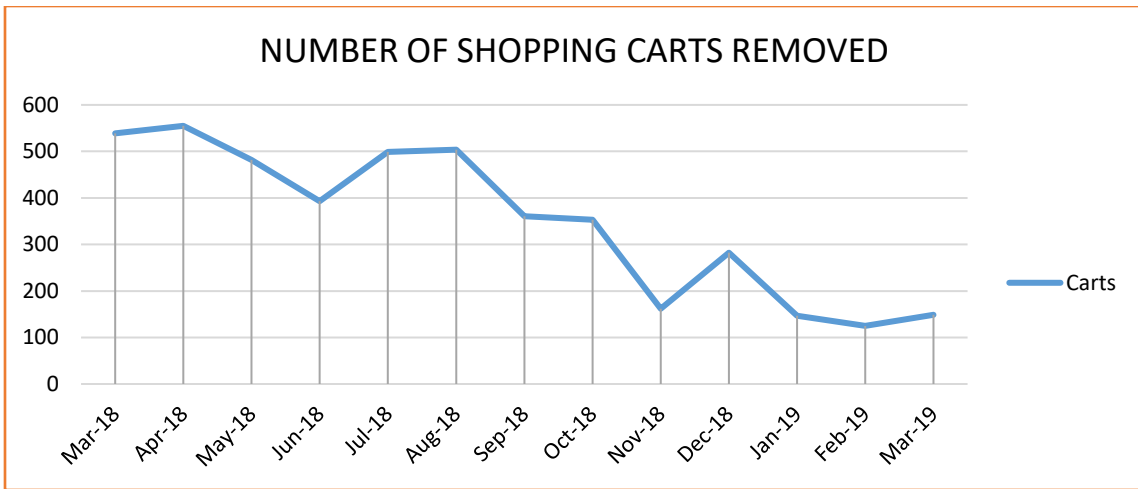
The Escondido Union School District is hosting their annual Escondido Youth Media Festival on May 16. This event celebrates innovation and creativity through media arts. All are welcome to attend. The showcase begins at 5:30 p.m. with the awards presentation at 7 p.m. at the California Center for the Arts, Escondido. RSVP by clicking the image below.



