

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.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 8th day of May, 2019 by the following vote to wit:

AYES : Councilmembers: DIAZ, MARTINEZ, MASSON, MORASCO, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
CAACE20782954D3...

PAUL MCNAMARA, Mayor of the City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...

ZACK BECK, City Clerk of the City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2019-06 passed at a regular meeting of the City Council of the City of Escondido held on the 8th day of May, 2019, after having been read at the regular meeting of said City Council held on the 1st day of May, 2019.

DocuSigned by:
Zack Beck
A58535D0BDC1430...

ZACK BECK, City Clerk of the City of Escondido, California

ORDINANCE NO. 2019-06

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

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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.

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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.

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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.

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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.

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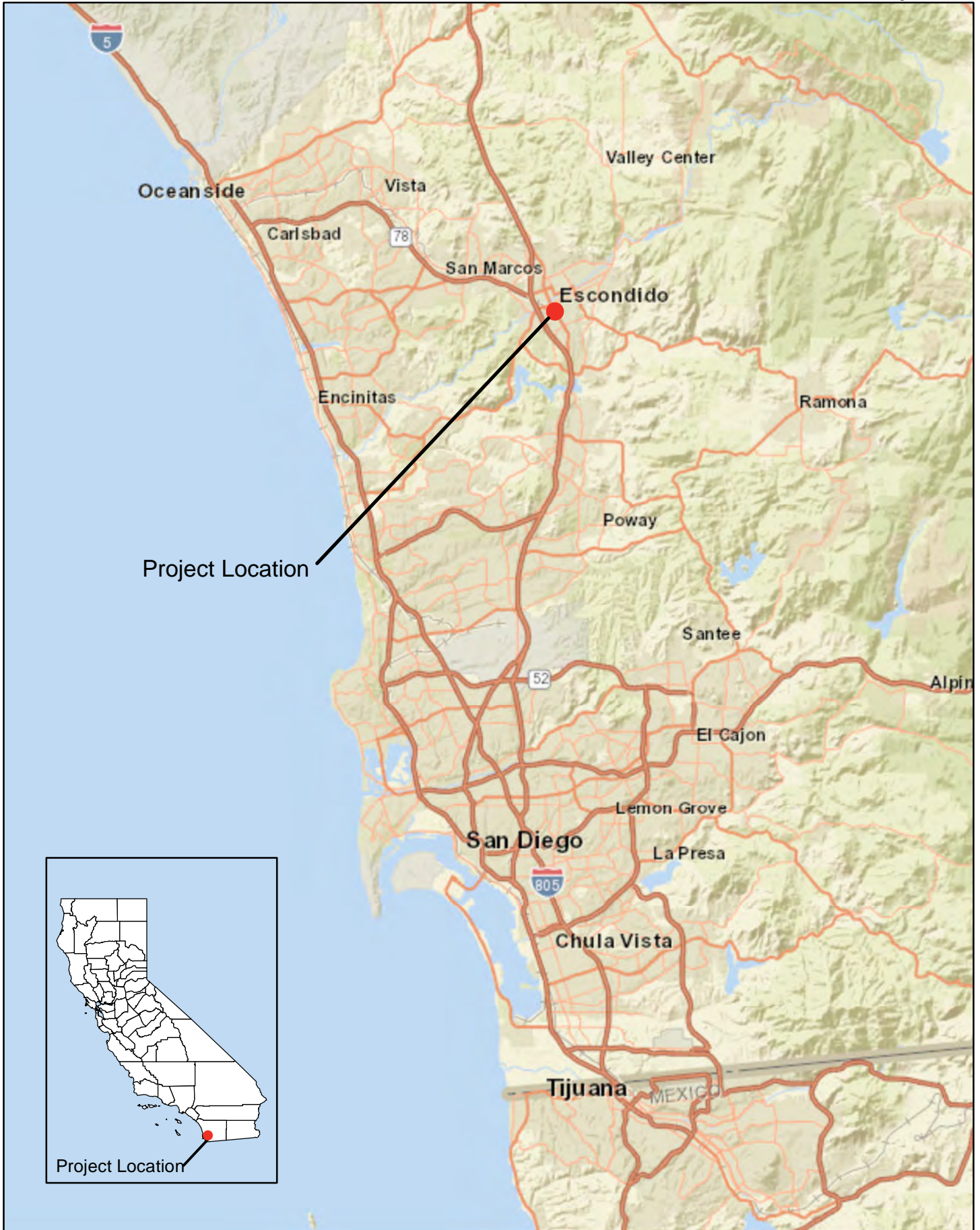
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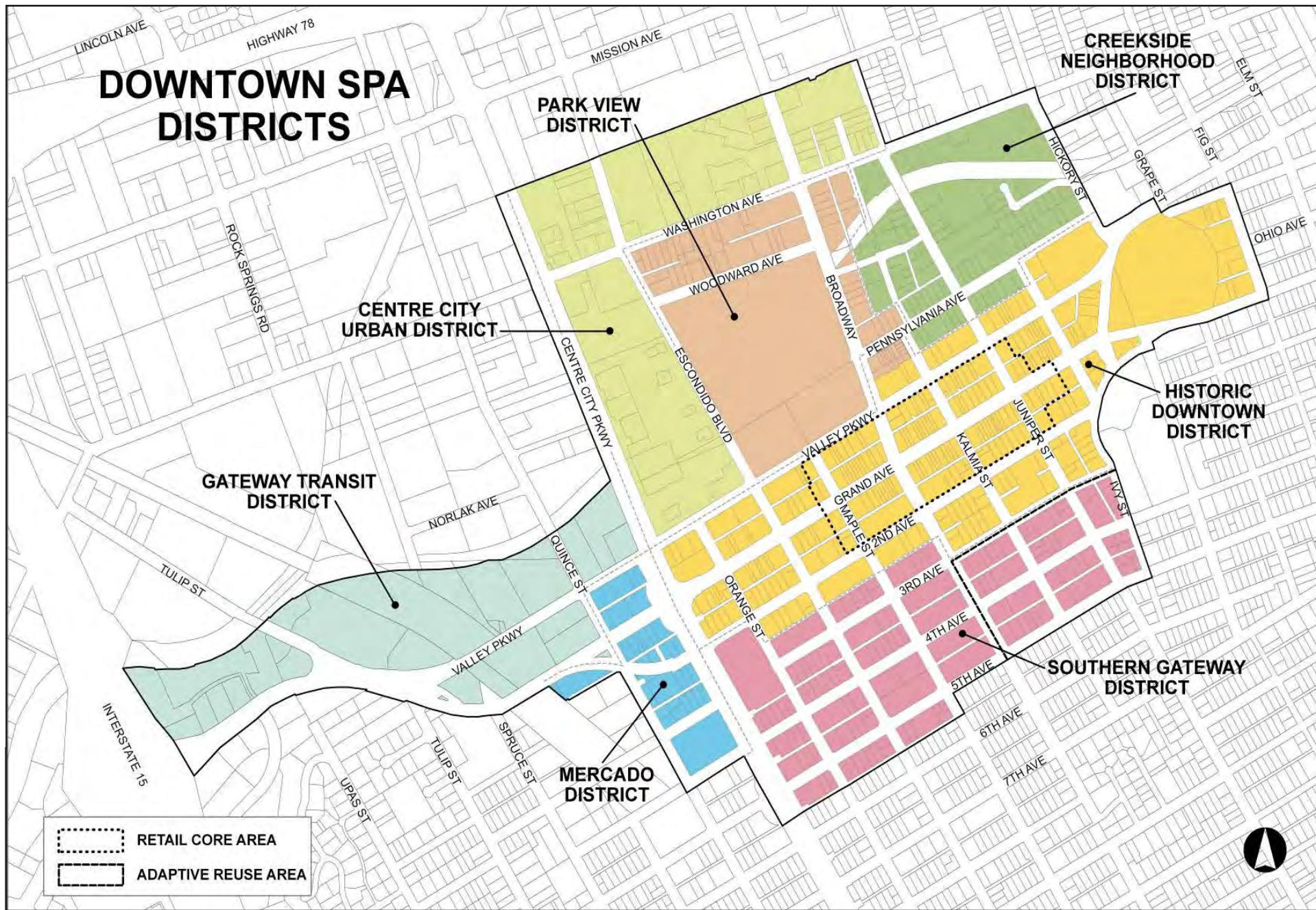
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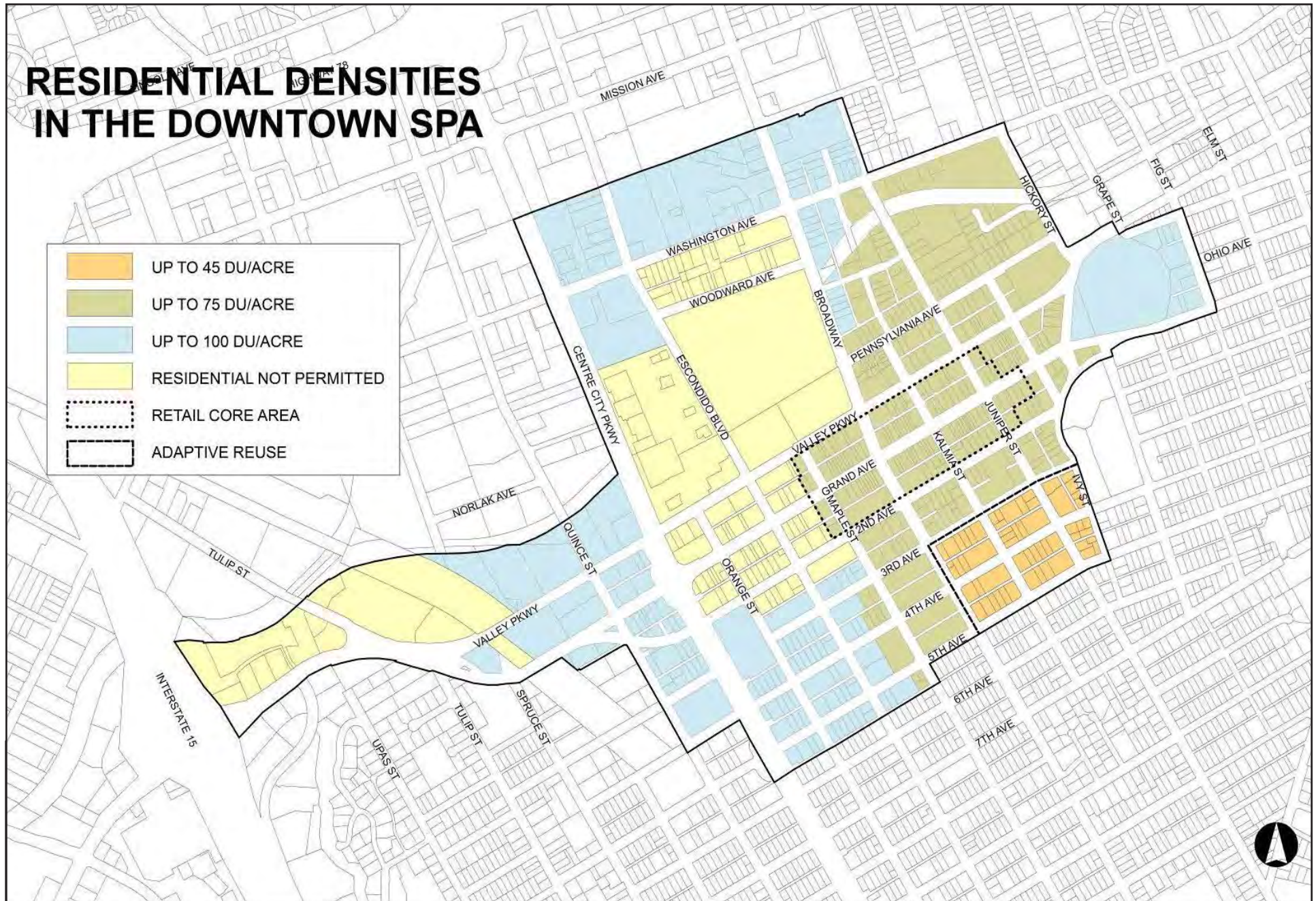


