Palomar Heights

CEQA Findings of Fact

Environmental Impact Report, SCH No. 2019059013

City Project No. SUB 18-0011/ ENV 18-0009/ PHG 18-0049

July 2020

Lead Agency:

City of Escondido
Planning Division
201 N. Broadway
Escondido, California 92025

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I. INTRODUCTION

I.A Findings of Fact

The following Candidate Findings of Fact are made for the Palomar Heights Project (hereinafter referred to as the "Project"). The environmental effects of the Project were identified and analyzed in the Palomar Heights Draft Environmental Impact Report ("Draft EIR") (March 2020) and in the Final Environmental Impact Report (July 2020) (State Clearinghouse No. 2019059013) which includes Responses to Comments, the Final Environmental Impact Report, and the Mitigation Monitoring and Reporting Program ("MMRP") (collectively, "Final EIR"). The Final EIR is hereby incorporated by reference.

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, *et seq.*) and the CEQA Guidelines (Guidelines) (14 Cal. Code Regs. Sections 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. In addition, if significant impacts have been identified, CEQA and the Guidelines require that a public agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. It is the discretion of the decision-maker certifying the Final EIR to determine the adequacy of the proposed Findings. Specifically, Guidelines Section 15091 provides:

a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

    1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

    2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

    3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation

measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the Project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements are also incorporated in Public Resources Code Section 21081.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of mitigation measures as set forth in Guidelines Section 15370, including:

a) Avoiding the impact altogether by not taking a certain action or parts of an action.

b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency's views on the ultimate balancing of the merits of approving a project despite its environmental damage. As no significant unavoidable impacts were identified in the Final EIR, a Statement of Overriding Considerations is not required for the Project.

Having received, reviewed, and considered the Final EIR for the Project, State Clearinghouse No. 2019059013, as well as all other information in the Record of Proceedings (as defined below) on this matter, the following Findings are hereby adopted by the City Council of the City of Escondido (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis

for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

The City Council has reviewed and considered the Final EIR for the Project. The City Council certifies that the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's requirements. The City Council adopts these "Candidate CEQA Findings of Fact and Statement of Overriding Considerations for the Palomar Heights Project."

I.B. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) of a Draft EIR, dated May 3, 2019, and all other public notices issued by the City in conjunction with the Project;
- Comments received on the NOP;
- Scoping Meeting(s) and comments received at Scoping Meeting(s)
- The Notice of Availability (NOA) and Notice of Completion (NOC) of the Draft EIR, dated March 17, 2020.
- The Draft EIR (March 2020) and its appendices for the Project, circulated for public review between March 20, 2020 and May 4, 2020, as extended through May 19, 2020;
- All written comments received from agencies, organizations, or members of the public during the public review comment period and extended public review period on the Draft EIR;
- All responses to written comments received from agencies, organizations, or members of the public during the public review comment period on the Draft EIR, and included in the Final EIR;
- All written and verbal public testimony presented during a noticed public hearing for the Project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the Responses to Comments;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference or cited to in the Draft EIR and Final EIR;

- The Final EIR and all supplemental documents prepared for the Final EIR;
- Any supplemental documents submitted to the City prior to public hearings on the Project;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings;
- City staff report(s) prepared for this Project, for any hearing related to the Project, and any exhibits thereto; and
- Project permit conditions.

The Draft EIR and related technical studies were made available for review during the public review period on the City's website at https://www.escondido.org/palomarheights.aspx. While not subject to the Executive Order N-54-20, public review was completed in accordance with that order. In addition, a 15-day public review extension was provided. Public notices and Project updates concerning the City's review process were also posted on the City's website.

I.C Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the Project, as detailed in Section I.B. above, are located at the Escondido City Hall, 201 N. Broadway, Escondido, CA 92025. The Planning Division of the Community Development Department is the custodian of the administrative record for the Project. Copies of these documents, which constitute the Record of Proceedings, are, at all relevant and required times have been, and will continue to be available upon request at the offices of the City Hall. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e), as modified by Executive Order N-54-20.

II. SUMMARY OR PROJECT DESCRIPTION

The Project applicant, Palomar Heights Project Owner, LLC, proposes to develop the Project, a redevelopment at the former Palomar Health Downtown Campus to with a variety of multi-family housing products and commercial components. The residential portions would include a total of 510 dwelling units, and the commercial portions would create up to 10,000 square feet of commercial and/or office uses within the 13.8-acre Project site. Parking, recreation, and open space would be included in each planning area. Additional passive open space would come in the form of walkways and courtyards. Improvements to pedestrian and bicycle connections to the downtown area are also proposed. The following development approvals are sought to authorize Project development: (1) a Tentative Subdivision Map, (2) Specific Plan Amendment, (3) Planned Development Permit (Master and Precise Plans), (4) a potential Development Agreement, (5) a

General Plan Amendment (Mobility and Infrastructure Element), (6) Specific Alignment Plans (SAPs), and (7) Grading Exemptions.

II.A Project Location and Environmental Setting

Regionally, the site is located in the City of Escondido, which is situated in North San Diego County, about 30 miles north of downtown San Diego via I-15. The Project site is approximately 1.6 miles east of I-15 and about 0.6 miles west of State Route (SR) 78. The City of San Marcos boundary is approximately 2.2 miles to the northwest. The Project site is located in the central area of the City, bordered by E. Valley Parkway to the north, N. Fig Street to the east, and E. Grand Avenue to the south. Locally, the site is located on the eastern edge of the downtown area of the City, and is currently associated with the following addresses: 121–141 N. Fig Street, 127–133 Valley Boulevard (parking lot), 151 Valley Boulevard (parking lot), 451–453 E. Valley Parkway, 456 E. Grand Avenue, 147 Valley Parkway (parking lot), 555 E. Valley Parkway, 624 E. Grand Avenue, and 640–660 E. Grand Avenue. Valley Boulevard divides the site into two areas: an approximately 1-acre area east of Valley Boulevard, and a 12.8-acre area west of Valley Boulevard. The Assessor's Parcel Numbers are as follows: 229-450-06-00, 229-450-05-00, 229-442-18-00, 229-442-04-00, 229-442-03-00, 229-442-02-00, 229-442-01-00, 230-163-01-00, 230-163-02-00, 230-163-03-00, 230-163-04-00, 230-163-05-00, and 760-246-09-00.

II.B Site Land Use and Zoning

The 13.8-acre Project site is currently developed as the Palomar Health Downtown Campus (Hospital Campus), consisting of 398,246 square feet of hospital, medical office, and commercial uses and associated parking facilities. The existing site includes a total 1,037 parking spaces. The Hospital Campus is composed of three areas: the main hospital building to the east of Valley Boulevard, medical offices and commercial to the west of Valley Boulevard, and medical offices along N. Fig Street.

The Project site is located within the Downtown Specific Plan boundary and is zoned Specific Plan (S-P). The Project site is located within the Historic Downtown District of the Downtown Specific Plan. The site is a visual focal point at the eastern terminus of the downtown area. The main hospital building is located at a higher elevation relative to the rest of the downtown area and, in addition, includes several taller (four to nine story) buildings relative to the one- to four-story structures that are typical in the vicinity of the Project site.

II.C Surrounding Environment

The site is located on the eastern edge of the downtown area of the City. Uses to the west in the downtown area include primarily commercial uses composed of retail stores and restaurants. Commercial uses are also located to the northeast of the Project site along E. Valley Parkway. Medical and dental offices are also a dominant use in the area, with such offices located to the

northeast, southeast, and east. Residential uses are also interspersed in the area, with single and multi-family residential uses in the neighborhood located to the east, and multi-family residential uses across E. Grand Avenue to the south and across E. Valley Parkway to the north.

To the north of the Project site, the area immediately north of E. Valley Parkway is composed of land with the existing General Plan land use designations of Specific Plan Area and General Commercial (City of Escondido 2012). These same parcels have an existing zoning comprising a mix of Planned Development Residential (PD-R-1), Professional Commercial (C-P), and General Commercial (C-G) (City of Escondido 2017). The area farther north beyond Escondido Creek has an existing residential land use designation of Urban III and existing zoning of Medium Multiple Residential (R-3). (City of Escondido 2017). The existing uses to the north of E. Valley Parkway consist of medical centers, an assisted living facility, and general commercial and retail uses. Separating these uses from the predominantly multi-family residential to the north is the channelized Escondido Creek, which runs east–west through this area.

To the east of the Project site, the majority of the land has a General Plan land use designation of Office (City of Escondido 2012). The existing zoning is predominantly Hospital Professional (H-P), with a few parcels zoned Professional Commercial (C-P) (City of Escondido 2017). The majority of land uses in this area are composed of medical and dental offices, with other general commercial retail/restaurant, and single- and multi-family residential units.

The area south of the Project site (beyond the Specific Plan Area) has a General Plan land use designation of Office, while farther south the land use designation is prominently the residential designation of Urban II (City of Escondido 2012). The parcels immediately to the south across E. Grand Avenue, beyond the neighboring Specific Plan (S-P) uses, have an existing zoning comprising a mix of Hospital Professional (H-P), Professional Commercial (C-P), and General Commercial (C-G) (City of Escondido 2017). The majority of the area farther south beyond this initial row of commercial has an existing zoning of Light Multiple Residential (R-2) and Planning Development Residential (PD-R-1) (City of Escondido 2017). Similar to the area to the east, the land to the south is composed of medical offices, the former Roynon Museum of Earth Science and Paleontology, and multi-family residential, which act as a buffer to the largely single-family medium-density residential uses further south.

Properties to the west of the Project site are within the Downtown Specific Plan Area (Downtown SPA), which has an existing General Plan land use designation of Specific Plan Area and an existing zoning of Specific Plan (S-P) (City of Escondido 2012 and 2017). Within the Downtown Specific Plan, this area immediately to the west is within the Historic Downtown District (similar to the Project site) and farther west is the Retail Core Area; refer to Figure II-1 of the Downtown Specific Plan (City of Escondido 2013). Existing uses in this area primarily consist of restaurants, bars, and locally serving retail.

II.D Project Components and Improvements

The Project proposes to demolish existing structures on site and construct a mixed-use residential and commercial development comprising 510 dwelling units and up to 10,000 square feet of commercial space designed in a unified modern architectural style, with a subset of styles for each area of the site.

The residential uses would be composed of four multi-family residential unit types: senior apartments (90 units), apartments (258 units), villas (90 units), and rowhomes (72 units). The Project would have an overall residential density of 37 units per acre. Units would range from one- to three-bedroom units, ranging in size from approximately 500 square feet to 1,875 square feet. Buildings would range in height from one to five stories (36 feet to 75 feet), with the villas and rowhomes located within three-story buildings; senior apartments situated within one, four-story building; and apartment units situated in three buildings consisting of four floors and a mezzanine.

The 10,000 square feet of commercial space proposed would be located at the northeast and northwest corners of the E. Grand Avenue/Valley Boulevard/E. Second Avenue intersection, and within the southern area of the senior apartment building adjacent to this intersection. The commercial use areas could be used as a café, collaborative work space, bar/restaurant, indoor farmers market or food market, and/or leasing space. The commercial tower at the northeast corner of this intersection would also serve as a visual landmark, incorporating four stories of interior commercial space, along with a rooftop 20-foot architectural feature (non-habitable space). This corner is also intended to include a public plaza with art and possible outdoor dining areas associated with the commercial uses.

The Project building design would be in accordance with the Downtown Specific Plan (City of Escondido 2013), which includes step-back building facades for upper floors at the corner of E. Grand Avenue, variation of the roofline heights, and articulation of facades to create a pedestrian and street-orientation.

The Project would include supporting open space and recreational amenities, landscaping, parking, and infrastructure improvements. The Project would provide a total 175,119 square feet of open space, or 343 square feet per unit, which exceeds the 300 square feet per unit requirement of the Downtown Specific Plan. Open space would consist of recreational open space, passive open space (walkways, courtyards, and landscaped areas), and private open space (residential patios and balconies). 4.5-acres of drought tolerant landscaping is proposed throughout the site. Recreational and open space amenities would include a centrally located pool/spa and community pavilion/clubhouse building, a gym within the main apartment building, a dog park located in the northeastern portion of the Project site, a recreation deck within the senior building, a "secret garden" near the senior building, a bocce ball court, and a pocket park near the southeastern corner of the Project site.

Surface parking would be located on the interior of the site behind buildings so those areas would not be visible from the street. The Project would provide 879 parking spaces via garage, open, and parallel spaces; including accessible parking spaces and electric vehicle charging stations as required by state and local codes. Bike racks would be provided at multiple locations within the Project site.

Infrastructure improvements include utility connections to existing utility lines within the adjacent roadways (electric power, natural gas, telecommunications facilities); water, sewer, and storm drain improvements; and roadway frontage and pedestrian improvements. Internal pedestrian linkages would connect the proposed residential units to on-site recreational amenities and sidewalks along the perimeter of the site. The Project would also make improvements to Valley Boulevard, E. Grand Avenue, and N. Fig Street that would consist of pedestrian and frontage improvements. Certain roadway improvements would also be completed as Compliance Measures (CM) proposed to improve off-site vehicular circulation.

The Project would also include demolition, grading, and construction. As part of demolition, two known underground storage tanks for diesel fuel and potentially three other potential tanks (based on the historic uses of the property) would be removed. Once demolition is complete, the site would be graded, which is not anticipated to require blasting. Construction would subsequently occur in phases. All public improvements would be installed prior to or concurrently with the construction of the first buildings.

II.E Discretionary Actions and Associated Project Approvals

The Project requires the following discretionary approvals by the City:

(1) A Tentative Subdivision Map to consolidate and subdivide parcels; depict the grading and drainage, individual residential lots, common ownership lots, public streets, private driveways, and infrastructure improvements; and adjust parcels associated with right-of-way changes and easement vacation.

(2) A Specific Plan Amendment to amend the Downtown Specific Plan to allow residential units on the ground floor through approval of a Planned Development Permit.

(3) A Planned Development Permit (Master and Precise Plans) to provide more comprehensive planning and building design of this larger site, and allow ground-floor residential uses, a reduction in parking requirements, as well as a request from the Density Transfer Program's Density Credit Pool.