BY THE NUMBERS

Public Works





Code Enforcement

224 Total Active Cases

54 New Cases

28 Cases Closed

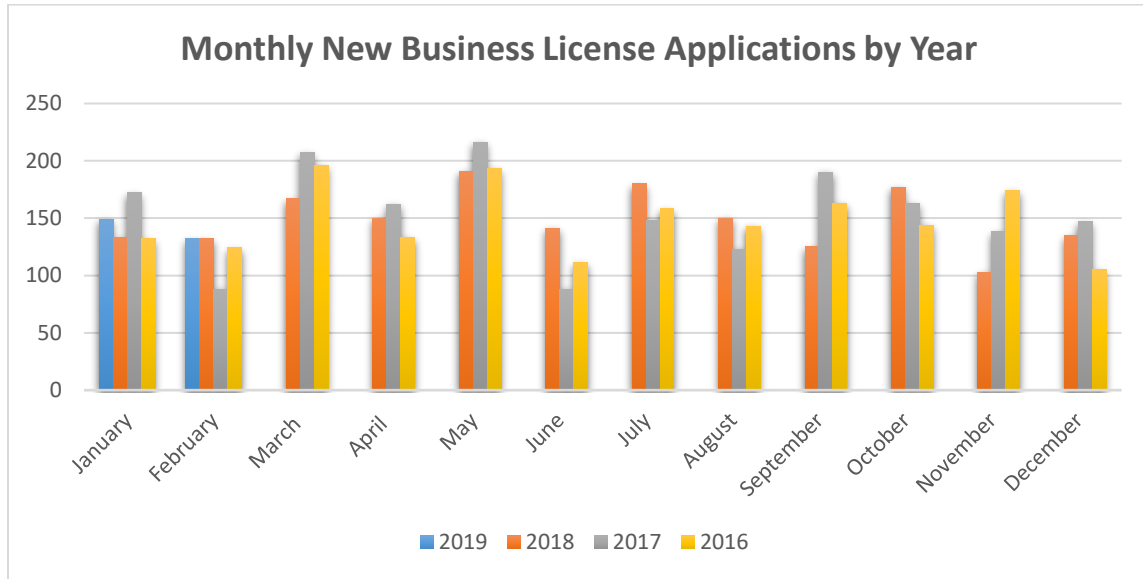
26 Voluntary Compliance

22 Notices Issued

2 Citations Issued

Total Code Cases (Year To Date)	725
---------------------------------	-----

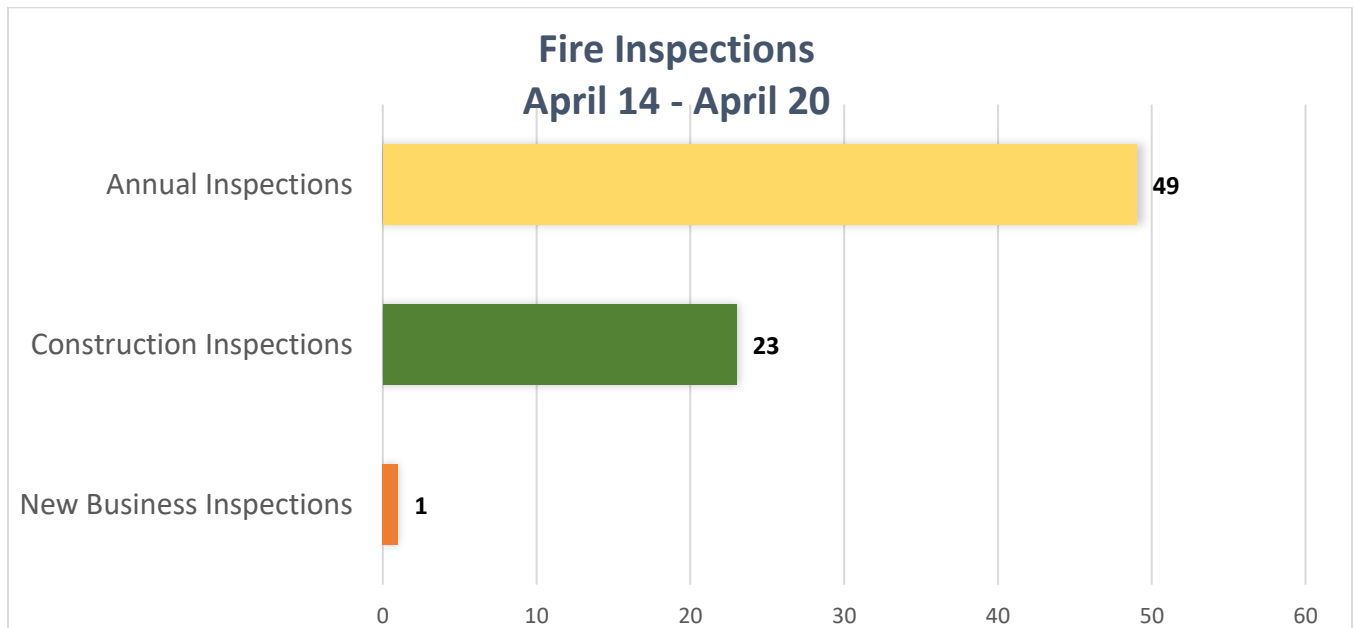
Business Licenses



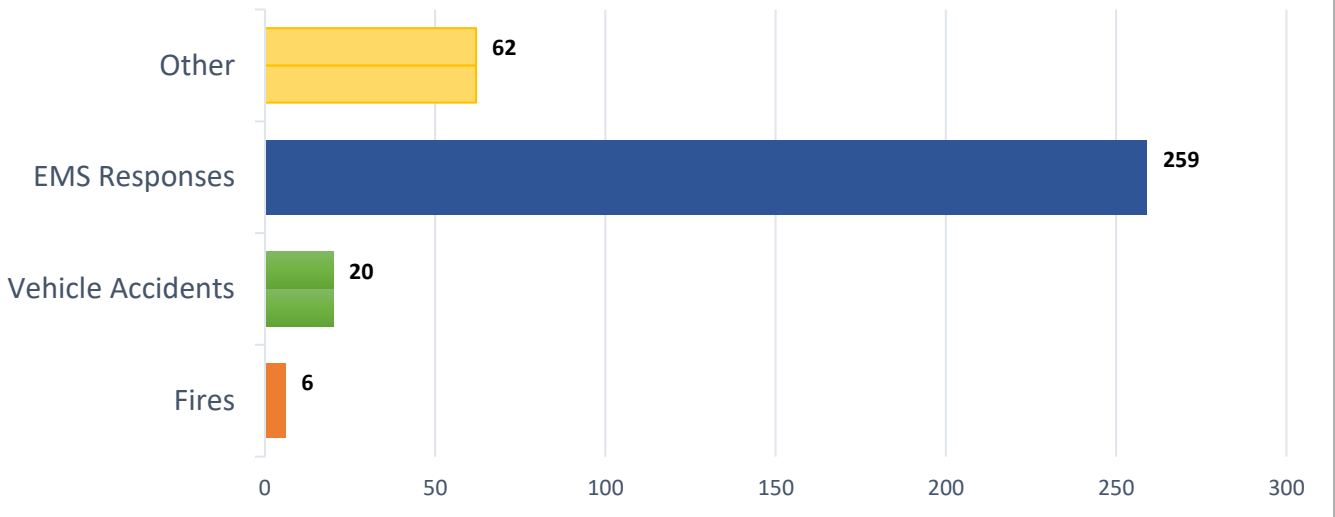
Graffiti Restitution