Source: ESRI 2018



Source: City of Escondido

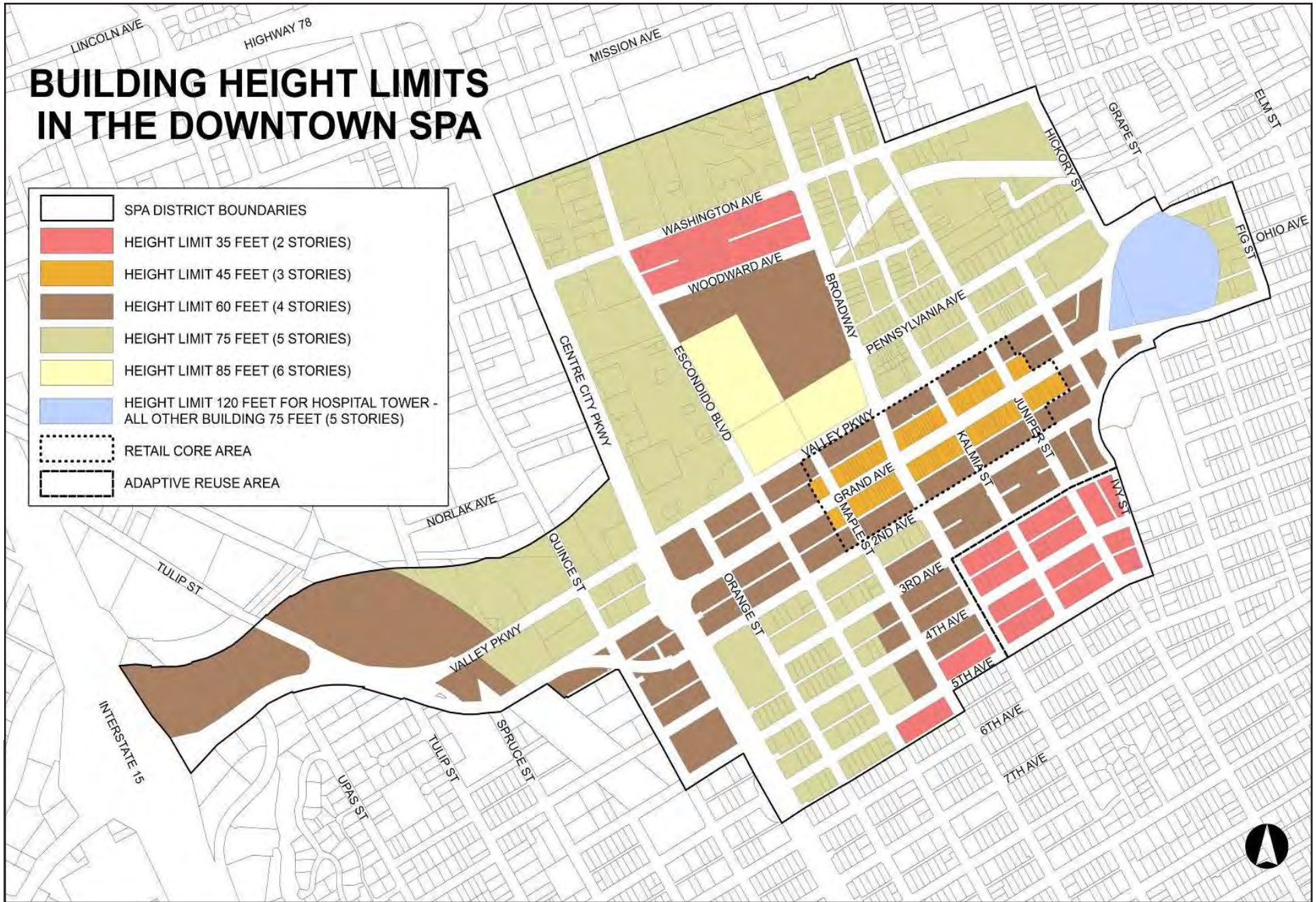




Source: City of Escondido



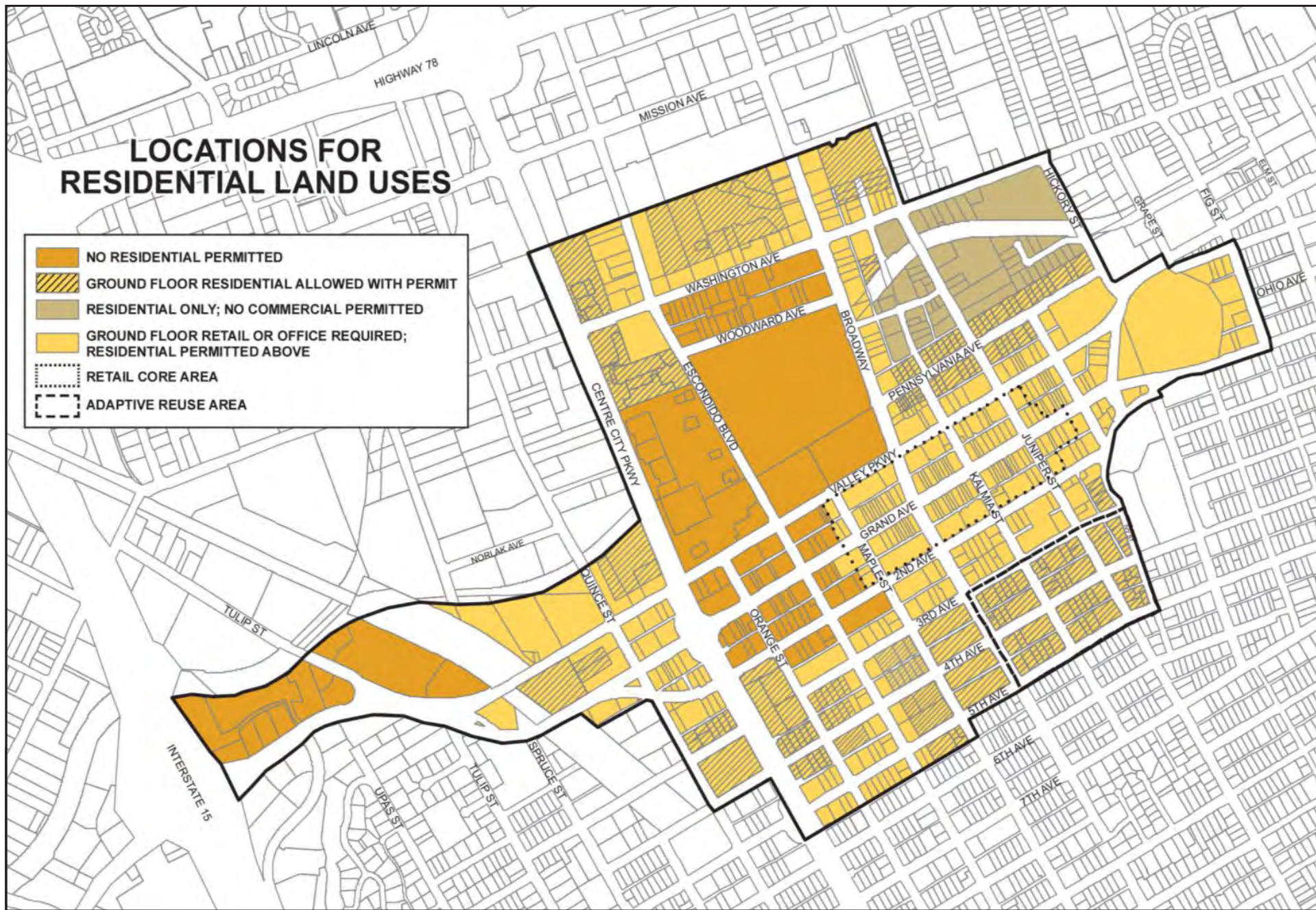
Figure 3
Downtown SPA Residential Densities



Source: City of Escondido



Figure 4
Downtown SPA Building Height Limits



Source: City of Escondido