(4) A Development Agreement, which would document the provision of benefits to the City and development controls in exchange for vested rights in Project approvals. The Development Agreement would also include a transfer of density from the Project area east of Valley Boulevard to the area west of Valley Boulevard, in accordance with the City's Density Transfer Program. It is noted that the City may ultimately document the proposed Project's Density Transfer Program actions via another agreement.

(5) A General Plan Amendment (Mobility and Infrastructure Element) to change the roadway classification of N. Fig Street from a Collector Street to a Local Collector based on current and future anticipated traffic volumes and the function of this roadway.

(6) Specific Alignment Plans (SAPs) to provide a detailed implementation plan for the proposed changes to Valley Boulevard and N. Fig Street, which are designed to accommodate the special conditions and transportation needs of the area.

(7) Grading Exemptions per City Municipal Code Section 33-1066(c), which is required for any fill slopes (including retaining walls) that are over 10 feet in height and within 50 feet of a property line. An exemption is required for fill slopes along the main Project driveway as well as the eastern perimeter.

II.F Project Objectives

Section 15124(b) of the Guidelines requires an EIR to include a statement of objectives sought by a project. The underlying purpose of the Project is to revitalize the Palomar Health Downtown Campus site by redeveloping the site into a mixed-use residential and commercial project that provides a mix of housing types. Project objectives outlined below have also been developed to be consistent with the *Escondido Downtown Specific Plan* (Downtown Specific Plan; City of Escondido 2013) vision. As described in Section 2.2 of the Final EIR, the following objectives are identified for the Project:

1. Promote efficient use of land and revitalize an underutilized downtown site in accordance with the Downtown Specific Plan (City of Escondido 2013) vision.
2. Redevelop the site in a manner to improve energy and water usage efficiencies, and improve stormwater runoff and water quality conditions.
3. Provide a variety of multi-family housing types and designs.
4. Provide visual and functional compatibility with adjacent land uses and development as to scale, massing, and height.
5. Provide a development with adequate and appropriate recreational amenities.
6. Develop a community that responds to the unique topography and character of the Project site and surrounding area.
7. Create a land use transition between the Downtown Specific Plan to the west and single-family and lower-density uses to the east.
8. Assist the City in implementing the *City of Escondido General Plan* (City of Escondido 2012) housing goals by increasing the City's housing stock.
9. Implement design measures to create human-scale, pedestrian-oriented buildings that enhance walkability and promote pedestrian access.
10. Improve Valley Boulevard to include multi-modal transportation features.
11. Provide a high-quality, attractive residential and commercial development.
12. Provide additional commercial use in balance with the future commercial needs of the Project's residential component to support and revitalize the City's existing Downtown District core.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

Notice of Preparation. In accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on May 3, 2019 for a 30-day comment period which ended on June 3, 2019. Various agencies and other interested parties responded to the NOP. Pursuant to Senate Bill 18 and Assembly Bill 52, the City provided consultation opportunities with Native American tribes, as relevant. The City's NOP and associated comments are included in the Final EIR as Appendix A.

Scoping Meeting. The City held an informational Scoping Meeting on May 20, 2019 to encourage public participation and obtain input regarding potential environmental impacts as part of the EIR preparation process. Approximately 50 people attended the scoping meeting, and written comments were submitted to the City at the scoping meeting.

Draft EIR. The Draft EIR for the Project was then prepared and circulated for review and comment by the public, agencies, and organizations and was circulated for public review and comment pursuant to CEQA State Guidelines for a period of 45 days: March 20, 2020 to May 4, 2020, which was extended an additional 15 days through May 19, 2020.

Notice of Availability. A Notice of Availability (NOA) of the Draft EIR for review was mailed to organizations and parties expressing interest in the Project on March 17, 2020 notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on March 20, 2020 and end on May 4, 2020. The Notice of Availability was also filed with the City Clerk, published in the Daily Transcript, and posted on the City's website.

A Notice of Extension of Public Review Period for the Draft EIR was issued on May 11, 2020 notifying the general public, public agencies, and interested individuals and organizations that the public review period was extended by 15 days, and would close on May 19, 2020.

Notice of Completion. A Notice of Completion the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2019059013) on March 17, 2020. The State Clearinghouse, Office of Planning and Research also circulated the extension on May 7, 2020, which extend the public review through to May 19, 2020.

Response to Comments. As noted above, the public comment period on the Draft EIR was set to conclude on May 4, 2020, but was extended by 15 days, concluding on May 19, 2020. During the 45-day public review period, staff received 19 comment letters and emails from residents, businesses, agencies, or other community members. During the extended review period, staff received 10 comment letters and emails from residents, businesses, agencies, or other community members. Pursuant to Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues. These comments and the

response to comments have been incorporated into the Final EIR. Responses to public agency comments were released in accordance with the 10-day minimum public notice period on September 9, 2020, and ending on September 21, 2020.

Final EIR. The Final EIR was distributed on September 9, 2020. The Final EIR was prepared by the City in accordance with the CEQA statute and Guidelines. The Final EIR contains copies of all comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to comments received during public review, changes to the Draft EIR, and the MMRP.

Planning Commission Public Hearing. On September 22, 2020, the City of Escondido Planning Commission (Planning Commission) held a public hearing on the Project and provided a recommendation to the City Council.

EIR Certification. With respect to the entitlements over which the City Council has final approval authority and pursuant to Guidelines Section 15090, the City Council certifies that:

a. The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA and the Guidelines;

b. The Final EIR has been presented to the City Council, and the Council has reviewed and considered the information contained in the Final EIR prior to taking action on the Project; and

c. The Final EIR, as certified, reflects the City Council's independent judgment and analysis.

Pursuant to Guidelines Section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Escondido, Community Development Department, Planning Division, 201 North Broadway, Escondido, CA 92025. The custodian of these documents and other materials is the Community Development Department, Planning Division.

Notice of Determination. Upon approval of the Project, the City shall file a Notice of Determination with the County Clerk of San Diego County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA, Public Resources Code Section 21152.

IV. GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to Guidelines Sections 15050 and 15051, the City is the "Lead Agency" for the proposed Project evaluated in the Final EIR.

- The Draft EIR and Final EIR were prepared in compliance with CEQA and the Guidelines.

- The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City Council and the City as the Lead Agency for the Project.

- In determining whether the Project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA, Public Resources Code Sections 21081.5 and 21082.2, and Guidelines Section 15901(b).

- The Project has been analyzed to the extent feasible at the time of certification of the Final EIR.

- Pursuant to Senate Bill 18 and Assembly Bill 52, the City provided consultation opportunities with Native American tribes, as relevant.

- The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments; and the responses, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR. The City reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on a full evaluation of all comments in the Record of Proceedings, concerning the environmental impacts identified and analyzed in the Final EIR.

- The City evaluated the clarifications, enhancements, and minor revisions made to the EIR after preparation of the Draft EIR. In accordance with CEQA, the City finds that recirculation of the Draft EIR prior to certification is not required pursuant to Guidelines Section 15088.5 because no "significant new information," as defined in that section, has been added to the EIR after public notice of availability of the Draft EIR.

- The City has made no decisions that constitute an irretrievable commitment of resources toward the Project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the Project;

- Any finding made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

- These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the

Final EIR, on the one hand, and these Findings, on the other, these Findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.

- No significant irreversible environmental changes would be involved in the Project which have not been discussed within the individual sections of the Final EIR.

- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.

- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the Project and makes the findings as stated in herein. To the extent that these Findings conclude that various Project Design Features (PDFs), Compliance Measures (CMs) and Mitigation Measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed Project. The Project design features and adopted Mitigation Measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of Project implementation.

V. ENVIRONMENTAL IMPACT FINDINGS

V.A Legal Requirements for Impact Findings

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

The principles established in Section 21002 are implemented, in part, through the requirement that an agency must adopt findings before approving a project for which an EIR has been certified which identified one or more significant environmental effects of a project. For each significant environmental effect identified in the EIR, the approving agency must issue a written finding, accompanied by a brief explanation of the rationale for each finding, reaching one or more of three permissible conclusions stated at Guidelines Section 15091(a):

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (Guidelines § 15091(a)).

"Feasible" in this context means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (CEQA, Public Resources Code, § 21061.1, Guidelines § 15364, *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565). The concept of "feasibility" of a particular alternative or mitigation measure promotes the underlying goals and core objectives of a project (see *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). Feasibility under CEQA encompasses desirability to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

CEQA equates "mitigating" with "substantially lessening" the effects of a project. (CEQA, Pub. Res. Code §§ 21002, 21081, Guidelines § 15091.) For purposes of these Findings, the term "avoid" means to not result in a significant impact, while the term "substantially lessen" refers to the effectiveness of a mitigation measure or measures to substantially reduce the severity of a significant effect to a level which is less than significant. Although Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than significant level or has simply been lessened but remains significant.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible (Guidelines § 15091 (a)(3)). With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines Sections 15093 and 15043(b). The California Supreme Court has stated that, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those

decisions be informed, and therefore balanced" (*Goleta, supra, 52 Cal.3d at p. 576*; see also *Cherry Valley Pass Acres Neighbors v. City of Beaumont (2010) 190 Cal.App.4th 316, 357-359*).

This section makes those findings required by Guidelines Section 15091. In making each of the findings below, the City has considered the Project design features and applicable plans, programs, and policies listed in the Final EIR. The Final EIR, responses to comments in the Final EIR, all documents included in the record of proceedings, and/or other documents identified in these findings, are hereby incorporated by reference as if fully set forth herein.

V.B Summary of Impact Findings

The Final EIR contains an environmental analysis of the potential impacts associated with implementing the proposed Project. In preparing the requisite environmental analysis, the City has considered Project PDFs and CMs, as well as the applicable plans, programs, regulations, and policies to which the Project is subject.

Based on the analysis in the Final EIR, and other evidence in the administrative record relating to the Project, the City finds and determines that the Project will have no impact or a less than significant impact, and that no mitigation measures are needed, with respect to the following environmental impact categories:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Population and Housing
- Public Services
- Recreation

- Transportation
- Utilities and Service Systems
- Wildfire

The following environmental impact categories were evaluated in the Final EIR and, it was determined that the potentially significant impacts of the Project would be reduced below a level of significance with the implementation of the mitigation measures described therein. Based on this analysis in the Final EIR and other evidence in the administrative record relating to the Project, the City finds and determines that the Project will have a less than significant impact with mitigation incorporated with respect to the following impact categories:

- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Noise
- Tribal Cultural Resources

Based on the analysis in the Final EIR and other evidence in the administrative record relating to the Project, the Project was not identified to result in a significant and unavoidable impact in any impact category.

V.C Environmental Impacts Determined to be Not Significant or Less than Significant

The City finds the following individual and cumulative environmental effects of the Project will be less than significant and no mitigation is required. These less than significant effects are evaluated and explained in the Final EIR, and are supported by facts in the Final EIR and Record of Proceedings. No further findings are required for these subject areas.

V.C.1 Aesthetics

- Less than significant impact on a scenic vista.
- No Impacts from substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Less than significant impact related to substantially degrading the existing visual character or quality of the site and its surroundings in non-urbanized areas and related to conflicts with applicable zoning and other regulations governing scenic quality in urbanized areas.

- Less than significant creation of a new source of substantial light or glare, which will adversely affect day or nighttime views in the area.

- No cumulatively considerable impact on aesthetics.

Refer to Final EIR Section 5.2.1 for supporting analysis.

V.C.2 Agriculture and Forestry Resources

- No impact from the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.

- No impact from conflict with existing zoning for agricultural use, or a Williamson Act contract.

- No impact from conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

- No impact from loss of forest land or conversion of forest land to non-forest use.
- No impact from other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.
- No cumulatively considerable impact on agricultural resources.

Refer to Final EIR Section 5.2.2 for supporting analysis.

V.C.3 Air Quality

- Less than significant impact from conflicts with or obstruction of implementation of the applicable air quality plan.
- Less than significant impacts related to a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
- Less than significant impact related to exposing sensitive receptors to substantial pollutant concentrations.
- Less than significant impacts related to other emissions (such as those leading to odors) adversely affecting a substantial number of people.
- Less than cumulatively considerable impact on air quality.

Refer to Final EIR Section 5.2.3 for supporting analysis.

V.C.4 Energy

- Less than significant impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.
- Less than significant impacts related to conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- No cumulatively considerable impact on energy.

Refer to Final EIR Section 5.2.4 for supporting analysis.

V.C.5 Geology and Soils

- Less than significant impacts related to causing potential direct or indirect substantial adverse effects, including the risk of loss, injury, or death involving: (a) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of as known fault. (Refer to Division of Mines and Geology Special Publication 42); (b) strong seismic ground shaking; (c) seismic-related ground failure, including liquefaction; or (d) landslides.
- Less than significant impact related to substantial soil erosion or loss of topsoil.
- Less than significant impact from being located on a geologic unit or soil that is unstable, or that will become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Less than significant impact from being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- No impact from having soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.
- Less than significant impact from directly or indirectly destroying a unique paleontological resource or site or unique geologic feature.
- No cumulatively considerable impact with respect to geology and soils.

Refer to Final EIR Section 5.2.5 for supporting analysis.

V.C.6 Greenhouse Gas Emissions

- Less than significant impact related to the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Less than significant impact related to conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases.
- Less than cumulatively impact with respect to greenhouse gas emissions.

Refer to Final EIR Section 5.2.6 for supporting analysis.

V.C.7 Hydrology and Water Quality

- Less than significant impact related to violation of any water quality standards or waste discharge requirements.
- No impact related to the substantial decrease of groundwater supplies or interference with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.
- Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will result in substantial erosion or siltation on or off site.
- Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will substantially increase the rate or amount of surface runoff in a manner which will result in flooding on or off site.
- Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will impede or redirect flood flows.
- No impact related to risk release of pollutants due to Project inundation in flood hazard, tsunami, or seiche zones.
- Less than significant impact related to conflict with or obstruction of a water quality control plan or sustainable groundwater management plan.
- No cumulatively considerable impact with respect to hydrology or water quality.

Refer to Final EIR Section 5.2.7 for supporting analysis.

V.C.8 Land Use

- Less than significant impact related to the physical division of an established community.
- Less than significant impact related to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- No cumulatively considerable impact with respect to land use and planning.

Refer to Final EIR Section 4.4 for supporting analysis.