Collected This Week	Collected Year to Date
\$0	\$1710.88

Fire

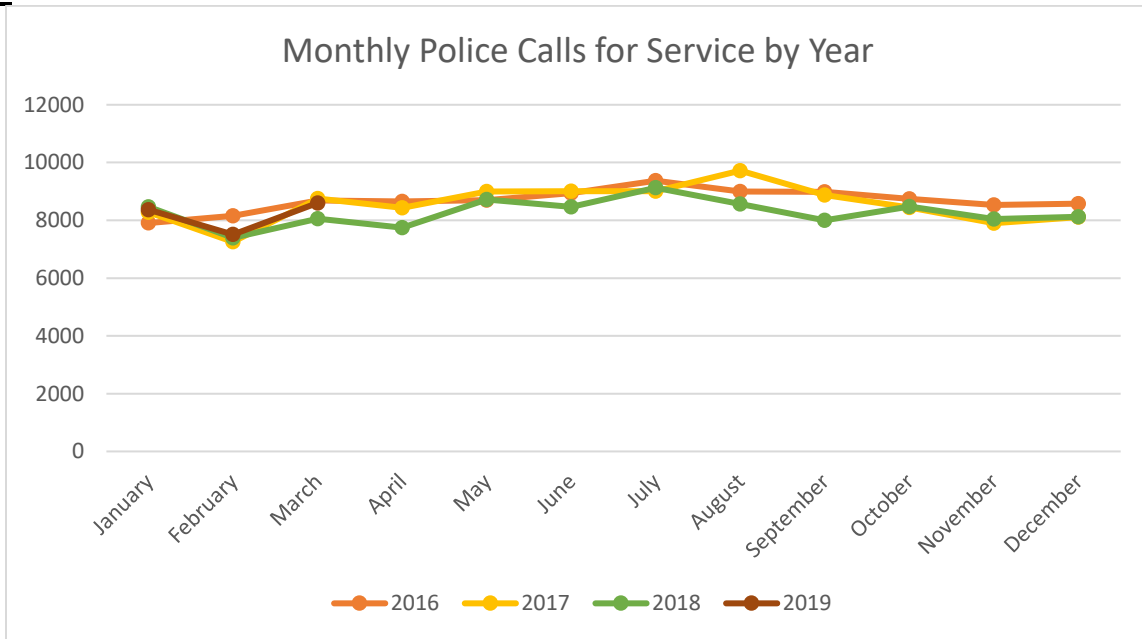


Fire Emergency Responses April 14 - April 20

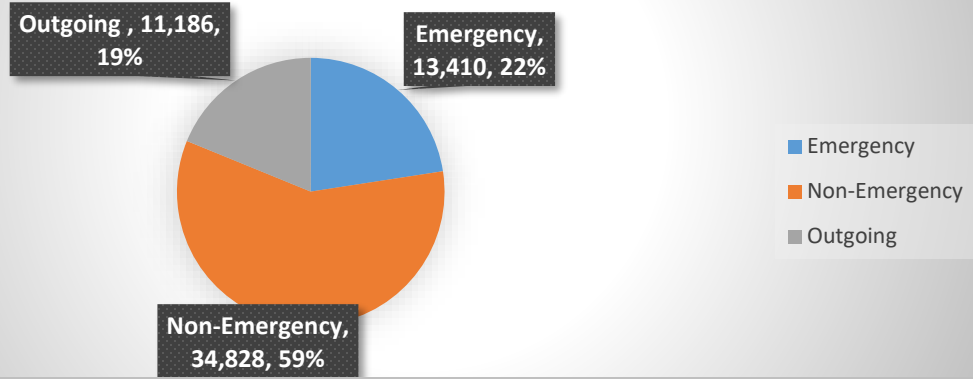


Total Emergency Responses (Year To Date)	5,030
--	-------

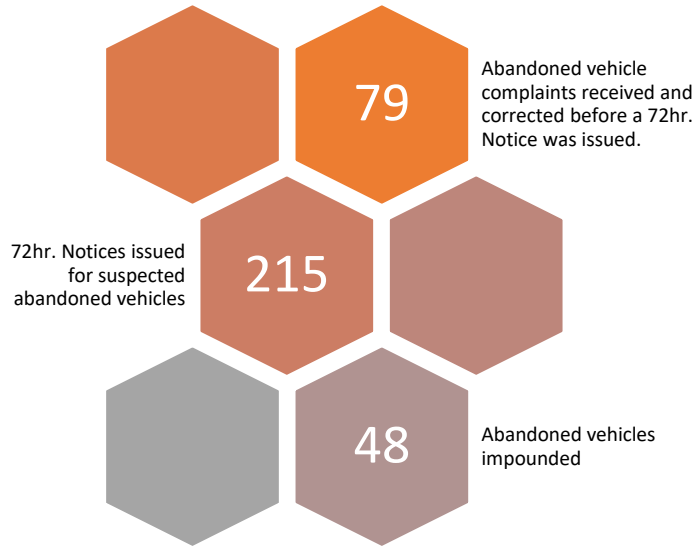
Police:



2019 YTD Police/Fire Communication Center Call Volume

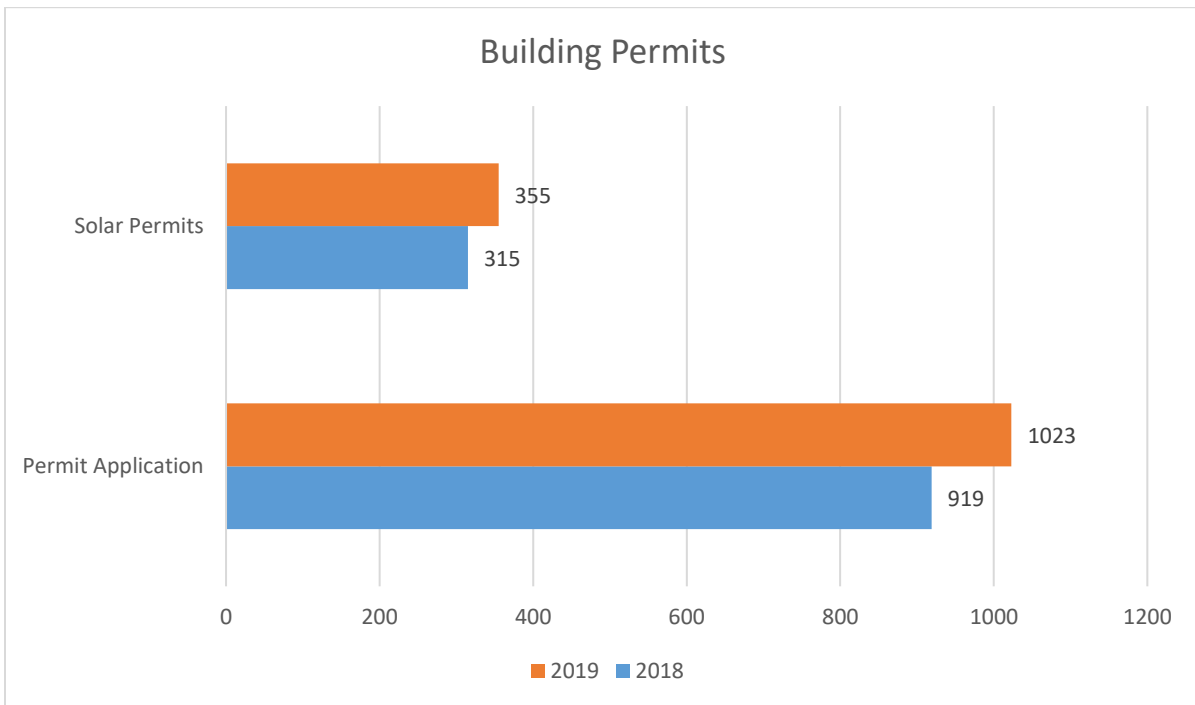
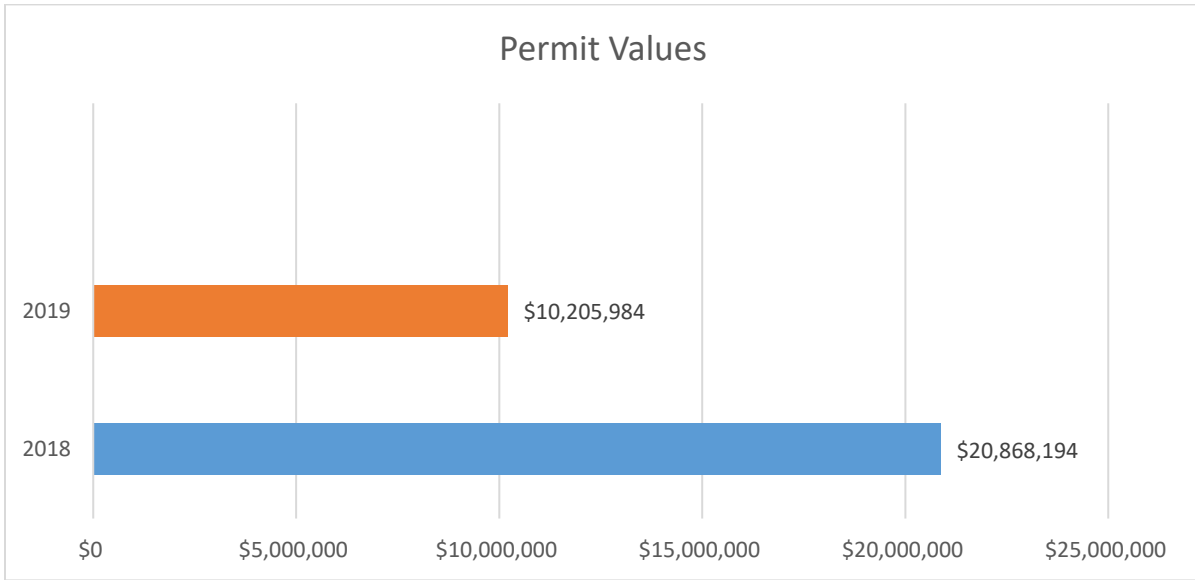


