

RESOLUTION NO. 2023-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 2021020263) AND ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EAST VALLEY SPECIFIC PLAN

WHEREAS, the City of Escondido (“Applicant”), filed a land use development application, Planning Case No. PHG20-0028 (“Application”) constituting a request to establish a new Specific Plan and Rezone the East Valley area (“Project” or “EVSP”), covering approximately 191 acres centered around East Valley Parkway, generally bounded by the alley south of East Grand Avenue to the south, South Hickory and South Fig streets to the west, the Escondido Creek Flood Control Channel to the north, and Harding Street to the east (“EVSP Area”); and

WHEREAS, the EVSP Area is depicted in Exhibit “A” which is attached hereto and made a part hereof by this reference as though fully set forth herein (“Property”); and

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”); and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, pursuant to CEQA Guidelines section 15063, the City prepared an Initial Study, and determined that a Program Environmental Impact Report (“PEIR”) would be prepared to address potential

direct and cumulative impacts associated with air quality, biological resources, cultural and tribal cultural resources, and noise; and

WHEREAS, in accordance with CEQA Guidelines section 15082, the City distributed a Notice of Preparation (“NOP”) of a PEIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on February 11, 2021, for a 30-day comment period, which ended on March 12, 2021; and

WHEREAS, the City prepared and circulated a Draft PEIR for the proposed Project for review and comment by the public, agencies, and organizations pursuant to the CEQA Guidelines by filing a Notice of Availability (“NOA”) of the Draft PEIR for review with the County Clerk of the County of San Diego. The NOA was also emailed to organizations and parties expressing interest in the Project on March 30, 2023, notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on March 30, 2023, and end on May 15, 2023. The NOA was also published in the Escondido Times Advocate and The Paper, and posted on the City’s website; and

WHEREAS, on March 30, 2023, pursuant to CEQA Guidelines section 15085, the City filed a Notice of Completion of the Draft PEIR with the Office of Planning and Research through the State Clearinghouse (SCH No. 2021020263), circulating the Draft PEIR to State Agencies for review; and

WHEREAS, during the 45-day public comment period of the Draft PEIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines sections 15086 and 15087; and

WHEREAS, the City received comments concerning the Draft PEIR from public agencies and organizations, and pursuant to CEQA Guidelines section 15088, the City evaluated and prepared responses to all written comments on environmental issues received on the Draft PEIR; and

WHEREAS, the City has determined that the comments received on the Draft PEIR did not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and, therefore, recirculation of the Draft PEIR is not required; and

WHEREAS, the City prepared a Final PEIR, which contains the information required by CEQA Guidelines section 15132, including the Draft PEIR; the technical appendices and referenced documents; revisions and additions to those documents; comments and recommendations received on the Draft PEIR; a list of persons, organizations, and agencies who commented on the Draft PEIR; and the City's responses to said comments; and

WHEREAS, as reflected in the Final PEIR, mitigation measures required under CEQA were developed to reduce the potential for adverse effects with respect to air quality, biological resources, cultural and Tribal Cultural Resources, and noise. In determining whether the proposed Project has a significant effect on the environment, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b). A Mitigation Monitoring and Reporting Program ("MMRP") has been prepared for the proposed Project; and

WHEREAS, the Final PEIR concludes that all potentially significant environmental impacts would be mitigated to less than significant levels, with the exception of noise impacts which would remain significant and unavoidable regardless of the application of mitigation measures contained in the MMRP; and

WHEREAS, on June 27, 2023, and as that meeting was continued, again on July 6, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law to consider the certification of the Final PEIR during which it considered all factors relating to the PEIR and the Project, including additional evidence and public testimony from those wishing to be heard regarding certification of the Final PEIR; and

WHEREAS, at the July 6, 2023, Planning Commission hearing, the Planning Commission, by a 7 – 0 vote, recommended that the City Council certify the Final PEIR; and

WHEREAS, the City Council has independently and jointly reviewed and analyzed all environmental documentation comprising the Final PEIR, including the Draft PEIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto (collectively Exhibit “B” to this Resolution, on file with the Escondido Planning Division and incorporated herein by this reference as though fully set forth herein), and these documents reflect the independent judgment of the City Council and the City as the Lead Agency for the Project; and

WHEREAS, pursuant to CEQA, before a project can be approved, which is determined to have significant and unmitigated effects, the public agency must consider and adopt a "Statement of Overriding Considerations" per CEQA Guidelines 15043 and 15093. The primary purpose of CEQA is to fully inform the public of the environmental effects of a proposed project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance. CEQA recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. The Lead Agency must explain and justify its conclusions to approve such a project through a statement of overriding considerations setting forth the general public benefits that support the informed conclusion to approve the project; and

WHEREAS, pursuant to CEQA Guidelines section 15091 and 15097, the City of Escondido has prepared CEQA Findings of Fact and a Statement of Overriding Considerations, attached as Exhibit “C” hereto, and a Mitigation Monitoring and Reporting Program, attached as Exhibit “D” hereto.

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

1. That the above recitations are true.

2. That the City Council has determined that the Final PEIR is complete and adequate, considers all potentially significant environmental impacts of the Project, and complies with all requirements of CEQA and the CEQA Guidelines.

3. That the Final PEIR concludes that all potentially significant impacts would be mitigated to less than significant levels with the exception of two noise-related impacts, which would remain significant and unavoidable. Specifically, the Project would result in excessive noise levels from permanent increase in vehicle noise, and unknown excessive ground-borne vibration during project construction.

4. That, for the reasons stated in the Final PEIR, the CEQA Findings of Fact, or as otherwise stated in the July 19, 2023, City Council staff report or through additional written and/or verbal testimony, the City Council certifies the Final PEIR and adopts the CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

5. That the City Council hereby directs the Director of Development Services to file a Notice of Determination with the San Diego County Clerk.