V.C.9 Mineral Resources

- Less than significant impact related to loss of availability of a known mineral resource that will be of value to the region and the residents of the state.
- No impact related to the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
- No cumulatively considerable impact to mineral resources.

Refer to Final EIR Section 5.2.8 for supporting analysis.

V.C.10 Population and Housing

- Less than significant impact related to the direct or indirect inducement of substantial unplanned population growth.
- Less than significant impact related to the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.
- No cumulatively considerable impact related to population and housing.

Refer to Final EIR Section 5.2.9 for supporting analysis.

V.C.11 Public Services (Facilities)

- Less than significant impacts from creation of adverse physical impacts associated with the provision of, or need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
    - Fire Protection
    - Police Protection
    - Schools
    - Parks
    - Other Public Facilities
- No cumulatively considerable impact related to facilities for fire protection, police protection, schools, parks, or other public facilities.

Refer to Final EIR Section 5.2.10 for supporting analysis.

V.C.12 Recreation

- Less than significant impact from increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated.
- Less than significant impact from inclusion of recreational facilities or requirement of the construction or expansion of such facilities which might have an adverse physical effect on the environment.
- No cumulatively considerable impact related to recreation

Refer to Final EIR Section 5.2.11 for supporting analysis.

V.C.13 Transportation

- Less than significant impact related to conflicts or inconsistencies with CEQA Guidelines Section 15064.3, subdivision (b).
- Less than significant impacts related to the substantial increase in hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Less than significant impacts related to inadequate emergency access.
- No cumulatively considerable impact related to geometric design or emergency access.

Refer to Final EIR Section 4.6 for supporting analysis.

V.C.14 Utilities and Service Systems

- Less than significant impacts from requiring or resulting in the relocation or construction of new or expanded water, wastewater treatment, or storm drainage, electric power, natural gas, or telecommunications facilities.
- Less than significant impact related to having sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Less than significant impact related to determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.
- Less than significant impacts related to the generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Less than significant impact related to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.
- No cumulative impact related to utilities and service systems.

Refer to Final EIR Section 5.2.12 for supporting analysis.

V.C.15 Wildfire

- Less than significant impacts related to substantial impairment of an adopted emergency response plan or emergency evacuation plan.
- Less than significant impacts related to the exposure of Project occupants to pollutant concentrations from wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.
- Less than significant impact from requiring the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Less than significant impacts related the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.
- No cumulatively considerable impact related to wildfire.

Refer to Final EIR Section 5.2.13 for supporting analysis.

V.D Findings Regarding Significant Impacts that will be Mitigated to Below a Level of Significance (CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1)

Pursuant to Public Resource Code Section 21081(a)(1) and Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project that would mitigate, avoid, or substantially lessen the significant individual and cumulative environmental effects of the Project related to biological resources, cultural resources, hazards and hazardous material, noise, and tribal cultural resources to less than significant levels. The significant effects and mitigation measures are stated fully in the Final EIR. These findings are explained below and are supported by substantial evidence in Final EIR and the Record of Proceedings.

V.D.1 Biological Resources

1) Impact BI-1: Nesting Birds (Direct)

Description of Significant Effect: Construction activities could result in the loss of nests, eggs, and fledglings of nesting birds protected under the Migratory Bird Treaty Act (MBTA) if vegetation clearing and ground disturbing activities occur during the nesting season (February 15 through August 31 for most species, January 15 through August 31 for raptors). Nesting birds may also be indirectly impacted by construction-related noise during the breeding season (i.e., February 15 through August 31 for most species, January 15 through August 31 for raptors).

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

M-BI-1 **Nesting Bird and Raptor Avoidance.** Prior to the issuance of grading or demolition permits, the City of Escondido shall verify that the following measure is shown on the grading and demolition plans:

If clearing or grubbing occurs within the nesting season (January 15 to August 31), nesting bird surveys for migratory birds and raptors are required to be performed by a qualified biologist at least 72 hours before the start of vegetation removal.

If active nests are found, appropriately sized no-work buffers will be established around all active nests identified within and adjacent to the Project site. The qualified biologist will determine the appropriate buffer size and level of nest monitoring necessary for species not listed under the federal Endangered Species Act (ESA) or the California ESA based on the species' life history, the species' sensitivity to disturbances (e.g., noise, vibration, human activity), individual behavior, status of nest, location of nest and site conditions, presence of screening vegetation, anticipated Project activities, ambient noise levels compared to Project-related noise levels, existing non-Project-related disturbances in vicinity, and ambient levels of human activity. All buffers for non-ESA/California ESA-listed species will be no less than 50 feet and no less than 300 feet for raptor species.

Buffers will be marked (flagged or fenced with Environmentally Sensitive Area fencing) around the active nest site as directed by the qualified biologist and in accordance with safety requirements. Periodic monitoring of active nests will occur to ensure the Project does not result in the failure of the nest. No Project activities or personnel will be allowed inside these buffers, except for the qualified biologist (if necessary). The buffer(s) will be maintained around each nest until the nest becomes inactive as determined by the qualified biologist.

At the discretion of a qualified biologist, if a nesting bird appears to be stressed as a result of Project activities and the buffer does not appear to provide adequate protection, additional minimization measures may need to be implemented.

Construction will be allowed to continue outside of the no-work buffers. The qualified biologist will ensure that restricted activities occur outside of the delineated buffers, check nesting birds for any potential indications of stress, and ensure that installed fencing or flagging is maintained at buffer boundaries during nest monitoring and any additional site visits. Buffer sizes may be reduced, or the extent of nest monitoring may

be reduced, at the discretion of the qualified biologist. Any changes to buffer sizes and/or nest monitoring frequency will be documented.

Rationale: Implementation of **M-BI-1**, which prohibits trimming of trees containing active nests during breeding season and places limits on other construction activities around documented nesting habitat during breeding season absent pre-construction nesting bird surveys, avoidance of active nests and imposition of construction buffers for nesting birds imposed by **M-BI-1**, will reduce the Project's potential to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service to a less than significant level by ensuring that if an active migratory bird or raptor nest is identified, no construction activities would occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

b) Impact BI-CUM-1: Nesting Birds (Cumulative)

Description of Significant Effect: Construction activities could potentially contribute to a cumulatively considerable impact to nesting birds.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s): M-BI-1 is adopted to mitigate the significance of **Impact BI-CUM-1**. See discussion of **Impact BI-1** above for the text of this measure.

Rationale: Implementation of **M-BI-1** will reduce the Project's potential to contribute to cumulatively considerable impacts to nesting birds to less than significant by prohibiting trimming of trees containing active nests during breeding season, placing limits on other construction activities around documented nesting habitat during breeding season absent pre-construction nesting bird surveys, avoiding active nests, and imposing construction buffers for nesting birds. Implementation of this mitigation measure would ensure that if an active migratory bird or raptor nest is identified, no construction activities would occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

V.D.2 Cultural Resources

1) Impacts to Historical Resources

a) Impact CR-1

Description of Significant Effect: The Project would require the removal of the 121–141 N. Fig Street building, which is eligible for listing on the CRHR under Criterion 3 and the City of Escondido Local Register under City of Escondido Criteria 2 and 5.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

M-CR-1 Offer Building for Relocation Prior to Demolition. Prior to the issuance of a demolition permit for the 121-141 N. Fig Street building, the applicant shall demonstrate to the City that it has offered the building for relocation. The applicant's "offer for relocation" will be placed in a newspaper of general circulation, posted on a website, and posted at the Project site for a period of 30 days. The party that proposes to relocate the building is responsible for finding a compatible off-site location that will reestablish contributing aspects of the building's historic orientation, immediate setting, and general environment (if such a site is not available, a less compatible site may be used). Relocation of the building would be at the expense of the party that takes responsibility for relocation, and at no expense to the applicant. The relocation efforts will be conducted in accordance with the California Historical Building Code (Title 24 Part 8) and the guidelines recommended by the National Park Service that are outlined in the booklet "Moving Historic Buildings," by John Obed Curtis (1979). In addition, any maintenance, repair, rehabilitation, stabilization, or preservation work performed in conjunction with the relocation of the buildings will be undertaken in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation and the California Historical Building Code (Title 24 Part 6). Negotiations shall be accommodated for a period of 60 days following project approval, during which time the applicant shall negotiate in good faith with the party(ies) proposing relocation. Should no plan of relocation be brought forward within 60 days following project approval, or if no agreement is reached in that time, demolition will be allowed to occur. In addition, any plan for relocation shall detail how relocation will be completed within six months following project approval. If relocation is not able to be completed within six months following project approval, demolition will be allowed to occur. The building shall not be relocated until Historic American Buildings Survey (HABS) recordation and documentation has been completed and an inventory of key exterior and interior features and materials has been completed by qualified professionals, as set forth in M-CR-2. Compliance with this measure shall be documented to the satisfaction of the City of Escondido Director of Community Development prior to demolition of the 121-141 N. Fig Street building.

M-CR-2 Prior to relocation, or in the event that the 121-141 N. Fig Street building is not relocated, prior to the issuance of a demolition permit, the Applicant shall provide HABS documentation pursuant to the Level 1 standards as detailed by the National

Park Service Heritage Documentation Programs. The documentation shall include a written report done in the outline format; HABS-quality photography of the exterior, interior, and overview shots of the historical resource; measured drawings; and video documentation. The documentation materials would be prepared by a qualified Architectural Historian(s) and an experienced HABS photographer(s). Copies of the resulting documentation shall be submitted to the Library of Congress, the California State Historic Preservation Officer, the South Coastal Information Center at San Diego State University, the Escondido History Center, the San Diego History Center, the Escondido Public Library Pioneer Room, and the City of Escondido Planning Division. A copy of the HABS documentation will be submitted to the City of Escondido Planning Division prior to any ground disturbance or demolition. The submittal of documentation to all other above-listed archives must be completed within 1 year of the initial date of demolition of the structure.

M-CR-3 To preserve, interpret, and display the history of the 121-141 N. Fig Street building, prior to demolition, distinctive representative architectural elements (interior and exterior) shall be identified for salvage and reuse either as part of the proposed Project, to be removed to another on-site location (as provided in the Secretary of the Interior's Standards for the Treatment of Historic Properties to be donated to any interested or archival repositories (i.e., museums, archives, and curation facilities; the public; and nonprofit organizations) to the satisfaction of the City of Escondido Director of Community Development. The materials to become architectural salvage shall include historic-period elements that will be removed as part of the Project, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. No materials shall be salvaged or removed until HABS recordation and documentation is completed and an inventory of key exterior and interior features and materials is completed by qualified professionals. The inventory of key exterior and interior features and materials may be developed as part of M-CR-1. The materials shall be removed prior to or during demolition. Materials that are contaminated, unsound, decayed, or whose integrity would not be retained by salvage will not be included in the salvage program and will not be available for future use or display. The City as lead agency will determine which materials are suitable for salvage (the City can utilize the assistance of qualified professionals to make such determinations).

M-CR-4 During demolition and construction with any salvaged materials from the 121-141 N. Fig Street building, a qualified architect shall make daily site visits to monitor demolition and construction activities to ensure compliance with mitigation measures and conditions of approval adopted to reduce impacts to historic resources

and provide for salvage of appropriate architectural materials. The construction manager will be responsible for notifying the architectural monitor of daily activities. The monitoring program may be modified at the discretion of the architect based upon the construction schedule, whether or not those activities will have an impact upon previously identified, representative architectural elements intended for salvage or reuse, or the likelihood of encountering previously unidentified historic fabric. During the course of administering and implementing this measure, in the event that previously unidentified historic fabric or representative architectural elements are discovered, a qualified historic architect, in consultation with city staff, shall determine its potential donation or reuse within the framework of the Secretary of the Interior's Standards for Rehabilitation. The architect shall have the authority to temporarily divert or temporarily halt demolition in the event of any unanticipated discovery of unidentified historic fabric or other materials of historic significance to allow for the evaluation and salvage of such materials. Compliance with this measure shall be documented to the satisfaction of the City of Escondido Director of Community Development prior to issuance of a certificate of occupancy.

M-CR-5 The project applicant shall work with City of Escondido Planning Department staff or other qualified professionals to develop and install an on-site interpretive program that references the property's history and the contribution of the historic resource to the broader neighborhood or historic district. The interpretive program shall include, but is not limited to, a public art piece and/or a historic display case in a publicly visible location at the Project site that describes the history and significance of the 121-141 N. Fig Street Building. The interpretive program and its location within the Project site must be approved by the City of Escondido Director of Community Development. The historic display case shall include historic photographs and a brief narrative describing the history and significance of 121-141 N. Fig Street Building. In addition, educational/interpretive information that describes the history and significance of 121-141 N. Fig Street Building shall be made available to the public in a readily accessible format, such as a printed brochure and/or electronic format such as a webpage. This educational/interpretive material shall be available to schools, museums, archives and curation facilities, libraries, nonprofit organizations, the public, and other interested agencies. The interpretive program and educational/interpretive material could be based on the photographs produced in the HABS documentation, and the historic archival research previously prepared as part of the Project.

Rationale: The Project would require the removal of the 121–141 N. Fig Street building, which is a historic resource pursuant to CEQA Guidelines Section 15064.5. As detailed above, this impact

to a historic resource would be potentially significant (**Impact CR-1**). Implementation of **M-CR-1** through **M-CR-5** would reduce **Impact CR-1** to below a level of significance, as follows:

M-CR-1 would preserve the building by relocating and reusing it. Although the building's integrity of location, setting, and feeling would be compromised if moved, it would retain integrity of design, materials, and workmanship. As the building is significant for its International-style architecture and design by designated master architect Russell Forester, all significant elements would be retained by relocating the building.

M-CR-2 would preserve the historical record of the resource through research and documentation consistent with National Parks Service guidelines for historical buildings. Such documentation comprised of written narrative, photographic record, preparation of measured drawings, and video documentation retained at a number of public archives would mitigate for the loss of the 121-141 N. Fig Street building by developing an accessible public record to inform and educate the public in perpetuity. Such documentation would reduce the demolition's adverse effect on the building's historical significance by recording the representative International style architecture designed by a designated master architect (Russell Forester) for documentary, interpretative and educational purposes.

M-CR-3 would provide for partial retention, salvage, and reuse of architectural features of the building onsite, or for the donation or sale of unused architectural features to museums, interested or archival repositories where reuse onsite is not feasible. Partial retention and salvage would reduce the demolition's adverse effect on the building's historical significance by preserving the history of the building and its representative International architectural features for reuse and display onsite; or for the public to reuse, preserve, interpret, and display the building in its historical context.