March Abandoned Vehicle Data



Building Division:

**Data reflects activity through April 20 of each year.*



POLICE DEPARTMENT

Incidents:

Intoxicated Driver Seriously Injured

On April 17, at 1:08 a.m., officers responded to a single vehicle traffic collision near the intersection of Country Club Ln. and Firestone Dr. The vehicle, which was being driven by a suspected intoxicated driver, collided with a parked car. The driver was trapped in the car and needed to be extricated by Escondido Fire Department personnel. The driver was transported to the hospital for treatment of serious, but non-life threatening, injuries.

One Arrested After Attempt to Avoid DUI Checkpoint

During the evening of April 19, a DUI checkpoint was being operated in front of the Escondido Police and Fire headquarters building. At about 11:30 p.m. Cindy Guillen (25-year-old resident of San Jose) entered the checkpoint. Guillen attempted to avoid the checkpoint by driving through traffic cones and into the public driveway of the police station. Guillen came to a stop after being blocked by a security gate and striking a pylon at slow speed. Officers determined that Guillen was driving under the influence and subsequently placed her under arrest.

Events:

Our Escondido Police and Fire dispatch team celebrated National Public Safety Telecommunications week (April 14-20). The week is intended to recognize and appreciate the hard work that our dispatchers do in linking our community to emergency services. As the only joint public safety dispatch center in San Diego County, our dispatchers fill a vital role in protecting the community and serving as the true first-responders.

FIRE

News:

The City of Escondido Fire Department honored our Support Volunteers with at a luncheon held at Filippi's on April 16. The Support Volunteers were honored with certificates that included the individuals total number of service hours for 2018. The Fire Department Support Volunteers provided 4,343 hours of service to the City last year!



The Fire Department sent several crews to the annual San Diego County Wildland Fire Preparedness Drill April 17 through April 19. The exercise was held on the Viejas Indian Reservation in Alpine over three days and included over 700 firefighters Fire Departments from all around San Diego County. This multi-agency drill is invaluable because firefighters will be working together through mutual aid when wildfires occur.

The Fire Department hosted their 2019 Recognition & Promotion Ceremony on Thursday, April 18 in Council Chambers. All those hired or promoted since March of last year, including four new support volunteers, were recognized.



Last week the Escondido Fire Department held Wild Fire Field drills and exercises in preparation for the summer fire season. All Department personnel and brush equipment rotated through the drill area for several hours for refresher training on various wildland hose lays, hand crew tactics, and safety & survival techniques.



COMMUNITY DEVELOPMENT

Major Projects Update

The following major projects are being reviewed and coordinated by Planning, Engineering, Fire, Building and Utilities. The list of projects below encompasses recent project updates and/or milestones from last week.

Commercial / Office:

1. Escondido Research and Technology Center (ERTC) – West (Developer: James McCann) 2181 Citracado Parkway – A plan for a new two-story, 57,000 SF, 52-bed Palomar Rehabilitation Institute was submitted as a Plot Plan on July 31, 2017. The Plot Plan approval letter was issued on February 7, 2018. The grading permit is ready to be issued once Planning completes the related Specific Plan Amendment described below.
2. Escondido Research and Technology Center (ERTC) – East (Developer: James McCann) 2130 Citracado Parkway – Building plans for the first 71,656 SF medical office building in this approved medical complex area across from Palomar Hospital were submitted into plan check on October 9, 2018. Fire and Esgil have approved the plans. Planning has a hold on the permit until the parking issues below are resolved.

A Specific Plan Amendment (SPA) will be required to move the temporary parking lot on the medical building site (above) to another location within ERTC. The SPA application was submitted on November 13, 2018, and proposes the construction of a new temporary parking lot at the southern end of the ERTC development on Lots 10-15 and a permanent parking lot on Lot 1. The plot plan and grading exemption for Lot 1 was approved by the Zoning Administrator on March 21, 2019. Grading plan comments for Lot 1 were provided by Engineering on April 2, 2019. The applicant provided a draft MOU document on January 4, 2019 (intended to be signed by applicant, PPH and City) explaining the phasing and proposed parking improvements and a revised MOU was provided to staff on April 10, 2019. On April 23, 2019, the Planning Commission recommended approval of the Specific Plan Amendment and CUP for the temporary parking on Lots 10-15. A hearing at the City Council is anticipated next month.

3. Toyota of Escondido Certified Used Car Facility (Developer: Stephen Myers, Toyota of Escondido) 990 N. Broadway – A Plot Plan to assemble five commercial lots including a vacant used car business into an automotive sales and service facility for Toyota. The proposal includes the demolition of a vacant residence and a small expansion of an existing service building. The project application was submitted on January 7, 2019. Staff-level design review occurred on January 31, 2019. Comments from Planning, Engineering, Utilities, Fire and Traffic were sent to the applicant on February 5, 2019. Planning met with the applicant on February 28, 2019, to discuss proposed revisions to the plans. A revised Plot plan was resubmitted March 4, 2019. Engineering met with the applicant on April 8, 2019 to finalize hydrant placements. Project review is nearing completion.

Industrial

1. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) 2319 Cranston Dr. – Updated building plans were resubmitted into plan check on July 24, 2018. Esgil and Fire have approved the plans. Planning provided comments on the building plans on September 19, 2018. The final map was approved by City Council on September 19, 2018, and has recorded. The grading permit has been approved and grading has commenced on the site. The building plans have been approved by Esgil and Fire. Planning is waiting for a plan that ensures rooftop mechanical equipment is appropriately screened.
2. Citracado Business Park (Developer: Dentt Properties) 2207 Harmony Grove Road – A proposed specific plan for two industrial warehouse/office buildings (145,930 SF and 125,930 SF) with the buildings to be separated by the future extension of Citracado Parkway. The application was submitted on August 14, 2018. All departments have completed their initial review and comments were sent to the applicant on September 17, 2018. SDG&E also has provided comments regarding the high voltage power lines that traverse the site. The applicant's traffic consultant submitted revised methodology and distribution to Engineering on October 19, 2018. A meeting with the applicant to review the various departmental comments occurred on October 29, 2018. Another round of comments related to the proposed specific plan have also been provided. The developer team met with several departments on April 4, 2019, primarily to discuss traffic-related issues.

City Projects

1. Micro-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) SE corner Ash/Washington – The City Council approved a contractual agreement with Black and

Veatch for engineering services on April 4, 2018. On January 16, 2019, the City Council expressed continued support for the MFRO, but directed staff to investigate moving the facility to another location. Utilities staff are investigating the feasibility of moving the MFRO to city property located at 901 W. Washington Avenue. An on-site meeting with the selected design-build and environmental contractors occurred on January 28, 2019. Preliminary geotechnical and survey work is underway. Helix Environmental Planning will be preparing the draft environmental documents. The AB 52 consultation letter will be sent to interested tribes once a new site plan has been developed in approximately 2-3 weeks. A Design Build Agreement was approved by the City Council on April 3, 2019. The Design Build Agreement with Filanc+BC Joint Venture provides for design and pre-construction services.

2. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – A Draft EIR was prepared and issued for a 45-day public review period that began on October 4, 2016 and closed on November 17, 2016. A field visit with staff from the state and federal wildlife agencies took place on May 11, 2017, to review biological mitigation requirements including an agency request for full mitigation for emergent vegetation at the eastern end of the lake that came into existence since the lake level was reduced for safety reasons. Staff sent a follow-up letter to the wildlife agencies on June 29, 2017, seeking clarification on the proposed biological mitigation requirements. Additional information has been compiled and analyzed by the City's biological consultants based on recent conversations with the agencies. The biological consultant and staff met with the wildlife agencies on November 28, 2018 to discuss a modified approach to fulfilling mitigation requirements. Written information summarizing what was discussed at the meeting was transmitted to the agencies on December 4, 2018. City staff recently concluded a revised assessment of potential biological impacts and is coordinating a meeting with the agencies to present the findings.

Residential

1. Safari Highlands Ranch (SHR) (Developer: Jeb Hall, Concordia Homes) 550 lots east of Rancho San Pasqual – A Notice of Availability for the Draft EIR was issued on October 16, 2017 for public review and comment. The comment period ended on January 2, 2018. Staff transmitted all the comment letters and emails to the Draft EIR consultant for review and to prepare a response to each comment. The Draft EIR and appendices have been posted on the City's website at the following link:

<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>

The responses to comments have generated related revisions to the project design. The applicant's engineer submitted a revised tentative map on October 26, 2018. Generally, the amount of grading and the area of disturbance has decreased, while the overall number of 550 residential lots has remained the same. Engineering met with the project engineer and applicant on January 31, 2019, to discuss their comments on the revised tentative map. The revised tentative map and exhibits have been posted on-line at the link above. The applicant met with Traffic Engineering during the week of February 25th to discuss off-site improvements. Staff, applicant and biological consultant met with the wildlife agencies on April 23, 2019, to discuss the revisions to the project design mentioned above.

2. 18 lots at 701 San Pasqual Valley Rd (Developer: Bob Stewart) – Staff comments on the revised tentative map were issued the last week of July 2017. The applicant has occasionally engaged in discussions with various departments since that time, but has declined a staff offer

to schedule a comprehensive meeting with all city departments. Another set of revised plans were submitted the week of November 26, 2018. Planning, Engineering and Utilities comments on the revised plans were issued on February 25, 2019. The applicant called Planning staff to discuss the comments on April 9, 2019.

3. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) 380 residences – The City Council voted 3-2 to approve the project on November 15, 2017. The applicant submitted rough grading plans, drainage improvement plans and utility relocation plans for all three villages on May 7, 2018. There have been three rounds of plan checks on the rough grading plans since the original submittal and a permit-ready letter for rough grading was issued on August 31, 2018 and revised on September 4, 2018. Landscape plans were submitted on June 5, 2018, and a second submittal was received on October 2, 2018. The applicant submitted the final map and other improvement plans on July 9, 2018. Additional comments on the improvement plans, utility location plans, storm drain plans and all technical studies were provided by Engineering on September 11, 2018. Country Club Lane street improvement plans were submitted for first plan check on October 9, 2018, and Engineering comments were provided on November 21, 2018. A tree removal permit to remove trees on the former golf course property was issued by Planning on December 19, 2018. Fourth plan check for the Village 1 rough grading, improvement plans and landscape plans were submitted January 18, 2019, and Engineering comments are expected to be issued this week. Third plan check for final map and improvement plans for Village 3 submitted. Engineering comments were returned on March 12, 2019; and the developer team met with Engineering on April 1, 2019, to discuss the comments. A Certified Tentative Map is anticipated for substantial conformance review and includes a proposal to relocate approximately 10 residential lots within the development. The homebuilder met with Building, Engineering and Planning on April 24, 2019 to discuss the building plan check and precise grading plan processes.