M-CR-4 would provide for an architectural monitor of demolition and construction activities to ensure proper measures are taken to preserve and salvage any identified historic architectural features or previously unidentified historic fabric. Such monitoring would reduce the adverse effect of demolition to the building's historical significance by ensuring appropriate documentation, retention and salvage occurs, and by preserving any previously unidentified historic architectural features or fabric for public use and interpretation.

M-CR-5 would provide an onsite interpretive program comprised of a public art piece and/or display designed to inform the public of the site's history and contribution of the historic resource to the broader neighborhood or historic district. Implementation of the interpretive program would reduce the demolition's adverse effect on the 121-141 N. Fig Street building's historical significance by providing for recordation, visual preservation, and public interpretation and education about the building's representative International style and design by a designated master architect. These measures, which mitigate for historical resource impacts through salvage, documentation, and interpretation would reduce adverse potential adverse impacts to a less than significant level.

b) Impact CR-CUM-1

Description of Significant Effect: The removal of an eligible historical resource, the 121–141 N. Fig Street building, would have the potential to result in a significant cumulative impact to historical resources in combination with identified cumulative projects.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s): **M-CR-1** through **M-CR-5** are adopted to mitigate the significance of **Impact CR-CUM-1**. See discussion of **Impact CR-1** above for the text of these mitigation measures.

Rationale: Implementation of **M-CR-1** through **M-CR-5** would reduce cumulative impacts to cultural resources to a less than significant/ not cumulatively considerable level by: (1) providing for building relocation based on the criteria set forth in mitigation measure **M-CR-1**; (2) requiring HABS documentation to create a record of the building in its historical context for documentary, interpretative and educational purposes per **M-CR-2**; (3) requiring partial retention and salvage in the event of demolition, preserving the history of the building and its representative International architectural features for reuse, display, and interpretation as detailed in **M-CR-3**; (4) requiring monitoring to ensure appropriate documentation, retention, and salvage occurs, and to preserve any previously unidentified historic architectural features or fabric for public use and interpretation per **M-CR-4**; and (5) providing an on-site interpretive program to record, visually preserve, and educate the public about the building's representative International style and design by a designated master architect as specified in per **M-CR-5**. Refer to the rationale discussion under **Impact CR-1** above for further discussion as to how implementation of **M-CR-1** through **M-CR-5** would reduce this cumulative impact to a less than significant level.

2) Impacts to Archaeological Resources

a) Impact CR-2

Description of Significant Effect: Proposed grading activities would potentially impact significant intact, unknown, subsurface prehistoric archaeological resources.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

M-CR-6 Prior to the issuance of the grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The

purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures M-CR-7 through M-CR-15, and the following information:

- Parties entering into the agreement and contact information.
- Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
- Project grading and development scheduling, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
- Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
- Treatment of identified Native American cultural materials.
- Treatment of Native American human remains and associated grave goods.
- Confidentiality of cultural information including location and data.
- Negotiation of disagreements should they arise.
- Regulations that apply to cultural resources that have been identified or may be identified during project construction.

M-CR-7 Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a

letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

M-CR-8 The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

M-CR-9 During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the top soil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).

M-CR-10 In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected, and monitored grading can immediately proceed.

M-CR-11 If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) though (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.

M-CR-12 All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe and Native American monitor, making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research

design and data recovery program activities must be concluded to the satisfaction of the City.

M-CR-13 As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of a Native American monitor, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination.

M-CR-14 If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA

Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

M-CR-15 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

Rationale: Implementation of the Project would have a low potential to result in a substantial adverse change in the significance of a previously undiscovered archaeological resource. However, in the event that any previously undetected cultural resources are encountered, impacts to archaeological resources would be **potentially significant** (**Impact CR-2).** Implementation of mitigation measures **M-CR-6** through **M-CR-15** would reduce **Impact CR-2** to below a level of significance. **M-CR-6** would mitigate for **Impact CR-2** by providing a formalized agreement (Tribal Cultural Resource Treatment and Monitoring Agreement) between the Applicant and San Luis Rey Band of Mission Indians, Rincon Band of Luiseno Indians, or another tribe that is traditionally and culturally affiliated (TCA Tribe) with the Project Location. The agreement would allow for the Applicant to have clear expectations as to how to handle tribal cultural resources if they are identified within the Project site, and would allow for the Applicant and TCA Tribe to have a clear understanding of the protocols and procedures that would need to be followed, if a tribal cultural resource is discovered, in order to ensure no significant impact to tribal cultural resources would occur. The agreement would incorporate the performance criteria and standards, protocols and procedures set forth in mitigation measures **M-CR-7** through **M-CR-15**, as discussed in additional detail below.

M-CR-7 would mitigate for **Impact CR-2** by ensuring that the City has reviewed and approved the chosen qualified archaeologist and Native American monitor associated with a TCA Tribe. The verification process would allow the City to confirm that the selected Native American monitor is associated with a TCA Tribe, and therefore has the authority to determine whether cultural resources are present or discovered within the Project Site.

M-CR-8 acts to ensure that the qualified archaeologist and a Native American monitor have a complete and accurate understanding of the requirements of the monitoring program. This would ensure that no components or requirements of the monitoring program are overlooked and/or missed during the monitoring activity.

M-CR-9 would mitigate for **Impact CR-2** by ensuring that the monitoring program for grading is fulfilled to the required duration and frequency, as deemed appropriate the qualified archeologist in consultation with the Native American monitor. This mitigation measure would ensure that monitoring occurs during stages of grading that could potentially result in the finding or disturbance of a cultural deposit, which if discovered, would trigger the implementation of **M-CR-10**.

M-CR-10 would halt all work within a 100-foot radius of the resource if a potential tribal cultural resource is found within the Project site. The halting of construction activity within this radius would ensure that the resource remains intact so the qualified archeologist and Native American monitor can evaluate the potential significance of the resource and avoid the potential destruction of the resource.

M-CR-11 would then notify the City promptly if a potential tribal cultural resource is discovered, and would allow for the City, qualified archeologist, and Native American monitor to determine the significance of the discovered resource. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in PRC Section 21074(a) though (c) of the CEQA Guidelines, appropriate treatment measures would be implemented, thereby ensuring the avoidance of a significant impact to a tribal cultural resource.

M-CR-12 provides the appropriate treatment measures for any significant tribal cultural resources and/or unique archaeological resources encountered within the project area, stating that are avoided and preserved, if avoidance and preservation may be feasibly accomplished. If avoidance and preservation is infeasible, this mitigation measure would ensure that a research design and data recovery program is developed, and the recovery program activities are concluded to the satisfaction of the City prior to construction activities restarting in the affected area.

M-CR-13 would mitigate for **Impact CR-2** by ensuring that the Project complies with California Health and Safety Code Section 7050.5 if human remains are found within the Project site. This mitigation measure would prevent further excavation and disturbance of the site any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the California Public Resources Code) for proper treatment and disposition in accordance with California Public Resources Code Section 5097.98. Thus, implementation of this mitigation measure would ensure that human remains, if discovered within the Project site, are handled in accordance with applicable law, and preventing a potential significant impact to the remains.

M-CR-14 would ensure that proper protocols are followed if the qualified archeologist, or the Native American monitor, choose to collect the cultural resources from the Project site. This would ensure that a TCA Tribe has the option to handle the resource as they see fit, or in the alternative,

allow for the curation of the resource at the San Diego Archeological Center, if the TCA Tribe decline the collection of the resource.

M-CR-15 would mitigate for **Impact CR-2** by ensuring that the monitoring report and/or evaluation report is submitted by the qualified archaeologist to the City. This would ensure the mitigation and monitoring program for cultural and archeological resources has been completed, and that no further potential significant cultural resource impacts would occur.

b) Impact CR-CUM-2

Description of Significant Effect: In the event that any previously undetected cultural resources are encountered, the Project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with archaeological resources.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s): M-CR-6 through **M-CR-15** are adopted to mitigate the significance of **Impact CR-CUM-2**. See discussion of **Impact CR-2** above for the text of these mitigation measures.

Rationale: For the same reasons as discussed at **Impact CR-2** above, these mitigation measures would reduce potential cumulative impacts to archaeological resources to less than significant/not cumulatively considerable by detailing the authority the qualified archaeologist and Native American monitor have to evaluate the site in the event that a previously unidentified resource is discovered, by establishing protocol in the case of a potentially significant evaluation of a cultural resource, and by requiring a comprehensive monitoring program and report. Preventive mitigation measures **M-CR-6** through **M-CR-15** would ensure that proper measures have been taken to lessen the potential for adverse impacts to previously undiscovered cultural resources. Refer to the rationale discussion under **Impact CR-2** above for further discussion as to how implementation of **M-CR-6** through **M-CR-15** would reduce this cumulative impact to a less than significant level.

3) Impacts to Human Remains

a) Impact CR-3

Description of Significant Effect: In the event of discovery of any human remains during construction of the Project, impacts associated with the disturbance of human remains would be potentially significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):M-CR-13 is adopted to mitigate the significance of **Impact CR-3**. See discussion of **Impact CR-2** above for the text of mitigation measure **M-CR-13**.

Rationale: Implementation of **M-CR-13** would reduce any potential impacts to accidental discovery of human remains to less than significant by setting forth the procedures for handling human remains as consistent with California Health and Safety Code Section 7050.5. As noted in **M-CR-13**, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human will be done by a forensic anthropologist in situ, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area shall occur until the Coroner makes their findings as to the origins and disposition of the remains. The area of discovery would be protected by establishing a temporary construction exclusion zone. Implementation of **M-CR-13** would ensure the Project takes the necessary steps to comply with applicable state law (California Health and Safety Code Section 7050.5), thereby ensuring that the Project would meet the legal requirements for handling the discovery of human remains. These procedures would allow for proper evaluation of the site and treatment of accidentally found human remains, therefore lessening the potential for adverse impacts to a less than significant level.

b) Impact CR-CUM-3

Description of Significant Effect: The Project would have the potential for accidental discovery of human remains. In combination with cumulative projects that have the same potential to disturb human remains during ground-disturbing activities, a potentially significant cumulative impact associated with human remains would occur.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s): M-CR-13 is adopted to mitigate the significance of **Impact CR-CUM-3**. See discussion of **Impact CR-2** above for the text of mitigation measure **M-CR-13**.

Rationale: For the same reasons as discussed at **Impact CR-3** above, implementation of **M-CR-13** would reduce any potential cumulatively significant impacts to accidental discovery of human remains to less than significant by setting forth the procedures for handling human remains as consistent with California Health and Safety Code Section 7050.5. These procedures would allow for proper evaluation of the site and treatment of accidentally found human remains, therefore lessening the potential for adverse cumulative impacts to a less than significant and not cumulatively considerable level. Refer to the rationale discussion under **Impact CR-3** above for further discussion as to how implementation of **M-CR-13** would reduce this cumulative impact to a less than significant level.

V.D.3 Hazards and Hazardous Materials

1) Impacts to the Public or Environment due to Routine Transport, Use, or Disposal of Hazardous Materials

a) Impact HZ-1

Description of Significant Effect: The Project site has historically used hazardous materials, and two active UST tanks present within the site which are to be removed prior to construction. Due to the potential for subsurface contamination from previous USTs and the need to transport and dispose of potentially contaminated soils or materials, the potential to expose contamination during the construction period and removal of USTs which are both known and unknown on the site is a potentially significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

M-HZ-1 Prior to the issuance of any Project construction permit, including demolition, excavation, or other earthmoving or soil-disturbance activities, any areas of the Project site identified as containing or potentially containing underground storage tanks (USTs) shall be assessed using more direct methods to detect the presence of any USTs, storm drains, manholes, or underground utilities. Such methods may include the excavation of exploratory trenches/test pits or borings. In addition, any soil excavated below emergency generators shall be treated as potentially contaminated by diesel fuel and oil.

Any areas of the Project site found to be contaminated shall be remediated in conformance with applicable federal, state, and local laws. These laws may include, but are not limited to, the Resource Conservation and Recovery Act, Hazardous Materials Transportation Act, Emergency Response to Hazardous Materials Incidents, Hazardous Materials Release Response Plans, International Fire Code, Occupational Safety and Health Act, Underground Storage Tank Act, Policy 8.2 of the *City of Escondido General Plan*, and the City of Escondido's Hazard Mitigation Plan. Assessment and remediation shall be to the satisfaction of the City of Escondido Fire Department, the County of San Diego Department of Environmental Health, or other applicable agency.

No Project construction activities shall commence until written regulatory concurrence is obtained that no further action is required with respect to the areas of the Project site identified as containing or formerly containing USTs.

Rationale: Implementation of **M-HZ-1** would ensure that no USTs, underground utilities, water vaults, manholes, or storm drain valves would affect the Project site during construction by further assessing the site for their presence prior to groundbreaking activities. In addition, this measure assures that the UST removal would be in compliance with federal, state, and local policies regarding hazardous materials removal including RCRA, Hazardous Materials Transportation Act, Emergency Response to Hazardous Materials Incidents, Hazardous Materials Release Response Plans, International Fire Code, OSHA, Underground Storage Tank Act, and Policy 8.2 of the Escondido General Plan. Compliance with applicable federal, state, and local laws regarding hazardous materials would ensure that the Project is carrying out hazardous material disposal efforts to the extent required by law. Additionally, the Project would follow the City's Hazard Mitigation Plan, which outlines procedures for the removal and best methods of transportation to ensure hazardous materials incidents would be limited.

2) Impacts to Public or Environment due to Foreseeable Upset and Accident Conditions

a) Impact HZ-1

Description of Significant Effect: See discussion **Impact HZ-1** above.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure: M-HZ-1 is adopted to mitigate the significance of **Impact HZ-1**. See discussion of **Impact HZ-1** above for the text of mitigation measure **M-HZ-1**.