The approved tentative subdivision map, Final EIR and appendices, Specific Plan and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/ecc.aspx>

4. North Avenue Estates (Developer: Casey Johnson) 34 lots at North Ave./Conway Dr. –The City Council approved the project on January 10, 2018. LAFCO approved the annexation application on October 1, 2018, and the annexation has recorded. The new homebuilder, Taylor Morrison Homes submitted a Precise Development Plan to Planning on December 14, 2018. Grading plans, final map and improvement plans were submitted for review on December 7, 2018. Engineering comments were returned on January 18, 2019 and additional comments were sent on January 25, 2019. Engineering met with the applicant's engineer on January 31, 2019 to discuss drainage issues. A revised Certified TM was approved on March 14, 2019. A revised Precise Development Plan was submitted on March 14, 2019, and Planning comments were issued on April 11, 2019. Final engineering plans were resubmitted on March 21, 2019. The project engineer, Engineering and County Water Authority staff met on April 2, 2019, to discuss the street and utility crossings over the CWA aqueduct. The CWA is requiring upgraded structural protection to protect the aqueduct where crossings occur.
5. Aspire (131 apartment units on Municipal Lot 1) (Developer: Addison Garza, Touchstone Communities) – The proposal consists of a six-story mixed-use development across from City Hall on Parking Lot 1. The project was initially submitted for entitlement processing for a 106-unit development on June 23, 2017. On March 14, 2019, the applicant submitted a revised

project under state and city density bonus law that increases the number of dwelling units in return for the provision of 11 Very Low Income housing units. The increased density (now 131 units) has been accommodated by eliminating all 3-bedroom units to allow additional studio, one- and two-bedroom units within the same building structure. The project includes 4,289 square feet of commercial space on the ground floor, primarily fronting on Maple Street Plaza. A purchase and sale agreement for the project site (Parking Lot 1) was approved by the City Council on September 19, 2018. Concerns regarding parking have been expressed; and the applicant's parking consultant submitted a parking study on January 17, 2019. A proposed Development Agreement was submitted for staff review on April 24, 2019.

6. The Ivy (127 apartment units at 343 E. 2nd) (Developer: Addison Garza, Touchstone Communities) - The apartment project was initially submitted for entitlement processing for a 95-unit development on June 23, 2017. On February 8, 2019, the applicant submitted a revised project under state and city density bonus law that increases the number of dwelling units in return for the provision of 11 Very Low Income housing units. The increased density (now 127 units) was accommodated by adding another story to the development resulting in a five-story residential building up to 63 feet in height. While the building footprint is nearly identical to the previous design, the proposal also adds 1,175 square feet of commercial space on the ground floor at the corner of Second Avenue/Ivy Street. Utilities and Fire comments on the revised development plan were issued on March 12, 2019. A revised traffic study is currently being reviewed by Traffic Engineering staff. A proposed Development Agreement was submitted for staff review on April 11, 2019.
7. Quince Street Senior Housing (Developer: Matt Jumper, 220 Quince, L.P.) 145 apartment units at 220 N. Quince St. – The five-story affordable senior housing apartment project was submitted on November 21, 2017. Multiple meetings with the applicant have taken place since the project submittal to discuss project design issues. A constraints map to identify fire access routes and locations of existing utilities has been approved by staff and the applicant utilized that map to submit a revised project on November 21, 2018. Staff comments from Planning, Engineering, Utilities and Fire were returned to the applicant on December 27, 2018. A follow-up meeting with Planning occurred on January 15, 2019, and revised project plans were submitted on February 12, 2019. City staff provided comments on March 25, 2019. Utilities is requesting an upsizing to the water line in Quince Street to 8". Traffic engineering received revised traffic counts on April 19, 2019. Last week the applicant requested relief from the open space requirement and in-lieu fee.
8. Sager Ranch/Daley Ranch Resort Specific Plan (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) 203 housing units and 225-room resort hotel on 1,783-acres, just north and east of Daley Ranch – This proposed residential and resort hotel annexation and specific plan project was received on March 2, 2018. The project submittal has been deemed incomplete and a letter from staff requesting additional project related information was sent to the applicant on April 4, 2018. Requested information includes annexation exhibits, proposed general plan amendment text, a proposed Transfer of Development Rights Program, environmental initial study, and a fiscal impact analysis. Planning met with the applicant on May 17, 2018 to discuss items listed in the letter. A follow-up meeting to discuss engineering issues occurred on June 27, 2018. The applicant met with Escondido Fire and Valley Center Fire on August 1, 2018 to discuss fire protection issues. Significant fire-related issues to be addressed include the steepness of the project entry road, secondary emergency access and Fire Department response times. A follow-up meeting with the applicant to discuss these issues occurred on October 11, 2018. On April 5, 2019, the applicant provided a letter response with proposals to

address some of the fire-related issues. Fire and Planning staff will provide a response to that letter this week.

A project webpage containing draft documents and plans has been added to the Planning Division's website at the following link:

[Sager Ranch Resort Specific Plan - City of Escondido](#)

9. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) 137 townhome condo units on 7.7 acres on both sides of Nutmeg between I-15 and Centre City Parkway – This proposed multi-family residential development includes a GPA from Office to Urban III (up to 18 du/acre) as well as a specific alignment plan for Nutmeg and a vacation of approximately one acre of public right-of-way for use in the project. The project application was received on June 15, 2018. Initial comments from Planning, Fire, Engineering, Utilities and Traffic Engineering were provided to the applicant on July 13, 2018. A Notice of Preparation for the project EIR was sent out on August 29, 2018, and the comment period closed on October 1, 2018. A Scoping Meeting occurred on September 6, 2018. The applicant submitted revised plans and studies on October 16, 2018. Engineering, Utilities and Fire provided comments on the revised plans on November 13, 2018. Follow-up meetings with the applicant occurred on November 28, 2018 and February 6, 2019. Traffic Engineering provided comments on the Traffic Impact Analysis on December 10, 2019. Staff comments on the first screen check draft of the EIR were issued on January 14, 2019. The applicant team met with Engineering and resubmitted revised plans and the second screen check draft of the EIR on February 6, 2019. Partial comments on the second screen check EIR were issued on March 11, 2019, with the remaining comments delivered on March 18, 2019. The third screen check EIR was received on March 29, 2019. All staff comments were provided by April 8, 2019. The applicant is making final edits to the draft EIR and a meeting has been scheduled for May 2nd to review associated revisions to the plans and schedule the public review for the Draft EIR.
10. Oak Creek (Builder: KB Homes) 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane – The original developer, New Urban West, has secured permits from CDFW, ACOE and RWQCB. The Zoning Administrator approved a modification to the Precise Development Plan to revise the architecture on October 25, 2018. Fence and wall plans were submitted the second week of December. The model homes were submitted into building plan check the last week of October and the Precise Grading Plan for the models was submitted at the end of March. On-site remediation of hazardous materials has been completed and DTSC has issued a clearance letter. The rough grading permit was issued on April 18, 2019, and grading has commenced on the site.
11. Mercado 3-Story Mixed Use Building (Developer: Curtis Lively) 5 residences and 2 commercial suites on 0.14-acre at 510 W. 2nd Avenue – A Plot Plan for five two-story residential units on top of 2,375 SF of commercial floor area and a parking garage was submitted July 13, 2018. Staff review comments were provided to the applicant who then submitted revised plans. Additional Planning and Engineering comments were sent to the applicant on September 27, 2018, and a revised project submittal was received on December 11, 2018. Comments from Fire, Utilities and Planning on the revised plans were sent to the applicant on January 2, 2019. The applicant submitted revised plans including a reduction of commercial space to 1,750 square feet on February 20, 2019. Planning staff completed design review on March 21, 2019, with no major recommended changes. Engineering and Fire are awaiting revisions showing the alley improvements and hydrant placement.