Rationale: As discussed above, implementation of **M-HZ-1** would reduce hazardous impacts to less than significant by ensuring that no USTs, underground utilities, water vaults, manholes, or storm drain valves would affect the Project site during construction by further assessing the site for their presence prior to groundbreaking activities. In addition, this measure assures that the UST removal would be in compliance with federal, state, and local policies regarding hazardous materials removal. Refer to the rationale discussion under **Impact HZ-1** above for further discussion as to how implementation of **M-HZ-1** would reduce this impact to a less than significant level.

b) Impact HZ-2

Description of Significant Effect: Conclusions of the Phase I ESA analysis noted that asbestos-containing materials (ACMs) and lead-based paint (LBP) may be present on site, due to the age of the property. Considering Project construction involves demolition of the existing on-site structures, ACMs and LBP may be present within these structures, a threat to human and environmental health could occur if disturbed, and would be a potentially significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

M-HZ-2 Prior to demolition, all on-site structures shall be tested to determine if they include asbestos-containing materials (ACMs) and lead-based paint (LBP). If either are present, ACMs shall be removed and disposed of by a licensed and certified asbestos abatement contractor, in accordance with all applicable federal, state, and local laws and regulations for asbestos removal and demolition operations, and procedures for the removal of LBP shall be initiated to protect workers during demolition activities, in accordance with all applicable federal, state, and local laws and regulations.

Rationale: Implementation of **M-HZ-2** would reduce potential effects to less than significant by ensuring that any ACMs or LBPs are removed and disposed of in accordance with all applicable federal, state, and local laws and regulations, thus eliminating the potential for associated hazards. It would also ensure that workers are not exposed to LBP or ACMs during demolition activities; this would be achieved by sampling the materials of the structures prior to demolition. Compliance with applicable federal, state, and local laws regarding disposal of ACMs and LBPs would ensure that the Project is carrying out hazardous material disposal efforts to the extent required by law.

3) Impacts from Project location on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5

a) Impact HZ-1

Description of Significant Effect: The Project site is listed as Palomar Hospital at 555 E. Valley Parkway in the HAZNET, UST, CHMIRS, RCRA-LGQ, SWEEPS UST, FINDS, HIST UST, ECHO, EMI and San Diego County HMMD environmental databases, including as relates to the presence of multiple active and former USTs located on the Project site. The potential for subsurface contamination from previous USTs with both known and unknown USTs, the removal of these vessels prior to construction would create a potentially significant impact. See discussion of **Impact HZ-1** above for additional information.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure: M-HZ-1 is adopted to mitigate the significance of **Impact HZ-1**. See discussion of **Impact HZ-1** above for the text of mitigation measure **M-HZ-1**.

Rationale: As discussed above, implementation of **M-HZ-1** would reduce hazardous impacts to less than significant by ensuring that no USTs, underground utilities, water vaults, manholes, or

storm drain valves would affect the Project site during construction by further assessing the site for their presence prior to groundbreaking activities. In addition, this measure assures that the UST removal would be in compliance with federal, state, and local policies regarding hazardous materials removal. Refer to the rationale discussion under **Impact HZ-1** above for further discussion as to how implementation of **M-HZ-1** would reduce this impact to a less than significant level.

V.D.4 Noise

1) Generation of Construction Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance

a) Impact N-1

Description of Significant Effect: Typical construction noise during allowable daytime hours would exceed the City's 75 dBA L_{eq} threshold and would be higher than existing ambient daytime noise levels when construction takes place near the eastern Project boundary.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s):

M-N-1 Prior to the issuance of a Construction Permit, the Applicant/Owner or Construction Contractor shall prepare and submit to the City of Escondido Planning Division (City Planner) for its review and approval a Construction Noise Management Plan (CNMP). Prior to the issuance of a Construction Permit, Construction Plans shall also include a note indicating compliance with the CNMP is required. The CNMP shall be prepared or reviewed by a qualified acoustician (retained at the Applicant/Owner or Construction Contractor's expense) and feature the following:

a. A detailed construction schedule, at daily (or weekly, if activities during each day of the week are typical) resolution and correlating to areas or zones of on-site Project construction activity(ies) and the anticipated equipment types and quantities involved. Information will include expected hours of actual operation per day for each type of equipment per phase and indication of anticipated concurrent construction activities on site.

b. Suggested locations of a set of noise level monitors, attended by a qualified acoustician or another party under its supervision or direction, at which sample outdoor ambient noise levels will be measured and collected over a sufficient sample period and subsequently analyzed (i.e., compared with applicable time-dependent dBA thresholds) to ascertain compliance with the City hourly threshold of 75 dBA L_{eq} during allowable construction hours

per the City's Noise Ordinance or as permitted by City-approved variance. Sampling shall be performed, at a minimum, on the first (or otherwise considered typical construction operations) day of each distinct construction phase (e.g., each of the seven listed phases in Table 4.5-6, Construction Noise Modeling Summary Results).

c. If sample collected noise level data indicate that the hourly noise threshold has been or will be exceeded, construction work shall be suspended (for the activity or phase of concern) and the Applicant/Owner or Construction Contractor shall implement one or more of the following measures as detailed or specified in the CNMP:

   i. Institute administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances).

   ii. Institute engineering controls (upgrade noise controls; e.g., install better engine exhaust mufflers).

   iii. Install noise abatement on the site boundary fencing (or within, as practical and appropriate) in the form of sound blankets or comparable temporary barriers to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

   The implemented measure(s) will be reviewed or otherwise inspected and approved by the qualified acoustician (or another party under their supervision or direction) prior to resumption of the construction activity or process that caused the measured noise concern or need for noise mitigation. Noise levels shall be re-measured, after installation of said measures, to ascertain post-mitigation compliance with the noise threshold. As needed, this process shall be repeated and refined until noise level compliance is demonstrated and documented. A report of this implemented mitigation and its documented success will be provided to the City Planner.

d. The Applicant/Owner or Construction Contractor shall make available a telephone hotline so that concerned neighbors in the community may call to report noise complaints. The CNMP shall include a process to investigate these complaints and, if determined to be valid, detail efforts to provide a timely resolution and response to the complainant—with copy of the resolution provided to the City Planner.

Rationale: The Project would result in excessive noise levels during construction activities, exceeding the City's 75 dBA L_{eq} threshold. However, development and implementation of a CNMP as required by **M-N-1** would require the use of administrative controls, engineering

controls, and/or noise barriers to ensure that construction noise levels would be within the City's noise limits. Thus, as the proposed noise mitigation would ensure compliance with the City's noise limits, construction noise impacts would be mitigated to a less than significant impact, since applicable noise level thresholds would not be exceeded

V.D.5 Tribal Cultural Resources

1) Potential Impacts to Tribal Cultural Resources, as defined in California Public Resources Code Section 21074

a) Impact TC-1

Description of Significant Effect: There is a moderate potential for unknown subsurface Tribal Cultural Resources (TCRs) to be present on site. Proposed grading activities have potential to result in impacts to unknown subsurface TCRs. In the event that any previously undetected TCRs are encountered, impacts associated with TCRs would be potentially significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s): M-CR-6 through **M-CR-15** are adopted to mitigate the significance of **Impact TC-1**. See discussion of **Impact CR-2** above for the text of **M-CR-6** to **M-CR-15.**

Rationale: Implementation of **M-CR-6** through **M-CR-15** would reduce impacts to a less than significant level. These mitigation measures would do so by detailing the authority the qualified archaeologist and Native American monitor that is traditionally and culturally affiliated with the Project location to evaluate the site in the event that a previously unidentified resource is discovered, by establishing protocol in the case of a potentially significant evaluation of a cultural resource, and by requiring a comprehensive monitoring program and report. The provisions of these mitigation measures would ensure that protocols and procedures between the Applicant/Owner and the traditionally and culturally affiliated Tribes for the protection and treatment of tribal cultural resources are followed should a tribal cultural resource be located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.. Furthermore, these preventive mitigation measures would help ensure that proper measures have been taken to lessen the potential for adverse impacts to previously undiscovered cultural resources and ensure compliance with California Health and Safety Code Section 7050.5 to provide proper treatment of potential Native American remains. Refer to the rational discussed under Impact CR-1 for additional details. Impacts to TCRs would be less than significant, with incorporation of **M-CR-6** to **M-CR-15**.

a) Impact TC-CUM-1

Description of Significant Effect: Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of TCRs through development activities that could cause a substantial adverse change in the significance of a TCR. In the event that any previously undetected TCRs are encountered, the Project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with TCRs.

Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Mitigation Measure(s): M-CR-6 through **M-CR-15** are adopted to mitigate the significance of **Impact TC-CUM-1**. See discussion of **Impact CR-2** above for the text of **M-CR-6** to **M-CR-15.**

Rationale: Implementation of **M-CR-6** through **M-CR-15** would reduce impacts to a less than significant/ not cumulatively considerable level for the same reasons explained related to **Impact TC-1** above, i.e., by establishing protocol to ensure proper evaluation, monitoring, and treatment in the event previously unidentified resources or potential Native American remains are discovered. Potential cumulative impacts to TCRs would be less than significant/not cumulatively considerable with incorporation of **M-CR-6** to **M-CR-15**. Refer to the rationale discussion under **Impact TC-1** above for further discussion as to how implementation of **M-CR-6** through **M-CR-15** would reduce this impact to a less than significant level

VI. FINDINGS REGARDING PROJECT ALTERNATIVES

Section 15126.6(a) of the Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

Three alternatives were analyzed in the Final EIR, Section 7, Alternatives:

Alternative 1: No Project/No Development Alternative

Alternative 2: Reduced Footprint Alternative

Alternative 3: Historic Preservation Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen one or more impacts of the Project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the Project as described in the Final EIR Section 2.2, Objectives, and above in Section II.F.

For the reasons set forth below, and in light of the analysis presented in the EIR Chapter 7, Alternatives, the environmentally superior alternative is Alternative 1, No Project /No Development Alternative. However, this alternative fails to meet the Project's underlying purpose and fails to meet the basic Project objectives. CEQA also requires that, if the No Project Alternative is the environmentally superior alternative, another environmentally superior alternative must be identified among the alternatives, which, here, is Alternative 2, Reduced Footprint Alternative. As described below, this alternative is not feasible, does not meet Project objectives to the same extent as the Project, and does not provide desired benefits to the same extent of the Project.

VI.A Alternatives Considered But Not Evaluated

The EIR considered three alternatives that were rejected as infeasible and, therefore, not analyzed in detail. The alternatives considered but not evaluated included: (i) Alternative Project Location; (ii) Building Reuse Alternative; and (iii) Increased Density Alternative.

The City has considered these alternatives and rejects each as infeasible and unnecessary to informed decision-making and public consideration where the EIR discusses a reasonable range of alternatives.

Guidelines Section 15126.6(a) only requires that an EIR "describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Accordingly, the Draft EIR presented the three alternatives listed above. The Draft EIR also briefly considered and rejected the Alternative Project Location, Building Reuse, and Increased Density alternatives for a variety of reasons, which are detailed in the Final EIR and Record of Proceedings, and summarized as follows:

1) Alternative Project Location

In accordance with CEQA Guidelines Section 15126.6(f)(2), an alternative location for a project should be considered if development of another site is feasible and if such development would avoid or substantially lessen the significant impacts of the project. Factors that may be considered when identifying an alternative site location include the size of the site, its location, the General Plan land use designation, and availability of infrastructure. CEQA Guidelines Section 15126.6(f)(2)(A) states that a key question in addressing an off-site alternative is "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location."

One of the factors for feasibility of an alternative site is "whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." No alternative location exists in the City that is available, of suitable size, owned and controlled by the Applicant. While there may be sites within the City of an approximately equivalent size to the Project site that could be redeveloped with a mixed-use residential and commercial project; the Project Applicant does not control another site within the City of comparable land area that is available for development of the Project, and does not have a reasonable expectation that a site of similar size and suitability could be obtained.

An alternative site also fails to meet the basic Project purpose of revitalizing the former Palomar Health Downtown Campus site by redeveloping the site. The redevelopment of another site elsewhere would not meet most basic Project objectives, as it would not assist with implementing the Downtown Specific Plan vision (Objective 1), would not improve existing inefficiencies and hazards at the site (Objective 2), would not provide a transition between the Downtown Specific Plan and lower-density uses to the east (Objective 7), and would not improve Valley Boulevard (Objective 10). Development of the Project in outlying, undeveloped areas would also likely be inconsistent and incompatible with adjacent land uses in those areas; therefore, the alternative location would not meet Objectives 4 and 6 regarding land use and visual compatibility. If an alternative site location were selected, the alternative site would not address ongoing challenges with regard to maintenance and ongoing viability of the Hospital Campus.

In addition, the inclusion of commercial uses would likely be infeasible in another location within the City. Currently, the South Centre City Specific Plan is the only other area within the City that allows mixed-use (commercial/residential) development by right, there are few properties of sufficient size in the South Centre City Specific Plan area to accommodate a project of the size and scale proposed for the Project site, and none of these are potentially available to the Applicant. Certain other areas of the City allow mixed-use (commercial/residential) development through a Planned Development Permit process; however, there are no such properties of sufficient size to accommodate a project of the size and scale of the Project which are available to the Applicant. Additionally, there are no properties available to the Applicant within the Downtown Specific Plan of a size that would allow development of a project that would meet the basic objectives. Therefore, an alternative project location would not meet the underlying Project purpose of developing a mixed-use commercial and residential project, nor meet the basic Project objectives.

For these reasons, the City considered but rejected from further analysis an alternative project location as undesirable and infeasible, and the alternative was not evaluated in the EIR.

2) Building Reuse Alternative

Based on comments in response to the Notice of Preparation (NOP), the City considered potential alternatives where the existing buildings of the Palomar Health Downtown Campus were reused instead of demolished. Public comments suggested potential reuse of the buildings for scientific

research or other institutional uses. The City also considered a potential alternative where the existing site is reused as a hospital, similar to its current function, as well as residential and commercial reuse pursuant to the Downtown Specific Plan land use vision.

Reuse of the buildings for scientific research or institutional uses would not meet basic Project objectives of providing housing and commercial uses, or redeveloping the site as envisioned by the Escondido Downtown Specific Plan, as described in Project Objectives 1, 3, 8, and 12. In addition, this alternative would not meet Objective 2, as it would not improve efficiencies and resolve existing hazards. This building reuse alternative would retain the existing access and buildings, and therefore also would not provide improvements related to land use transitions, recreation amenities, topography and character, or pedestrian-oriented architectural designs pursuant to Objectives 4, 5, 6, 7, 9, or 11. Improvements to Valley Boulevard per Objective 10 could be completed; however, the transportation demand would not warrant these improvements. Additionally, this alternative involves retaining the existing built conditions. Thus, a building reuse alternative that involved scientific research uses would not meet the basic Project objectives.

The current Palomar Health Downtown Campus is no longer operating at full capacity; its overall function has decreased over time due to the opening of the newer Palomar Medical Center Escondido located on Citracado Parkway. Thus, the limited demand for a large hospital campus at this location would likely not sustain the use of the site as a hospital. In addition, the Palomar's Board of Directors decided to close the hospital in 2015 due to the significant costs of that facility, which included $20 million in annual operating costs and $172 million for needed repairs (CBS8 2015, Available at: https://www.cbs8.com/article/news/palomar-hospital-in-escondido-will-close/509-13eb7f22-d720-4eaa-9836-9f454299bcdc). As a part of the needed renovations for building reuse, the existing buildings are not built to current earthquake/seismic standards and would require seismic retrofit (EIR Appendix T). Therefore, it would not be feasible for the site to be reutilized with hospital uses, and such reuse was not considered further in the EIR.

The City also considered a potential building reuse alternative that would include residential and commercial uses more consistent with the Project objectives. While building reuse for residential and commercial use would aid the City in meeting its housing needs similar to the Project, other basic Project objectives would not be met. The reuse of the existing structures would not promote efficient use of the land considering much of the space located adjacent to Valley Boulevard would remain undeveloped (Objective 1). While improvements are included to improve water and energy efficiencies and remediate asbestos and potential lead-based paint concerns to the extent feasible, this alternative would not include efficiency improvements to the same extent as the Project. In addition, stormwater runoff and underground storage tank remediation would not be completed since no grading work would occur; thus, this alternative would not meet Objective 2. Housing would be provided under this alternative, but units would be limited by the existing structures. As such, this alternative would not include a variety of housing types and would not meet Objective 3. Because no improvements would be made to provide an east–west transition, more consistent

building mass or height with the neighborhood, or design features, this building reuse alternative would also not meet Objectives 4, 6, 7, and 9. Objective 5 would also not be met, as no major recreational amenities such as a parks or a pool would be provided. This building reuse alternative would increase the housing stock in the City, but would not meet Objective 8 since it would not provide a diverse mix of residential products because all units would be apartments. Ground-floor commercial could be incorporated into the existing building to the west of Valley Boulevard, consistent with Objective 12. However, this alternative would not include improvements to Valley Boulevard, as no grading or off-site roadway improvements would be proposed under this alternative. It is assumed that existing parking would be adequate to serve the proposed uses for this building reuse alternative. Overall, this alternative would not meet the basic Project objectives.

Potential reuse of the existing buildings may result in reduced impacts, including impacts to biological resources, cultural resources, noise, and tribal cultural resources. However, for all potential reuses of the existing buildings, hazard impacts would increase compared to the Project. The existing McLeod Tower building is not built to current earthquake/seismic standards and would require retrofit for reuse per Section 403, the American Society of Civil Engineers (ASCE) standards for Seismic Rehabilitation of Existing Buildings (EIR Appendix T). In addition, the buildings contain asbestos and likely contain lead-based paint and other hazardous construction materials. Reuse of the existing buildings would require seismic retrofit of all buildings on the campus, remediation of asbestos, and remediation of potential lead-based paint and other hazardous construction materials, resulting in an increased hazardous materials risk and potential impact. As discussed above, necessary improvements to continue to use the building as a hospital were estimated to be $172 million in 2015 (CBS8 2015). Additional improvements would be necessary to change the building's land use, such as changes to the interior wall partitions, utility modifications or windows depending on the use. In addition, there are known and potentially unknown underground storage tanks that would not be removed in the event of a reuse, which would provide the continued risk for soil or groundwater contamination. Also, for all potential reuse scenarios, building reuse would limit the ability to develop pedestrian-scale and oriented residential and commercial development, as outlined in the goals of the Downtown Specific Plan. Because energy efficiency improvements may not occur under this alternative, this would also potentially result in increased energy inefficiencies and impacts.

The City has therefore considered but rejected a potential reuse alternative from further analysis as undesirable and infeasible for its failure to meet the overarching Project purpose, failure to meet most Project objectives, and potential to increase environmental impacts related to hazards, energy, land use/planning, etc. A reuse alternative has therefore been rejected from further consideration.

3) Increased Density Alternative

Based on comments provided during the public scoping period in response to the NOP (Appendix A), the City considered a potential alternative developed at a higher density than the project in

accordance with the additional density permitted under the Downtown Specific Plan. Specifically, the Sierra Club suggested the Project site could yield 900, 1,100, or 1,350 dwelling units. Other responses also identified the 1,350-unit count, which is what would be permitted under current zoning. It should be noted that the Sierra Club also identified the potential for a density bonus project of up to 1,800 units, which is not being considered here due to infeasibility. The Downtown Specific Plan allows for a density of up to 100 dwelling units for the portion of the site east of Valley Boulevard, and up to 75 dwelling units per acre for the site area west of Valley Boulevard. The Downtown Specific Plan also requires ground-floor commercial uses at the Project site. Thus, the 1,350-residential-unit scenario with 175,000 square feet of ground-floor commercial would represent the maximum buildout in accordance with the Downtown Specific Plan.

It should be noted that while the Downtown Specific Plan allows for such densities and requires ground-floor commercial for the site, a site-specific feasibility and constraints analysis was not completed at the time of Downtown Specific Plan preparation to determine how many units could be accommodated at the Project site or the economic feasibility of providing such commercial and residential densities. The cost of construction of a higher-density product type generating 1,350 units and associated ground-floor commercial would not be covered by current market rents and sales prices. This alternative would require a concrete podium base with steel, which is a higher cost than wood frame construction that is proposed as a part of the Project (University of California, Berkley, Terner Center for Housing Innovation 2019; Available at http://ternercenter.berkeley.edu/uploads/Making_It_Pencil_The_Math_Behind_Housing_Development.pdf). As further stated in The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California (University of California, Berkley, Terner Center for Housing Innovation 2020; Available at: https://ternercenter.berkeley.edu/hard-construction-costs-apartments-california), "Type I construction (mainly composed of concrete and steel) is significantly more expensive than other construction types. This in turn means that these high-rise buildings are more likely to be financially feasible in markets with high rents." The construction costs for such steel frame structures is about twice as expensive compared to the cost of developing housing types such as duplexes, quadplexes, townhomes, and low-rise to mid-rise units (Hernandez 2018, Available at: https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1032&context=hastings_environmental_law_journal; citing Nathaniel Decker, Carol Galante, Karen Chapple & Amy Martin, *Right Type, Right Place: Assessing the Environmental and Economic Impacts of Infill Residential Development Through 2030*, Mar. 7 2017, Available at: https://perma.cc/96RY-ECW7). It would also result in subterranean parking, which would increase costs substantially considering the presence of subsurface granite (see Appendix L, Updated Geotechnical Evaluation) and the associated need for blasting and pile driving. Middle-income families are generally unable to afford such development. For this reason, a report by UC Berkeley's Terner Center for Housing Innovation and UC Berkeley School of Law recommends construction of multifamily low/mid-rise wood frame units in infill areas — not steel frame/high-rise units — to achieve environmental

objectives (including GHG and VMT reductions) while balancing the costs and affordability of new housing construction (Hernandez 2018).

With a City median household income of $62,319 and 3.21 persons per household (U.S. Census Bureau 2019; Available at: https://www.census.gov/quickfacts/fact/table/escondidocitycalifornia/HSD410218), families would be unable to afford – and would not comfortably fit – in an 800 square foot urban steel apartment development with rents of upwards of $3,500 to $4,000 (Hernandez 2018). Because a higher density steel-frame development would not meet the needs of the area workforce and middle-income families, this alternative is socially infeasible and undesirable for the City.

Because of its high cost, it is likely the site would not be fully built out and would remain vacant pending occupancy of initial development phases. This alternative would therefore not timely achieve the basic Project housing objectives or the overarching purpose to redevelop the site.

There are currently twelve million square feet of developed commercial uses within a 2-mile radius of the Project site, and vacancies are evident (Cityfeet 2020; Available at: www.cityfeet.com). Buildout of the site in accordance with the commercial density provided for under the Downtown Specific Plan at 175,000 square feet of ground-floor commercial would exacerbate such vacancies, such that this alternative is socially infeasible and undesirable.

An increased density alternative would not reduce any potentially significant impacts to biological resources, cultural resources, hazards, noise, or tribal cultural resources that would occur under the Project. The biological, cultural, and tribal cultural resource impacts of an increased density alternative would be the same as the Project, considering both the Project and an increased density alternative would involve the same development footprint area. Hazard impacts would also be the same, as both the Project and this alternative would require removal of the existing underground storage tanks as well as buildings with potential for asbestos containing materials and lead-based paint. Construction noise impacts of an increased density alternative would be increased relative to the Project due to the increased intensity of construction and the likely need for blasting due to the underlying granitic rock (see Appendix L).

According to CEQA Guidelines Section 15126.6(b), the alternatives analysis should focus on those alternatives that, if implemented, could eliminate or substantially reduce any of the project's significant environmental impacts. Instead of reducing impacts pursuant to the intent of the alternatives analysis, this alternative would instead result in additional potential environmental impacts related to construction noise, air quality, and potentially land use, depending on design. Overall, an increased density alternative would not reduce any identified significant impacts on the environment resulting from the Project, and may otherwise increase such impacts. For these reasons, an increased density alternative has been rejected from further consideration.

VI.B EIR Alternative 1: No Project/No Development Alternative

1) Description

The EIR evaluated a No Project/No Development Alternative, which assumes that the Project would not be developed, that the existing Palomar Health Downtown Campus would not be demolished, and that there would be no new residential and commercial uses developed on site. Roadway improvements would not be constructed, nor would existing potential hazards (LBP, ACMs, and underground storage tanks) be resolved or energy and water efficiencies improved. Under the No Project/No Development Alternative, the reasonably foreseeable use of the site is the continued operation of the healthcare facilities as it exists today at approximately 30% of its operating capacity. No redevelopment of the site would occur. No amendment to the Downtown Specific Plan would be required.

2) Finding

The City rejects the No Project/ No Development Alternative as undesirable and infeasible, as it fails to satisfy the Project's underlying purpose and fails to meet most Project objectives. Therefore, the No Project/ No Development Alternative is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3) Facts in Support of Finding

Impact Summary: In relation to the Project, the No Project /No Development Alternative would reduce or avoid all significant impacts except for land use impacts, which would be greater under this alternative. Specifically, due to the lack of redevelopment, impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, or tribal cultural resources would be avoided under the No Project/No Development Alternative. However, the continued operation of the hospital at 30% occupancy would not be consistent with the overall goals and objectives of the Downtown Specific Plan and the City's vision of the Downtown Specific Plan area to the same degree as the Project, and as discussed in further detail below, is unlikely to continue to operate at 30% capacity in the long term. The Downtown Specific Plan identifies the need for major renovations of the hospital involving construction of intern housing and other supporting/ancillary uses, as noted on Page V-5 of the Downtown Specific Plan. Therefore, the No Project/No Development Alternative would result in greater land use impacts when compared to the Project. In addition, hazards related to USTs, asbestos, and lead-based paint as well as energy and water use inefficiencies would also remain un-remediated at the Project site.

Project Objectives: The No Project/No Development Alternative would not meet the primary purpose of the Project to redevelop an underutilized site with a mixed-use residential and commercial development that provides a mix of housing types, and would not meet basic Project objectives. The No Project/No Development Alternative assumes the continuation of the site in its current state with no redevelopment. Considering no redevelopment, housing, new commercial,

amenities, pedestrian, or roadway improvements would be provided, this alternative would not meet Project objectives to: provide a variety of multi-family housing types and designs (Objective 3); provide a development with adequate recreational amenities (Objective 5); develop a community that responds to the unique topography and character of the site and area (Objective 6); create a land transition between the Downtown Specific Plan to the west and single-family and lower density uses to the east (Objective 7), assist the City with meeting its General Plan housing goals (Objective 8); or provide high-quality, attractive residential and commercial development (Objective 11). The No Project/No Development alternative would not meet Objective 1 to promote the efficient use of land and revitalize an underutilized downtown site in accordance with the Downtown Specific Plan, as the site would remain undeveloped and thus underutilized, despite being planned for development with mixed-use residential uses (ground floor commercial development with residential uses above) under the existing Downtown Specific Plan. The No Project/ No Development Alternative would not improve energy and water use efficiencies (Objective 2), improve Valley Boulevard with multi-modal transportation features (Objective 10), or implement design features that would enhance walkability and promote pedestrian access (Objective 9). The alternative would also not balance commercial use and residential components to support and revitalize the City's existing Downtown District core (Objective 12.)

Feasibility: In addition, while the site is currently operating at 30% occupancy, the City notes that the remaining hospital uses will be moving to the new Palomar Hospital located at Citracado Parkway or other Palomar Health facilities in the near future. Specifically, the new behavioral health facility was recently moved to the new location. Remaining operations include housekeeping, site management and some other limited departments. These remaining uses are planned to be moved to other existing facilities (Palomar Health 2020; Available at: https://www.palomarhealth.org/center-for-behavioral-health/crisis-stabilization-unit). Once the transfers of these uses occur, the site would be left vacant, which may result in maintenance and security concerns, aesthetic impacts (related to a non-operational building and likely installation of chain-link fencing to deter trespassers, etc.). Further, the fully operational hospital also formerly acted as a draw for medical-related businesses and people to the area. A reduction in such business and people is anticipated with uses being limited to 30% operation or becoming non-operational. The No Project/No Development Alternative would contribute to safety concerns and blight. For these reasons and others detailed in the record before the City, the City rejects the No Project /No Development Alternative as both undesirable and infeasible.