12. 555 West Grand Mixed-Use Building (Developer: Ed McCoy) 32 condo units in three floors over a parking garage – This 32-unit mixed-use development with 610 SF of office/flex space was submitted as a planned development application on August 27, 2018. The project is seeking a reduction in parking and open space standards. Initial multi-department comments were sent to the applicant on September 26, 2018. The applicant met with Fire, Engineering, Planning and Utilities staff on October 16, 2018 to discuss the staff comments. Engineering has agreed to accept a public utilities easement along Quince Street in lieu of a dedication of public right-of-way. This easement along with a revision to provide vehicular access from Second Avenue has been incorporated into revised project plans and the accompanying Traffic Impact Analysis has been approved by Engineering. Engineering and Fire are coordinating fire flow and hydrant locations with the applicant. Planning has requested a parking study to support the proposed reduction in the number of parking spaces.
13. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd. – This 15-unit multi-family residential project on a 0.52-acre parcel between S. Escondido Blvd and Cranston Drive was submitted as a Plot Plan application on November 28, 2018. A comment letter was issued on December 20, 2018. Comments included the need to evaluate the building construction type for fire purposes and consider the design standards in the South Centre City Specific Plan. Planning staff have had several follow-up conversations with the applicant team and are awaiting revised plans. Utilities has requested a sewer study to assess potential impacts to the nearby Lift Station 2.
14. Palomar Heights (Developer: Ninia Hammond, Integral Communities) Demolition and redevelopment of the old Palomar Hospital site with 424 multi-family units in 33 buildings – A proposed Tentative Map, Planned Development, Specific Plan Amendment and EIR to redevelop the 13.8-acre former hospital site. Up to 5,500 square feet of recreation or commercial space could be included. The project application was submitted on December 24, 2018. The initial plan submittal was presented to the Board of the Downtown Business Association on January 9, 2019, the Economic Development Committee of the Chamber of Commerce on January 10, 2019 and the Old Escondido Neighborhood Group on February 20, 2019. Engineering and Planning comments on the initial project submittal were sent to the applicant on February 12, 2019. A contract for a developer-funded planning consultant to work on this project as an extension of Planning staff was approved by the City Council on February 13, 2019. Planning Engineering and Fire met with the applicant team on February 27, 2019 and again on April 24, 2019 to go through proposed revisions to the site plan and building designs. A Notice of Preparation (NOP) for the EIR will be issued within two weeks.
15. Henry Ranch (Builder: Joe Martin, Trumark Homes) An approved development of 97 single-family residential homes on 74.35 acres at the eastern terminus of Lincoln Avenue – The Tract 920 development proposal was originally approved in 2007 and an extension of the associated Development Agreement was approved in 2016. Trumark Homes acquired the property in 2018 and intends to complete the subdivision. A revised substantial conformance plan for the Certified Tentative Map was submitted January 15, 2019 and approved the last week of January. Final Map, grading plans and improvement plans were submitted for initial review on February 12, 2019. A demolition permit for the former packinghouse structures was submitted on February 14, 2019 and only needs utility shutoff before work starts. Architectural plans were submitted for Design Review on February 15, 2019, and comments were issued on

March 14, 2019. A vegetation removal permit was issued on March 21, 2019. The second submittal of final engineering was received on April 22, 2019.

16. Del Prado (Developer: Kerry Garza, Touchstone Communities) – An approved 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road - The Del Prado project was approved by the City Council in May of 2016. The project site is separated into two parcels by an SDGE parcel. Engineering and Planning are reviewing third plan check for final map, grading and improvement plans for Del Prado South. Del Prado North is in second plan check for the same plans. No building plans have been submitted into plan check. Planning has provided comments for the North landscape plans. An extension of time for both the North and South tentative maps will be considered by the Zoning Administrator next week.
17. Accessory Dwelling Units – Planning staff is currently working on five applications for accessory dwelling units. Five accessory dwelling units have been approved so far this year. 24 accessory dwelling units were approved in 2018. Three accessory dwelling units were approved in 2017.

Building Division:

1. The Building Division issued 75 permits (including 24 solar photovoltaic) with a total valuation of \$433,923.
2. Our building inspectors responded to 136 inspection requests. 145 customers visited the Building counter during the week.
3. The Meadowbrook three-story apartment building with underground garage at 2081 Garden Valley Glen has received final Fire inspection approval and are progressing toward requesting a final inspection.
4. *No change from the previous.* The Westminster Seminary at 1725 Bear Valley Pkwy so far has received final inspection approval and Temporary Certificates of Occupancy for all buildings except for Buildings B and H. Final building inspection was conducted for building B on 3/4/19 and the contractor is working on the corrections.
5. The Emmanuel Faith Church at 639 E. 17th Ave. received final inspection approval on 4/19/19.
6. *No change from the previous.* The Latitude 2 apartment project at 650 N. Center City Pkwy has received building final approvals and Temporary Certificates of Occupancy for Buildings 1-4 and drywall approval for Buildings 6.
7. *No change from the previous.* The new two story church sanctuary building at 1864 N. Broadway has received rough framing approval.
8. *No change from the previous.* The Citron multifamily project at 2516 S. Escondido Blvd has received final Building and Fire approvals for Buildings 2, 3, 4, 5, 9 and 10, as well as approvals for temporary electrical service for Buildings 7 and gas meter for Building 6.