VI.C EIR Alternative 2: Reduced Footprint Alternative

1) Description

The Reduced Footprint Alternative would result in the demolition and redevelopment of a majority of the site similar to the Project, but no grading would occur within 125 feet of the Palomar Vista Healthcare Center to avoid construction noise impacts to this in-patient care facility. Due to the inclusion of a roadway and parking in this area, the redesign of the Project would require the

retention of the internal roadway connections to this area of the site. This would result in the elimination of the Project's eastern set of villas (Buildings 2 to 6 on EIR Figure 2-3), and five of the rowhome buildings (Buildings 7 to 10 and 12, on Figure 2-3). As such, this alternative would result in a loss of 50 villas and 30 rowhomes compared to the Project. Overall, this alternative would include 430 residential units, which is 80 fewer than the Project. The historic structure at 121–141 N. Fig Street and associated parking lot, as well as the parking lot area east of the main hospital building within the 125-foot buffer area, would be avoided and retained in their current condition under this alternative. The pedestrian connection provided to the east to N. Fig Street would not be provided under this alternative due to that area being within the avoidance area. A park amenity along N. Fig Street planned to serve residents along the eastern side of the site is also within the avoidance area and would not be provided under this alternative. The overall construction phase would be shorter due to the reduced grading and construction that would occur on site after demolition. All other features of this alternative would be the same as the Project.

2) Finding

The City rejects the Reduced Footprint Alternative as undesirable and infeasible, as it fails to satisfy the Project objectives to the same degree as the Project, and would result in similar environmental impacts compared to the Project after mitigation. With mitigation, the Project would reduce all potentially significant impacts to below a level of significance. The Reduced Footprint Alternative would not meet Project objectives to the same degree as the Project considering the reduction in redevelopment of underutilized areas, the loss of 80 residential units, the loss of an on-site park, and the decrease in pedestrian connections. This alternative would not redevelop the entirety of the site in a comprehensive manner or provide infrastructure improvements to the extent of the Project. While this alternative would avoid the significant historic resource at 121-141 N. Fig Street, the potentially significant impact to this cultural resource would be mitigated to less than significant with implementation of mitigation incorporated for the Project. Impacts related to biological resources, hazards and hazardous materials, and tribal cultural resources under the Reduced Footprint Alternative would remain similar to the Project. While the alternative would reduce noise impacts related to construction, mitigation proposed for the Project would reduce this impact to less than significant. Therefore, the Reduced Footprint Alternative is rejected as undesirable and because specific economic, legal, social, technological and other considerations make the alternative infeasible, as described below.

3) Fact in Support of Finding

Impact Summary: While the Reduced Footprint Alternative would avoid temporary construction noise impacts to the adjacent noise sensitive land use (Palomar Vista Healthcare Center) and would avoid cultural resource impacts related to removal of the 121–141 N. Fig Street historic building, these impacts would also be mitigated by the Project to a less than significant level. Impacts related to biological resources, hazards and hazardous materials, and tribal cultural resources under the Reduced Footprint Alternative would remain similar to the Project and require similar mitigation.

The alternative would have a relatively similar potential to impact nesting birds as the Project considering the majority of the trees onsite would continue to be impacted (see EIR Figure 4.1-1). As such, the Reduced Footprint Alternative would require implementation of mitigation measure **M-BI-1** (see Chapter 10, List of Mitigation Measures, Project Design Features, and Compliance Measures) similar to the Project.

Although this alternative would avoid grading in the northeastern area of the site, it would have a similar potential to encounter unknown subsurface cultural resources or human remains as the Project. As such, the Reduced Footprint Alternative would require the same mitigation for cultural resource monitoring as required by the Project (**M-CR-6** to **M-CR-15**) in order to reduce potentially significant impacts to a level below significance. While this alternative would avoid the removal of the historic structure at 121–141 N. Fig Street and would avoid the related significant impact (**Impact CR-1**); ultimately mitigation measures proposed for the Project **M-CR-1** through **M-CR-5** would similarly reduce impacts related to the removal of this building to less than significant.

The Reduced Footprint Alternative would continue to require demolition of existing structures that may contain asbestos and lead-based paint, although one less building would be demolished. Additionally, construction of this alternative would also require the removal of known underground hazardous materials storage tanks. As such, the Reduced Footprint Alternative would result in potentially significant impacts associated with hazards and hazardous materials similar to the Project, and require implementation of **M-HZ-1** and **M-HZ-2**.

Demolition, grading, and construction activities would be slightly reduced under the Reduced Footprint Alternative since such activities would be limited to be 125 feet away from the adjacent Palomar Vista Healthcare Center directly east of the site. The Reduced Footprint Alternative would not exceed the City's 75 dBA L_{eq} threshold near the eastern Project boundary, and would therefore result in a less than significant construction noise impact at this location. No mitigation would be required. Ultimately, however, with the incorporation of Project mitigation, the impacts of the Reduced Density Alternative would be similar to the Project, and less than significant.

While this alternative would reduce grading, the Reduced Footprint Alternative would result in similar potential to impact unknown subsurface tribal cultural resources. This alternative would require the same mitigation (**M-CR-6** to **M-CR-15**) as the Project to reduce potentially significant tribal cultural resource impacts to a level below significance.

Due to the reduction in grading area under the Reduced Footprint Alternative, this alternative would result in substantial additional soil export because cut material could not be utilized as fill onsite in this eastern area of the site. This would result in additional haul truck trips during construction, and associated increases in construction air quality and GHG emissions.

This alternative also presents several land use concerns related to General Plan consistency and Downtown Specific Plan consistency. For example, the City's General Plan Land Use and

Community Form Element includes Goal 11 that states "[l]arge-scale, multi-use projects that create a sense of distinct identity, provide amenities, and are cohesively and comprehensively developed." The exclusion of a portion of the site to avoid a temporary construction noise impact would result in a less cohesive site design than the Project and only partial redevelopment of the site, which presents a potential conflict with this General Plan goal. It would also result in the loss of a park amenity that would serve residents along the eastern side of the site, another inconsistency with this goal.

Retaining a portion of the site in its current state would also not meet the City's Downtown Specific Plan vision for the redevelopment of the site with mixed commercial and residential uses. Further, this alternative would be potentially inconsistent with Downtown Specific Plan Strategic Goal 9 to create a "pedestrian environment that provides connections, convenient access and opportunities for alternative modes of transportation" The Reduced Footprint Alternative would result in the elimination of the pedestrian connection from the site eastward to N. Fig Street (see EIR Figure 2-9, Connectivity Plan), which was designed to meet the Downtown Specific Plan's pedestrian connectivity goals and to provide an ADA-compliant access route through the site and to the east.

Objectives: Regarding Project objectives, the Reduced Footprint Alternative would not meet the underlying purpose of the Project to "revitalize the former Palomar Health Downtown Campus site by redeveloping the site into a mixed-use residential and commercial project that provides a mix of housing types," to the same degree as the Project, since this alternative would only partially and inefficiently redevelop a portion of the site. The eastern portion of the site would not be revitalized or redeveloped as mixed-use residential, but would remain as-is. The Reduced Footprint Alternative would similarly not meet Project objectives to the same degree as the Project. This alternative would not promote the efficient use of land and revitalize an underutilized downtown site in accordance with the Downtown Specific Plan vision (Objective 1) to the same degree as the Project, since a portion of the site would not be redeveloped and residential density would be reduced. The Reduced Footprint Alternative would also not improve energy and water use efficiencies (Objective 2) to the same degree as the Project, since the older energy and water inefficient building would remain at 121-141 N. Fig Street. The Reduced Footprint Alternative would not provide visual and functional compatibility with adjacent land uses and development as to scale, massing, and height (Objective 4) to the same extent as the Project, since the alternative would not provide a smooth transition along its southeastern border. Thus, similarly, this alternative would not develop a community that responds to the unique topography and character of the Project site and surrounding area (Objective 6) to the same degree as the Project, since the alternative would not grade the eastern portion of the Project site to ensure continuity of topography. Land use transitions to lower-density uses to the east (Objective 7) would not occur as well as with the Project, as the southeastern portion of the site would remain "as-is"; it would not be redeveloped to transition to such lower-density and less intensive residential uses.

The Reduced Footprint Alternative would not assist the City to meet its General Plan housing goals (Objective 8) to the same extent as the Project due to a reduction by 80 in the total number of proposed housing units. Recreational amenities would not be provided to the same degree as the Project (Objective 5), due to the loss of the pocket park in the southeastern portion of the site. The Reduced Footprint Alternative would also not implement design measures to create human-scale, pedestrian-oriented buildings that enhance walkability and promote pedestrian access (Objective 9) to the same degree as the Project as the pedestrian connection provided to the east to N. Fig Street would not be provided due to that area being removed from the Project site.

Feasibility: The City has also considered other feasibility concerns in rejecting this alternative. For instance, once Palomar Hospital has vacated the existing medical uses within 121-141 N. Fig Street, which it plans to do in 2020 regardless of the implementation of this Project or an alternative (Palomar Health 2020), it is uncertain if the 121-141 N. Fig Street building could be utilized.

Due to the reduction in Palomar Hospital Downtown Campus uses, there has been a decline in medical business in the area and it is uncertain if this building would be reoccupied with a medical use once Palomar Hospital vacates. For the purposes of the CEQA analysis, it was assumed that no substantial remodeling would occur and the building could potentially be reused; however, it is uncertain if that would ultimately be feasible given the conditions of the building and potential future land uses. Residential uses could not be placed within the building without substantial remodeling due to the need for adequate egress from bedrooms as required by Building Code. Heavy modifications to the window size to meet egress requirements would result in a significant historical impact, as the windows contribute to the International architectural style and a change in the windows would reduce its integrity and eligibility for listing. Due to its location and the lack of storefront windows typical of such uses, the reuse of the building for retail commercial uses is also unlikely. Ultimately, it is reasonably foreseeable that the building would potentially remain vacant similar to the nearby medical building at 641 E. Pennsylvania Avenue (also see Findings Section VI.A.2).

The City's General Plan Land Use and Community Form Element includes Goal 11, which promotes "[l]arge-scale, multi-use Projects that create a sense of distinct identity, provide amenities, and are cohesively and comprehensively developed." The exclusion of a portion of the site to avoid a temporary construction noise impact would result in a less cohesive site design than the Project and only partial redevelopment of the site, which presents a potential conflict with this General Plan goal. It would also result in the loss of a park amenity that would serve residents along the eastern side of the site, another inconsistency with this goal. Retaining a portion of the site in its current state would also not meet the City's Downtown Specific Plan vision for the redevelopment of the site with mixed commercial and residential uses.

This alternative would be inconsistent with the Downtown Specific Plan Strategic Goal 9 to create a "pedestrian environment that provides connections, convenient access and opportunities for alternative modes of transportation." The Reduced Footprint Alternative would result in the

elimination of the pedestrian connection from the site eastward to N. Fig Street (see Figure 2-9, Connectivity Plan), which was designed to meet the Downtown Specific Plan's pedestrian connectivity goals and to provide an ADA-compliant access route through the site and to the east.

Further, because the proposed Project includes a storm drain connection and sewer connection (see EIR Figures 2-7a to 2-7d) through the eastern area of the site to N. Fig Street and the Reduced Footprint Alternative would avoid improvements in that area, the Reduced Footprint Alterative would include a modified storm drain connection and the proposed sewer improvements would be revised to connect westward towards N. Hickory Street. The improvements to the N. Fig Street sewer line or to N. Fig Street would not occur under this alternative.

The Reduced Project Alternative would not remediate an existing hazard by retaining the existing structure at 121-141 N. Fig Street, which includes the potential for lead and asbestos. While the avoidance of demolition of lead-based paint and asbestos-containing materials would temporarily avoid the potential hazard, it is reasonable to expect that long-term maintenance would ultimately require disturbance of these hazardous materials.

Further, under CEQA (Public Resources Code, § 21159.26), a public agency may not reduce the proposed number of housing units as a project alternative for a particular significant effect on the environment if it determines there is another feasible project alternative that would provide a comparable level of mitigation — a factor for the City to consider in whether to approve the Project or a Project alternative. The EIR suggests feasible mitigation measures to reduce all potentially significant impacts of the Project to less than significant. Ultimately, the impacts of the Reduced Project Alternative would be the same as the Project: less than significant with mitigation incorporated for all impacts. Thus, the City rejects the Reduced Project Alternative as both undesirable and infeasible.

VI.D EIR Alternative 3: Historic Preservation Alternative

1) Description

The Historic Preservation Alternative would involve the same components as the Project, but the 121–141 N. Fig Street building (see EIR Figure 7-1, Historic Preservation Alternative) and associated parking would be removed from the Project site and retained in its current location and condition. This alternative would therefore not include the five rowhome buildings (buildings 7 to 10 and 12 on EIR Figure 2-3) in the area of the existing historic structure proposed by the Project. The removal of these five rowhomes would eliminate 30 units, which would result in this alternative including 480 units total. On-site grading under this alternative would also be reduced by approximately 0.5 acres relative to the Project. The open space park area along N. Fig Street would not be provided under this alternative, and the eastern pedestrian access ramp to N. Fig Street would be eliminated. All other aspects of this alternative would be the same as the Project.

2) Finding

The City rejects the Historic Preservation Alternative as undesirable and infeasible, as it fails to satisfy the Project objectives to the same degree as the Project, and would result in similar environmental impacts compared to the Project after mitigation. The Historic Preservation Alternative would avoid the historic impact related to removal of the 121–141 N. Fig Street historic building. While this alternative would avoid this Project impact, Project mitigation would reduce this impact to less than significant. Impacts related to biological resources, hazards and hazardous materials, noise, and tribal cultural resources under the Historic Preservation Alternative would be similar to the Project.

The Historic Preservation Alternative would not meet Project objectives to the same degree as the Project considering the reduction in redevelopment of underutilized areas, the loss of 30 residential units, the loss of an on-site park, and the decrease in pedestrian connections. This alternative would not redevelop the entirety of the site in a comprehensive manner or provide infrastructure improvements to the extent of the Project. The Reduced Footprint Alternative would not provide N. Fig Street improvements or off-site sewer upgrades. Therefore, the Historic Preservation Alternative is rejected as undesirable and because specific economic, legal, social, technological and other considerations make the alternative infeasible, as described below.

3) Facts in Support of Findings

Impact Summary: While the Historic Preservation Alternative would avoid the cultural resource impact related to removal of the 121–141 N. Fig Street historic building, this impact would also be mitigated by the Project to a less than significant level. Impacts related to biological resources, hazards and hazardous materials, and tribal cultural resources under the Reduced Footprint Alternative would remain similar to the Project and require similar mitigation.

The Historic Preservation Alternative would have a similar potential to impact nesting birds as the Project, considering the majority of the trees onsite would continue to be impacted (see EIR Figure 4.1-1). As such, the Historic Preservation Alternative would require implementation of **M-BI-1**, similar to the Project.

Although this alternative would avoid grading the 0.5-acre historic building site, this alternative would have a similar potential to encounter unknown subsurface cultural resources or human remains as the Project, and would require the same mitigation for cultural resource monitoring as required by the Project (**M-CR-6** to **M-CR-15**) in order to reduce potentially significant impacts to a level below significance.

Although one less structure would be removed containing potential asbestos and lead-based paint, impacts related to hazards would remain similar to the Project. Like the Project, this alternative would also require the removal of known underground hazardous materials storage tanks. As such, the Historic Preservation Alternative would still result in potentially significant impacts associated with hazards and hazardous materials, and require the implementation of **M-HZ-1** and **M-HZ-2**to reduce impacts to less than significant.

Like the Project, since construction activities would occur within 125 feet of the adjacent noise sensitive land use under this Alternative, construction of the Historic Preservation Alternative would still result in an exceedance of the City's 75 dBA L_{eq} construction noise threshold near the eastern site boundary (**Impact N-1**), and require implementation of **M-N-1** to reduce construction noise impacts to less than significant.

While the Historic Preservation Alternative would avoid disturbing 0.5 acres, this alternative would result in similar change to the existing environment that may disturb areas with potential tribal cultural resources, and require the same mitigation (**M-CR-6** to **M-CR-15**) as the Project to reduce potentially significant impacts to a level below significance.

This alternative also presents several land use concerns related to General Plan consistency and Downtown Specific Plan consistency. For example, the City's General Plan Land Use and Community Form Element includes Goal 11 that states "[l]arge-scale, multi-use projects that create a sense of distinct identity, provide amenities, and are cohesively and comprehensively developed." The exclusion of a portion of the site would result in a less cohesive site design than the Project and only partial redevelopment of the site, which presents a potential conflict with this General Plan goal. It would also result in the loss of a park amenity that would serve residents along the eastern side of the site, another inconsistency with this goal.

Retaining a portion of the site in its current state would also not meet the City's Downtown Specific Plan vision for the redevelopment of the site with mixed commercial and residential uses. The Downtown Specific Plan identifies the need for additional density to support the long-term vision of the Downtown Specific Plan area. With 480 units proposed for the 13.8-acre site, this alternative would result in a density of 34.8 units per acre compared to the Project's density of 37.0 units per acre. Further, this alternative would be potentially inconsistent Downtown Specific Plan Strategic Goal 9 to create a "pedestrian environment that provides connections, convenient access and opportunities for alternative modes of transportation" The Historic Preservation Alternative would result in the elimination of the pedestrian connection from the site eastward to N. Fig Street (see EIR Figure 2-9, Connectivity Plan), which was designed to meet the Downtown Specific Plan's pedestrian connectivity goals and to provide an ADA-compliant access route through the site and to the east.

Objectives: Regarding Project Objectives, the Historic Preservation Alternative would not meet most Project Objectives to the same degree as the Project. For example, this alternative would not promote the efficient use of land and the revitalization of an underutilized downtown site in accordance with the Downtown Specific Plan vision (Objective 1) to the same degree as the Project, since a portion of the site would not be redeveloped. The Historic Preservation Alternative would also not improve energy and water use efficiencies (Objective 2) to the same degree as the Project, since the older energy and water inefficient building would remain at 121-141 N. Fig Street.

The Historic Preservation Alternative would not provide visual and functional compatibility with adjacent land uses and development as to scale, massing, and height (Objective 4) to the same

extent as the Project, since the alternative would not provide a smooth transition along its southeastern border. Thus, similarly, this alternative would not develop a community that responds to the unique topography and character of the Project site and surrounding area (Objective 6) to the same degree as the Project, since the alternative would not grade the eastern portion of the Project site to ensure continuity of topography. Land use transitions to lower-density uses to the east (Objective 7) would not occur as well as with the Project, as the southeastern portion of the site would remain "as-is"; it would not be redeveloped to transition to such lower-density and less intensive residential uses.

The Historic Preservation Alternative would not assist the City to meet its General Plan housing goals (Objective 8) to the same extent as the Project due to a reduction by 30 in the total number of proposed housing units. Recreational amenities would not be provided to the same degree as the Project (Objective 5), due to the loss of the pocket park in the southeastern portion of the site. The City notes that designs were reviewed to attempt to retain a park in the eastern area of the site; however, providing ADA-compliant access to the park was determined infeasible due to the topography and limited space. The Historic Preservation Alternative would implement design measures to create human-scale, pedestrian-oriented buildings that enhance walkability and promote pedestrian access (Objective 9), but to a lesser extent compared to the Project as the pedestrian connection provided to the east of N. Fig Street would not be provided due to that area being removed from the Project site. The City has also considered other feasibility and environmental concerns in rejecting this alternative, as discussed below.

Feasibility: The Historic Preservation Alternative would be physically feasible to design and construct. However, similar to the Reduced Footprint Alternative, this alternative presents a number of concerns related to General Plan consistency, Downtown Specific Plan consistency, aesthetic cohesion, and other issues.

The City's General Plan Land Use and Community Form Element includes Goal 11, which promotes "[l]arge-scale, multi-use Projects that create a sense of distinct identity, provide amenities, and are cohesively and comprehensively developed." The exclusion of 121–141 N. Fig Street from redevelopment would reduce the cohesive and comprehensive design of the redevelopment area and only partially redevelop the site, which presents a potential conflict with this General Plan goal. It would also result in the loss of a park amenity that would serve residents along the eastern side of the Project site; another inconsistency with this goal.

Retaining a portion of the site in its current state as an underutilized medical office would not meet the City's Downtown Specific Plan vision for the redevelopment of the entire site with mixed commercial and residential uses. This alternative would also be inconsistent with Downtown Specific Plan Strategic Goal 9, to create a "pedestrian environment that provides connections, convenient access and opportunities for alternative modes of transportation." The Historic Preservation Alternative would result in the elimination of the pedestrian connection from the site eastward to N. Fig Street (see Figure 2-9, Connectivity Plan), which was designed to meet the Downtown Specific Plan's

pedestrian connectivity goals, and to provide an ADA-compliant access route through the site and to the east.

Due to the reduction in grading area and historic building avoidance under the Historic Preservation Alternative, this alternative would result in substantial additional soil export because cut material could not be utilized as fill onsite in this eastern area of the site. This would result in additional haul truck trips during construction, and associated increases in construction air quality and GHG emissions.

Further, because the proposed Project includes utility connections through the eastern area of the site to N. Fig Street, including a storm drain connection and a sewer connection (see EIR Figure 2-7), under this Historic Preservation Alterative, the storm drain connection would have to be revised and portions of the proposed Project sewer improvements could not be implemented. Specifically, the sewer connection in N. Fig Street and the 540 foot-sewer line upgrade from the alleyway between E. Ohio Avenue and E. Pennsylvania Avenue to the north proposed by the Project would not occur. Instead, the Historic Preservation Alternative would direct all wastewater to the sewer system in N. Hickory Street. This alternative would also not provide the half-width improvements to N. Fig Street.

Once Palomar Hospital has vacated the existing medical uses within 121-141 N. Fig Street, which it plans to do in 2020 regardless of the implementation of this Project or an alternative (Palomar Health 2020), it is uncertain if the 121-141 N. Fig Street building could be utilized (also see Findings Section VI.A.2). For the purposes of the CEQA, analysis it was assumed that no substantial remodeling would occur and the building could potentially be reused; however, it is uncertain if that would ultimately be feasible given the conditions of the building and potential future land uses. Due to the reduction in Palomar Hospital Downtown Campus uses, there has been a decline in medical business in the area and it is uncertain if this building would be reoccupied with a medical use once Palomar Hospital vacates. Residential uses could not be placed within the building without substantial remodeling due to the need for adequate egress from bedrooms as required by the Building Code. Heavy modifications to the window size to meet egress requirements would result in a significant historical impact, which is what this Historic Resource Alternative was designed to avoid. Due to its location and the lack of storefront windows typical of such uses, the reuse of the building for retail commercial uses is also unlikely. Ultimately, the site could potentially remain vacant similar to the nearby medical building at 641 E. Pennsylvania Avenue.

Designs were reviewed to attempt to retain a park in the eastern area of the site under the Historic Preservation Alterative; however, providing ADA-compliant access to the park was determined to be infeasible due to the topography and limited space. The area considered for the park would be a water quality detention basin, as shown on EIR Figure 7-1.

The Historic Preservation Alternative would not remediate an existing hazard by retaining the existing structure at 121-141 N. Fig Street, which includes the potential for lead and asbestos. While the avoidance of demolition of lead-based paint and asbestos-containing materials would temporarily avoid the potential hazard, it is reasonable to expect that long-term maintenance would ultimately require disturbance of these hazardous materials.

Further, under CEQA (Public Resources Code, §21159.26), a public agency may not reduce the proposed number of housing units as a project alternative for a particular significant effect on the environment if it determines there is another feasible project alternative that would provide a comparable level of mitigation — a factor for the City to consider in whether to approve the project or a project alternative. The EIR suggests feasible mitigation measures to reduce all potentially significant impacts of the Project to less than significant. Ultimately, the impacts of the Historic Preservation Alternative would be the same as the Project: less than significant with mitigation incorporated for all impacts. Thus, the City rejects the Historic Preservation Alternative as both undesirable and infeasible.

GROWTH-INDUCING IMPACTS

Section 15126.2(e) of the Guidelines mandates that the growth-inducing nature of the proposed Palomar Heights Project (Project) be discussed. The Guidelines state that the growth-inducement analysis is intended to address the potential for a project to "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Further, the Guidelines Appendix G Checklist (Population and Housing) also mandates that a CEQA document speak to a proposed project's likelihood to induce substantial population growth in an area, either directly (e.g., by proposing new homes or businesses) or indirectly (e.g., through extension of roads or other infrastructure).

A project may be distinguished as either facilitating planned growth or inducing unplanned growth. Facilitating growth is relating to the establishment of direct employment, population, or housing growth that would occur within a project site. Inducing growth is related to lowering or removing barriers to growth or by creating an amenity or facility that attracts new population/economic activity. This section contains a discussion of the growth-inducing factors related to the Project as defined under Guidelines Section 15126.2(e). A project is defined as growth inducing when it directly or indirectly does any of the following:

1. Fosters population growth
2. Fosters economic growth
3. Includes the construction of additional housing in the surrounding environment
4. Removes obstacles to population growth

5. Taxes existing community service facilities, requiring construction of new facilities that could cause significant environmental effects
6. Encourages or facilitates other activities that could significantly affect the environments, either individually or cumulatively

Pursuant to Guidelines Section 15126.2(e), it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. As discussed in Section 5.2.9 of the Final EIR, the Project would directly facilitate growth through development of commercial land uses and 510 residential units, which would introduce new residents and jobs to, or relocate residents and jobs within, the area. However, the potential growth as a result of the Project would be aligned with the forecasted population growth of the City and in an area designated for such growth. Specifically, the potential increase in population is aligned with forecast population increases for the City from the U.S. Census Bureau and SANDAG, and the Regional Housing Needs Allocation established for the City at the time of publication of the Notice of Preparation based on its estimated share of regional future housing needs. Further, the City's Downtown Specific Plan would accommodate up to 5,275 dwelling units, and permits a maximum density of up to 100 dwelling units per acre and 75 dwelling units per acre at the Project site. The Project would have a residential density of 37 dwelling units per acre, consistent with growth planned for within the Downtown Specific Plan. The Project would also transfer net unused density at the site to the City's Density Transfer Program, which would be 830 units. As this growth was already planned for in the Downtown Specific Plan, this density transfer is also not considered to result in growth beyond that planned for by the City. The Project does not include any extension or expansion of public services or upgrades to the existing infrastructure in the immediate vicinity that would provide capacity beyond that required to serve the Project, with the exception of sewer. While the Project would upsize off-site sewer lines in N. Fig Street, these improvements are intended to resolve an existing under capacity issue and serve the Project (see EIR Appendix Q). Due to the need to upsize sewer lines in the sizes available (i.e. the 8-inch line upsized to a 10-inch), this would result in a slight increase in available capacity beyond that needed to serve the Project, but this additional capacity is not anticipated to induce population growth beyond that already planned considering the existing developed nature of the area and the extent of the improvements. Therefore, for each of these reasons, the Project would not be considered growth inducing.

EFFECTS FOUND NOT TO BE SIGNIFICANT

Guidelines Section 15128 requires an EIR to contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and therefore are not discussed in detail in the EIR. In Chapters 4 and 5 of the EIR, the City identified and discussed the following environmental issue areas determined to be less than significant: aesthetics, agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use, mineral resources, population and housing,

public services, recreation, transportation, utilities and service systems, and wildfire. Refer to Section V, above, for effects found not to be significant after study in the EIR.

VII. MITIGATION MONITORING AND REPORTING PROGRAM

1) General Finding

Pursuant to Section 21081.6 of the Public Resources Code, the City, in adopting these Findings, also adopts the MMRP for the Palomar Heights Project. The MMRP is designed to ensure that, during Project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The City hereby binds itself to cause the various feasible mitigation measures described in the MMRP to be implemented in accordance with the Final EIR and MMRP. The mitigation measures constitute a binding set of obligations upon the City's certification and approvals identified herein.

The City hereby finds that the MMRP, which is incorporated into the Project conditions of approval, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of Project conditions intended to mitigate potentially significant environmental effects of the Project.

Note that the Project's MMRP includes not only those mitigation measures required by CEQA to be made enforceable via its adoption, but also those enumerated PDFs and CMs identified in the Final EIR and factored into the Project's impact analyses. Inclusion of those PDFs and CMs in the MMRP provides the City with the necessary mechanisms to oversee the implementation and enforcement of the PDFs and CMs in the same manner as that used for the mitigation measures.

2) Regulatory Compliance

Federal, state, regional, and local laws contain certain regulatory compliance measures that must be adhered to in implementing the Project. The Final EIR describes the regulatory setting within each chapter, which includes the details of regulatory compliance measures. Where regulatory compliance measures are required by law, the City has not separately proposed or adopted mitigation requiring regulatory compliance (as it would be declaratory of existing law). Nonetheless, the City finds that the Project must comply with all applicable regulatory compliance measures.