9. The new 105-room hotel at 200 La Terraza Blvd received a Temporary Certificate of Occupancy for staff training and is working through punch list corrections for final Certificate of Occupancy in advance of an intended opening date during the second week of May.
10. *No change from the previous.* The four-story, 102,774 square foot self-storage building at 222 W. Mission Ave is requesting a temporary Certificate of Occupancy. Final inspection will occur this week.
11. *No change from the previous.* The new five-story self-storage building at 852 Metcalf St. is receiving rough framing and drywall inspection weekly until completed.
13. The Gateway Grand 126-unit apartment project at 700 W. Grand Ave has received approval for 2nd story floor sheathing in Buildings A and B.
14. *No change from the previous.* The new apartments at 917 W. Lincoln Ave has received inspection approval for exterior framing for buildings B and C. The project has 3 buildings and 9 total units.

ENGINEERING DEPARTMENT

Capital Improvements

1. 2018 Street Rehabilitation and Maintenance Project – This year’s program will focus on residential areas south of Felicita and east of I-15 with major work on Citricado Parkway, Escondido Boulevard, Del Lago Boulevard, Centre City Parkway, Felicita Road, and Bear Valley Parkway. The concrete element is the Lomas Serena’s neighborhood this week. The pavement restoration is being done along Citracado Parkway between Centre City Parkway and Miller Avenue this week. For more information on the City’s Street Maintenance Program including a comprehensive list of streets to be treated follow the link: <https://www.escondido.org/city-of-escondido-street-maintenance-program.aspx>.
2. Valley Parkway/Valley Center Road Widening Project: Calendar Day 409 – Water quality testing is being performed on the bypass pipe section near Lake Wohlford Road this week. Work on the punch list items are the focus of work again this week. The landscape up-lighting is operational for the Welcome Escondido monument.
3. Transit Center Pedestrian Bridge Project – The preconstruction meeting for the project was held on Wednesday, April 24. The contractor is currently working on the required NCTD access permit which must be in place to the start of construction.
4. Missing Link Project – The mid- block pedestrian signal was activated on Tuesday of this week. The previous pedestrian crossing located at Pennsylvania Avenue and Broadway has been permanently removed and temporary signage has been put in place notify of its closure.
5. HSIP Traffic Signal Project – The preconstruction meeting for this project is set for May 2. The project will provide new traffic signals at Valley Parkway/Date Street and El Norte Parkway/Fig Street intersections. The project is funded by the Highway Safety Improvements Projects. The Notice to Proceed has been issued and the traffic signal poles have been

ordered. The construction of the surface improvements will begin on May 6. All submittals have been reviewed and approved.

6. Tulip Street Improvements Phase IV –The construction of retaining walls is continuing along Tulip Street. Fire hydrant at 2nd Avenue is being relocated this week. SDG&E is on site this week to complete relocation of the gas lateral services.
7. Multi Neighborhood Street Light L.E.D. Retrofit Project –*No changes from that reported last week:* The project will upgrade 644 existing high pressure sodium lights with energy efficient L.E.D. fixtures. The project boundaries are Lincoln Avenue to the north, 13th Avenue to the south, Ash Street to the east, and Upas Street to the west. The winning bid came in below the engineer's estimate which will allow for the installation of an additional 100 lights. The project preconstruction meeting was held on Thursday, February 21. The new light fixtures have an anticipated delivery date of April 17. The work to install will commence immediately after delivery.
8. Storm Drain Pipe Lining and Rehabilitation Project Phase1 – *No changes from that reported last week:* The project consists of 14 work zones and 3 Bid Alternate locations for the videoing, grouting, repairing, and lining of existing corrugated metal pipes (CMP) within the City's inventory. The project bid opening was January 10, 2019. Four Engineering contractors supplied bids. The apparent low bidder was Sancon Engineering Inc. with a bid of \$841,310.00. The Engineers estimate for the project was \$746,734.00. The first day of the 120 construction calendar days was Monday of this week.

Private Development

1. Tract 932 - Canyon Grove Shea Homes Community – *No changes from that reported last week:* Engineering will be finalizing 9 additional houses this week. Of the 179 home lots developed since the start of construction on February 11, 2016, only 14 remain under construction.
2. Latitude II Condominiums by a Lyon Homes Partnership: Washington Avenue @ Centre City Parkway – *No changes from that reported last week:* Restoration of the onsite pavement was completed this week.
3. Tract 934 – Is a 5 lot subdivision located at 1207 Gamble Street. The water line construction is currently under pretest procedures. The sewer manhole located in Gamble Street has been constructed.
4. Veterans Village – *No changes from that reported last week:* The project has been walked and a punch list has been provided. One building will be released for occupancy this week.
5. KB Homes Oak Creek Project - The approved grading permit was issued for the project. Erosion Control measures which include construction entrances are the first order of work. Over the course of the grading operation 5,920 cubic yards of dirt will be delivered to the site. The project is located at the intersection of Hamilton Lane and Miller Avenue.
6. Escondido Self Storage - *No changes from that reported last week:* The grading of the project is idled. Offsite utility construction has begun along Brotherton Road. The project is located at the southwest corner of Brotherton Road and Cranston Drive.
7. Citron Development – *No changes from that reported last week:* The contractor completed restoration of the main driveway entrance this week.

8. ATT Facility Tank Relocation – The tank is set for delivery and installation this week. De-watering operation is ongoing.
9. North American Self Storage – A temporary high line has passed its water quality testing. Tying in the bypass system will be the first order of work prior to construction of the new mainline. The project is located at 852 Metcalf Street.

GRANT APPLICATIONS

Prop 68 Cultural, Community, and Natural Resources Grant

Unfortunately, the City's Promoting Athletics and Greening at Kit Carson Park project was not selected to move forward in the competition for Prop 68 Cultural, Community, and Natural Resources Grant funds. Interest in the program was unprecedented which speaks to the need across the state for funding to address parks-related issues. Less than ten percent of submittals were selected to move forward.

###